AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

1-5-87
Vol. 52 No. 2
Pages 229-388

federal register

Monday
January 5, 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.

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers for $340.00 per year, or $170.00 for 6 months, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

There are no restrictions on the republication of material appearing in the **Federal Register.**

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

How To Cite This Publication: Use the volume number and the page number. Example: 51 FR 12345.

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

Contents

Federal Register

Vol. 52, No. 2

Monday, January 5, 1987

Agency for International Development
NOTICES
Committees; establishment, renewals, terminations, etc.:
Research Advisory Committee, 365
Voluntary Foreign Aid Advisory Committee, 365

Agricultural Marketing Service
RULES
Lemons grown in California and Arizona, 241
Milk marketing orders:
Eastern Ohio-Western Pennsylvania, 241
Oranges (navel) grown in Arizona and California, 240

Agriculture Department
See also Agricultural Marketing Service; Animal and Plant Health Inspection Service; Commodity Credit Corporation; Farmers Home Administration; Forest Service
RULES
Organization, functions, and authority delegations:
Internatonal Affairs and Commodity Programs, Under Secretary et al., 235
NOTICES
Import quotas and fees:
Meat import limitations; quarterly estimates, 311

Animal and Plant Health Inspection Service
PROPOSED RULES
Plant-related quarantine, domestic:
Hawaiian fruits and vegetables; papayas; irradiation treatment, 292
Pink bollworm, 291

Army Department
NOTICES
Meetings:
Science Board, 317
(2 documents)

Bonneville Power Administration
NOTICES
Aluminum smelters in Pacific Northwest; conservation/modernization program; proposed implementation, 318

Child Support Enforcement Office
RULES
Federal financial participation:
Federal claims collection, 273

Commerce Department
See Economic Development Administration; International Trade Administration; National Oceanic and Atmospheric Administration

Commodity Credit Corporation
NOTICES
Loan and purchase programs:
Milk price support levels, 311

Consumer Product Safety Commission
NOTICES
Innovative child-resistant packaging systems; draft development and meeting, 316
Meetings; Sunshine Act, 384

Customs Service
RULES
Financial and accounting procedure:
Calculation of interest on overdue accounts and refunds—
Current rates, 255
Vessels in foreign and domestic trades:
Foreign clearances, 254

Defense Department
See also Army Department; Navy Department
NOTICES
Federal Acquisition Regulation (FAR):
Agency information collection activities under OMB review, 316

Drug Enforcement Administration
NOTICES
Applications, hearings, determinations, etc.:
Fourth Street Pharmacy, 367
Kreiser's Rexall Drug, 367
Taylor, Jack E., M.D., 367

Economic Development Administration
NOTICES
Grants; availability, etc.:
Economic development assistance programs; funds availability; correction, 367

Energy Department
See also Bonneville Power Administration; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department
NOTICES
Atomic energy agreements; subsequent arrangements:
Sweden, 318
United Kingdom, 318

Environmental Protection Agency
RULES
Air programs; fuel and fuel additives:
Gasoline lead content—
Determination by x-ray spectrometry; testing procedure, 257
NOTICES
Meetings:
Science Advisory Board, 320, 321
(2 documents)
Pesticide programs:
Formaldehyde and paraformaldehyde inert ingredients; redesignation, 321

Equal Employment Opportunity Commission
NOTICES
Meetings; Sunshine Act, 384

Executive Office of the President
See Presidential Documents; Science and Technology Policy Office

Family Support Administration
RULES
Public assistance programs:
State grants; Federal claims collection, 273

Farmers Home Administration
RULES
Loan and grant programs:
Single family housing loans; supervision, servicing, and collection, 243
PROPOSED RULES
Program regulations:
Multiple family housing borrowers and grant recipients; management and supervision, 296

Federal Aviation Administration
PROPOSED RULES
Transition areas, 297
NOTICES
Meetings:
Air Traffic Procedures Advisory Committee, 376

Federal Communications Commission
RULES
Common carrier services:
Telephone companies—
Interstate rates of return; reporting requirements, 273
Radio services, special:
Amateur service—
Operator examinations; credit for written elements; correction, 278
Operator examinations; question pools maintenance, 277
Radio stations; table of assignments:
California, 276
New York, 275
Oklahoma, 275, 276
(4 documents)
South Dakota, 277
(2 documents)
PROPOSED RULES
Radio stations; table of assignments:
Texas, 305
NOTICES
Agency information collection activities under OMB review, 323
Meetings:
National Public Safety Planning Advisory Committee, 323
Radio services, special:
Amateur license application filing; caution regarding firm not affiliated with FCC, 323

Federal Deposit Insurance Corporation
NOTICES
Meetings; Sunshine Act, 384, 385
(2 documents)

Federal Emergency Management Agency
PROPOSED RULES
Privacy Act; implementation, 304
NOTICES
Privacy Act; systems of records, 324

Federal Energy Regulatory Commission
NOTICES
Applications, hearings, determinations, etc.:
Belmont, MA, et al., 319

Federal Highway Administration
PROPOSED RULES
Engineering and traffic operations:
Truck size and weight—
Reasonable access, 298
NOTICES
Environmental statements; notice of intent:
Montgomery County, MD, 376

Federal Maritime Commission
NOTICES
Agreements filed, etc., 357

Federal Reserve System
NOTICES
Agency information collection activities under OMB review, 357
Meetings; Sunshine Act, 385
(2 documents)
Applications, hearings, determinations, etc.:
Deposit Guaranty Corp. et al., 358
Kahn, Aslam, et al., 358
Shawsville Bancorp, Inc., et al., 359
Suffield Financial Corp. et al., 358

Federal Trade Commission
RULES
Prohibited trade practices:
Cosmo Communications Corp., 253
Viobin Corp., 254

Fish and Wildlife Service
RULES
Endangered and threatened species:
Giant kangaroo rat, 283
PROPOSED RULES
Endangered and threatened species:
Hualapai vole, 306
Endangered Species Convention:
Appendixes; amendments, 309

Food and Drug Administration
NOTICES
Grants and cooperative agreements:
Orphan drug products; clinical studies of safety and effectiveness, 360

Forest Service
NOTICES
Environmental statements; availability, etc.:
Inyo National Forest, CA and NV, 312

General Services Administration
RULES
Acquisition regulations:
Hand or measuring tools; procurement restrictions, 278
Property management:
Transportation and traffic management—
Contract airline service use between selected city-pairs; temporary; correction, 387
NOTICES
Federal Acquisition Regulation (FAR):
Agency information collection activities under OMB review, 316

Health and Human Services Department
See also Child Support Enforcement Office; Family Support Administration; Food and Drug Administration; Health Care Financing Administration; Health Resources and Services Administration
RULES
Federal claims collection, 260

Health Care Financing Administration
NOTICES
Medicare:
Health maintenance organizations and competitive medical plans with risk-sharing contracts; quality of care review; competitive procurement procedures, 362

Health Resources and Services Administration
NOTICES
Grants and cooperative agreements:
Family medicine—
Faculty development, 363

Hearings and Appeals Office, Energy Department
NOTICES
Applications for exception:
Cases filed, 319

Interior Department
See Fish and Wildlife Service; Reclamation Bureau; Surface Mining Reclamation and Enforcement Office

International Development Cooperation Agency
See Agency for International Development

International Trade Administration
NOTICES
Antidumping:
Barium chloride from China, 313
Countervailing duties:
Softwood lumber products from Canada, 315
Meetings:
Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee, 312

International Trade Commission
NOTICES
Import investigations:
Fabric and expanded neoprene laminate from Taiwan, 365

Justice Department
See also Drug Enforcement Administration
NOTICES
Organization, functions, and authority delegations:
Tax Division; case responsibility, 366
Pollution control; consent judgments:
Granite Development Co. et al., 366
Voting Rights Act certifications:
Crenshaw County, AL, 366

National Aeronautics and Space Administration
NOTICES
Federal Acquisition Regulation (FAR):
Agency information collection activities under OMB review, 316

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Gulf of Mexico and South Atlantic coastal pelagic resources, 288
NOTICES
Permits:
Marine mammals, 315

Navy Department
NOTICES
Environmental statements; availability, etc.:
Electromagnetic pulse radiation environment simulator for ships (EMPRESS II), 317

Nuclear Regulatory Commission
NOTICES
Meetings; Sunshine Act, 386
Applications, hearings, determinations, etc.:
Alabama Power Co., 368
Joshi, Kedarnath B., M.D., et al., 369
Union Electric Co., 370

Pacific Northwest Electric Power and Conservation Planning Council
NOTICES
Meetings; Sunshine Act, 386

Pension Benefit Guaranty Corporation
RULES
Multiemployer plans:
Withdrawal liability; notice and collection; interest rates, 256

Postal Rate Commission
NOTICES
Complaints filed:
National Manufactured Housing Federation; republication, 371

Postal Service
PROPOSED RULES
Equal Access to Justice Act; implementation, 301
NOTICES
Mail Processing Cost Model; training seminar, 372

Presidential Documents
PROCLAMATIONS
Imports and exports:
Softwood lumber products from Canada; temporary surcharge (Proc. 5595), 229
ADMINISTRATIVE ORDERS
Canada; softwood lumber products; imposition of temporary surcharge (Memorandum of December 30, 1986), 231, 233
(2 documents)

Public Health Service
See Food and Drug Administration; Health Resources and Services Administration

Railroad Retirement Board
NOTICES
Agency information collection activities under OMB review, 372

Reclamation Bureau
PROPOSED RULES
Projects governed by Federal reclamation laws; acreage limitation and full-cost pricing, etc., 304
NOTICES
Environmental statements; availability, etc.:
Minidoka Project, ID, 364

Science and Technology Policy Office
NOTICES
Meetings:
White House Science Council, 372

Securities and Exchange Commission
NOTICES
Self-regulatory organizations:
MBS Clearing Corp.; clearing agency registration, 373
Self-regulatory organizations; proposed rule changes:
Chicago Board Options Exchange, Inc., 373
Depository Trust Co., 374
Pacific Clearing Corp., 374
Pacific Securities Depository Trust Co., 375

Surface Mining Reclamation and Enforcement Office
NOTICES
Agency information collection activities under OMB review, 364

Transportation Department
See also Federal Aviation Administration; Federal Highway Administration; Urban Mass Transportation Administration
NOTICES
Aviation proceedings:
Certificates of public convenience and necessity and foreign air carrier permits; weekly applications, 375
Hearings, etc.—
U.S.-London gateways case, 376

Treasury Department
See also Customs Service
NOTICES
Agency information collection activities under OMB review, 380
Meetings:
Debt Management Advisory Committee, 380

Urban Mass Transportation Administration
NOTICES
Environmental statements; availability, etc.:
San Mateo County, CA, 376
Grants; UMTA sections 3 and 9 obligations:
Regional Transit Authority et al., 377

Veterans Administration
RULES
Acquisition regulations, 280
PROPOSED RULES
Fiduciary activities:
Maintenance in institution; recommendation for payment, 300
NOTICES
Privacy Act:
Systems of records, 381

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

CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR

Proclamations:
5595 229

Administrative Orders:
Memorandums:
December 30, 1986 (2 documents) 231, 233

7 CFR
2 235
907 240
910 241
1036 241
1944 243
1951 243

Proposed Rules:
301 291
318 292
1930 296

14 CFR

Proposed Rules:
71 297

16 CFR
13 (2 documents) 253, 254

19 CFR
4 254
24 255

23 CFR

Proposed Rules:
658 298

29 CFR
2644 256

33 CFR

Proposed Rules:
13 300

39 CFR

Proposed Rules:
960 301

40 CFR
80 257

41 CFR
101-40 387

43 CFR

Proposed Rules:
426 304

44 CFR

Proposed Rules:
6 304

45 CFR
30 260
201 273
304 273

47 CFR
1 273
65 273
73 (8 documents) 275-277
97 (2 documents) 277, 278

Proposed Rules:
73 305

48 CFR
525 278
552 278
810 280
836 280
852 280

50 CFR
17 283
642 288

Proposed Rules:
17 306
23 309

Federal Register
Vol. 52. No. 2
Monday, January 5, 1987

Presidential Documents

Title 3—

The President

Proclamation 5595 of December 30, 1986

Imposition of Temporary Surcharge on Imports of Certain Softwood Lumber Products From Canada

By the President of the United States of America

A Proclamation

1. I have determined today, pursuant to Section 301 of the Trade Act of 1974, as amended (hereinafter "the Act") (19 U.S.C. 2411), that the inability of the Government of Canada to collect an export charge on exports of certain softwood lumber products to the United States of America until at least January 8, 1987, is unjustifiable or unreasonable and constitutes a burden or restriction of U.S. commerce.

2. Section 301(a) of the Act (19 U.S.C. 2411(a)) authorizes the President to take all appropriate and feasible action to obtain the elimination of an act, policy, or practice of a foreign government or instrumentality that 1) is inconsistent with the provisions of, or otherwise denies benefits to the United States under, any trade agreement; or 2) is unjustifiable, unreasonable or discriminatory and burdens or restricts United States commerce. Section 301(b) of the Act (19 U.S.C. 2411(b)) also authorizes the President to suspend, withdraw, or prevent the application of benefits of trade agreement concessions with respect to, and to impose duties or other import restrictions on the products of, such foreign government or instrumentality. Pursuant to Section 301(a) of the Act, any such actions can be taken on a discriminatory basis solely against the foreign government or instrumentality involved. Section 301(d)(1) of the Act (19 U.S.C. 2411(d)(1)) authorizes the President to take action on his own motion.

3. In response to the inability of the Government of Canada to collect an export charge on exports of certain softwood lumber products to the United States of America until at least January 8, 1987, I have decided that expeditious action is required, and, pursuant to Section 301 (a), (b), and (d)(1) of the Act, to increase temporarily the rates of duty on imports from Canada of the softwood lumber products provided for in Appendix A to this Proclamation. I am authorizing the Secretary of Commerce to determine when the Government of Canada begins to collect the export charge and, when he has made that determination, to take all necessary and appropriate steps to end the temporary surcharge I have today proclaimed.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, acting under authority vested in me by the Constitution and the statutes of the United States, including but not limited to Section 301 (a), (b), and (d)(1) and Section 604 of the Act (19 U.S.C. 2411 (a), (b), (d)(1); (2483), do proclaim that:

1. Subpart B of part 1 of Schedule 2 of the Tariff Schedules of the United States is modified, with respect to products of Canada imported into the United States by adding an additional duty of 15 percent *ad valorem* to those products listed in Appendix A to this Proclamation. These changes shall be effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after December 31, 1986.

2. The Secretary of Commerce is hereby authorized to terminate the temporary increase in the rates of duty on the articles subject to this Proclamation upon publication in the **Federal Register** of his determination that such termination

is justified by actions taken by the Government of Canada with respect to this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of December, in the year of our Lord nineteen hundred and eighty-six, and of the Independence of the United States of America the two hundred and eleventh.

Ronald Reagan

Appendix A

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. 86-29539
Filed 12-31-86; 4:12 pm]
Billing code 3195-01-M

Presidential Documents

Memorandum of December 30, 1986

Determination Under Section 301 of the Trade Act of 1974

Memorandum for the Secretary of Commerce, the United States Trade Representative

Pursuant to Section 301 of the Trade Act of 1974, as amended (19 U.S.C. 2411), I have determined that the inability of the Government of Canada to collect an export charge on exports of certain softwood lumber products to the United States of America until at least January 8, 1987, is necessary to enforce the rights of the United States under a trade agreement or is unjustifiable and unreasonable and constitutes a burden or restriction on U.S. commerce and that expeditious action is required. I also have determined in response to proclaim a temporary increase in the rates of duty on certain softwood lumber products exported from Canada. The increase will apply to those products listed in the Appendix hereto and will add a surcharge of 15 percent *ad valorem* to the rate of duty currently applicable to each such product when exported from Canada. This increase shall go into effect on December 31, 1986, and will terminate when the Government of Canada begins to collect the export charge on exports of certain softwood lumber products, as they have agreed to do in the Memorandum of Understanding between our two Governments signed today. I direct the Secretary of Commerce to determine when the Government of Canada begins to collect the export charge and, when he has made that determination, to take all necessary and appropriate steps to end the imposition of the temporary surcharge I have today declared.

Fulfillment of the objectives and commitments in the Understanding is of critical importance. Therefore, I intend to take or to authorize all appropriate action in response to any future failure by the Government of Canada to meet the objectives and commitments of the Understanding.

Reasons for Determination

Today the Governments of Canada and of the United States of America have signed an agreement on trade in certain softwood lumber products. This agreement will enhance the ability of our softwood lumber industry to compete by negating the impact of Canadian provincial practices which the U.S. Department of Commerce preliminarily determined to be subsidies.

This agreement successfully addresses the problems which led the U.S. softwood lumber industry to file a petition under the countervailing duty law with the Department of Commerce. As a result, the U.S. industry is withdrawing its petition and the Department of Commerce will terminate its investigation.

Under the agreement, the Government of Canada will impose a 15 percent tax on exports of softwood lumber to the United States. This tax may be phased out as the Canadian provinces increase the charges imposed on softwood lumber production. The Government of Canada has informed us that because of administrative reasons they cannot begin to collect the export charge provided for in the Understanding until at least January 8, 1987. Since the investigation being conducted by the Commerce Department was terminated

today, there will be at a minimum a nine-day period during which the Canadians are not collecting the export charge. The temporary surcharge I have declared is necessary to prevent an increase in exports of certain softwood lumber products from Canada which would have the effect of undermining the objectives of the Understanding.

This determination shall be published in the **Federal Register.**

Ronald Reagan

THE WHITE HOUSE,
Washington, December 30, 1986.

[FR Doc. 86-29540
Filed 12-31-86; 4:13 pm]
Billing code 3195-01-M

Presidential Documents

Memorandum of December 30, 1986

Determination Under Section 301 of the Trade Act of 1974

Memorandum for the Secretary of Commerce

Under Section 301(a)(1)(A) of the Trade Act of 1974, as amended (19 U.S.C. 2411(a)(1)(A)), I have determined that action is feasible and appropriate to enforce rights of the United States of America under the Memorandum of Understanding on trade in softwood lumber products, which was signed today by the Government of Canada and the Government of the United States of America. Fulfillment of the objectives and commitments in the Memorandum of Understanding is of critical importance. Therefore, I direct the Secretary of Commerce to determine periodically whether the Government of Canada and the Canadian provincial governments are fully imposing the export charge and any replacement measures therefor, as specifically agreed to in advance by the U.S. pursuant to the Understanding on softwood lumber products. If the Secretary of Commerce determines that such export charges are not being fully imposed, I will take action (including the imposition of an increase in the tariff on softwood lumber imported from Canada) to offset any shortfall in the full imposition of the export charge or of the replacement measures therefor.

This agreement with the Government of Canada will enhance the ability of our softwood lumber industry to compete by negating the impact of Canadian provincial practices which the U.S. Department of Commerce preliminarily determined to confer subsidies.

This agreement successfully addresses the problems that led the U.S. softwood lumber industry to file a petition under the countervailing duty law with the Department of Commerce. As a result, the U.S. industry is withdrawing its petition and the Department of Commerce will terminate its investigation.

Under the Memorandum of Understanding, the Government of Canada will impose a 15 percent tax on exports of softwood lumber to the United States. This tax may be phased out proportionately as the Canadian provinces increase the charges imposed on softwood lumber production.

This memorandum shall be published in the **Federal Register.**

Ronald Reagan

THE WHITE HOUSE,
Washington, December 30, 1986.

[FR Doc. 86-29541
Filed 12-31-86; 4:14 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 52, No. 2
Monday, January 5, 1987

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

Office of the Secretary

7 CFR Part 2

Revisions of Delegations of Authority

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority from the Secretary of Agriculture and the general officers of the Department to reflect the transfer of functions relating to the licensing and inspection of warehouses under the United States Warehouse Act and to update references to programs administered by the Agricultural Stabilization and Conservation Service and the Foreign Agricultural Service. This document also reflects the assignment of responsibilities to administer section 202(c) of the Colorado River Basin Salinity Control Act, and the conservation reserve provisions of Title XII of the Food Security Act of 1985.

EFFECTIVE DATE: January 5, 1987.

FOR FURTHER INFORMATION CONTACT: Elmer L. Dovel, Director, Personnel Division, ASCS, United States Department of Agriculture, P.O. Box 2415, Washington, DC 20013, (202) 447–6200.

SUPPLEMENTARY INFORMATION: This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment thereon are not required, and this rule may be made effective less than 30 days after publication in the **Federal Register.**

Since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291.

This action is not a rule as defined by Pub. L. 97–354, the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

The purpose of this final rule is to revise the delegations of authority to the Under Secretary for International Affairs and Commodity Programs, the Administrator, Agricultural Stabilization and Conservation Service, and the Administrator, Foreign Agricultural Service, and to update responsibilities and program references.

The Department of Agriculture has responsibility under the United States Warehouse Act (USWA) to provide examination and licensing of warehouses. The Commodity Credit Corporation (CCC) enters into many storage contracts in connection with the administration of CCC programs. In order to strengthen and improve the effectiveness of warehouse functions and reduce costs, the warehouse functions and licensing authority under the USWA have been transferred to the Under Secretary for International Affairs and Commodity Programs and delegated to the Administrator, Agricultural Stabilization and Conservation Service (ASCS). Accordingly, the delegations of authority by the Secretary and general officers of the Department are revised to reflect the transfer of these functions.

Further, Pub. L. 98–569 amended the Colorado River Basin Salinity Control Act to, among other things, authorize the Secretary of Agriculture to establish a voluntary cooperative salinity control program with landowners to improve on-farm water management and reduce watershed erosion on non-Federal lands and lands under the control of the Department of Agriculture. This document amends the delegations of authority from the Secretary and general officers to reflect the assignment of responsibilities for administering section 202(c) of the Act.

Finally, sections 1231–1244 of the Food Security Act of 1985, Pub. L. 99–198, require the Secretary of Agriculture to formulate and carry out a conservation acreage reserve program by entering into contracts to assist owners and operators of highly erodible cropland in conserving and improving the soil and water resources of their farms and ranches. This document amends the delegations of authority from the Secretary and general officers to reflect the assignment of responsibilities for administering the provisions of sections 1231–1244 of the Food Security Act of 1985.

List of Subjects in 7 CFR Part 2

Authority delegations (Government agencies).

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Accordingly, Part 2, Title 7, Code of Federal Regulations is amended as follows:

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

Authority: 5 U.S.C. 301 and Reorganization Plan No. 2 of 1953, unless otherwise noted.

Subpart C—Delegations of authority to the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs, the Under Secretary for Small Community and Rural Development, and Assistant Secretaries

2. Section 2.17 is amended by removing and reserving paragraphs (a)(3)(xvi) and (a)(4) as follows:

§ 2.17 Delegations of authority to the Assistant Secretary for Marketing and Inspection Services.

* * * * *

(a) * * *

(3) * * *

(xvi) [Reserved].

* * * * *

(4) [Reserved].

* * * * *

3. Section 2.19 is amended by adding new paragraphs (d)(22), (f)(11), and (f)(12) to read as follows:

§ 2.19 Delegations of authority to the Assistant Secretary for Natural Resources and Environment.

* * * * *

(d) * * *

(22) Provide technical assistance on forestry technology for the implementation and administration of the conservation reserve program authorized in sections 1231–1244 of the Food Security Act of 1985 (Pub. L. No. 99–198).

* * * * *

(f) * * *

(11) Perform the following functions in connection with the administration of

the Colorado River Basin Salinity Control Act:

(i) Identify salt source areas and determine the salt load resulting from irrigation and watershed management practices;

(ii) Conduct salinity control studies of irrigated salt source areas;

(iii) Provide technical assistance in the implementation of salinity control projects, including the development of salinity control plans, technical services for application, and certification of practice applications;

(iv) Develop plans for implementing measures that will reduce the salt load of the Colorado River;

(v) Develop and implement long-term monitoring and evaluation plans to measure and report progress and accomplishments in achieving program objectives; and

(vi) Coordinate salt source planning and monitoring and evaluation activities within the Department and with the Bureau of Reclamation, other federal agencies, and representatives of the seven basin states participating in the Colorado River Basin Salinity Control Program (42 U.S.C. 1592(c)).

(12) Provide technical assistance on soil and water conservation technology for the implementation and administration of the conservation reserve program authorized in sections 1231–1244 of the Food Security Act of 1985 (Pub. L. No. 99–198).

* * * * *

4. Section 2.21 is amended by revising paragraphs (b), (d)(20), and (d)(32) to read as follows:

§ 2.21 Delegations of authority to the Under Secretary for International Affairs and Commodity Programs.

* * * * *

(b) *Related to agricultural stabilization and conservation. (1)* Administer the tobacco acreage allotment and farm marketing quota programs under the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), and the tobacco price support program under the Agricultural Act of 1949, as amended (7 U.S.C. 1445).

(2) Administer the peanut poundage quota program under the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1358 et . seq.), and the peanut price support program under the Agricultural Act of 1949, as amended (7 U.S.C. 1445).

(3) Coordinate and prevent duplication of aerial photographic work of the Department, including:

(i) Clearing photography projects;

(ii) Assigning symbols for new aerial photography, maintaining symbol records, and furnishing symbol books;

(iii) Recording departmental aerial photography flow and coordinating the issuance of aerial photography status maps of latest coverage;

(iv) Promoting interchange of technical information and techniques to develop lower costs and better quality;

(v) Representing the Department on committees, task forces, work groups, and other similar groups concerned with aerial photography acquisition and reproduction, and serving as liaison with other governmental agencies on aerial photography but excluding mapping;

(vi) Providing a Chairperson for the Photography Sales Committee of the Department;

(vii) Coordinating development, preparation, and issuance of specifications for aerial photography for the Department;

(viii) Coordinating and performing procurement, inspection, and application of specifications for USDA aerial photography;

(ix) Providing for liaison with EROS Data Center to support USDA programs and research with satellite imagery reproductions; and

(x) Maintaining library and files of USDA aerial film and retrieving and supplying reproductions on request.

(4) Administer the agricultural conservation program under Title X of the Agricultural Act of 1970, as amended (16 U.S.C. 1501 et seq.), and under the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590g et seq.).

(5) Administer the rural clean water program as authorized by the Agriculture, Rural Development, and Related Agencies Appropriations Act, fiscal year 1980 (Pub. L. 96–108) and annual appropriations acts.

(6) Administer the forestry incentives program under section 4 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103).

(7) Administer the water bank program under the Water Bank Act (16 U.S.C. 1301 et seq.).

(8) Administer the emergency conservation program under the Agricultural Credit Act of 1978 (7 U.S.C. 2201 et seq.).

(9) Conduct fiscal, accounting and claims functions relating to Commodity Credit Corporation (CCC) programs for which the Under Secretary for International Affairs and Commodity Programs has been delegated authority under § 2.21(d) and, in conjunction with other agencies of the U.S. Government, develop and formulate agreements to reschedule amounts due from foreign countries under the following programs: title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, hereinafter referred to as "Pub. L. 480," the export credit sales program, the non-commercial risk assurance program, and the export credit guarantee program.

(10) Administer the feed grain program under the Agricultural Act of 1949, as amended (7 U.S.C. 1444 et seq.).

(11) Administer the wheat program under the Agricultural Act of 1949, as amended (7 U.S.C. 1445 et seq.).

(12) Administer the wheat and feed grain reserve programs under the Agricultural Act of 1949, as amended (7 U.S.C. 1445e).

(13) Administer the upland and extra long staple cotton programs under the Agricultural Act of 1949, as amended (7 U.S.C. 1444 et seq.).

(14) Administer the rice program under the Agricultural Act of 1949, as amended (7 U.S.C. 1441 et seq.).

(15) Administer the milk price support program, the milk price reduction program, the milk production termination program, and the milk diversion program under the Agricultural Act of 1949, as amended (7 U.S.C. 1446 et seq.).

(16) Determine and proclaim agricultural commodities in surplus supply pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.).

(17) Conduct assigned activities under the Strategic and Critical Materials Stockpiling Act, as amended (50 U.S.C. 98–98h).

(18) Supervise and direct Agricultural Stabilization and Conservation Service State and county offices and designate functions to be performed by Agricultural Stabilization and Conservation State and county committees.

(19) Administer distress and disaster relief programs under section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427), and the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 et seq.).

(20) Administer the emergency livestock feed assistance program under section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427), and the Act of September 21, 1959, as amended (7 U.S.C. 1427 note).

(21) Administer the emergency feed program under section 1105 of the Food and Agriculture Act of 1977 (7 U.S.C. 2267).

(22) Administer the dairy indemnity program under the Act of August 13, 1968, as amended (7 U.S.C. 450j et seq.).

(23) Determine the quantities of agricultural commodities acquired under the price support programs which are available for export programs, and estimate and announce the types, quantities, and varieties of food commodities to become available for distribution under clause (3) of section 416(a) of the Agricultural Act of 1949, as amended (7 U.S.C. 1431(a)).

(24) Administer programs to stabilize, support, and protect farm income and prices and to assist in the maintenance of balanced and adequate supplies of agricultural commodities, including programs to sell or otherwise dispose of, and aid in the disposition of, such commodities except those specified in §§ 2.15(a) and 2.21(d).

(25) Administer procurement, processing, handling, distribution, disposition, transportation, payment, and related services with respect to surplus removal and supply operations which are carried out under sections 5(b), (c), and (d) of the CCC Charter Act (15 U.S.C. 714c (b), (c), and (d)), section 416(a) of the Agricultural Act of 1949, as amended (7 U.S.C. 1431(a)), section 210 of the Agricultural Act of 1956 (7 U.S.C. 1859), the Act of August 19, 1958, as amended (7 U.S.C. 1431 note), and section 709 of the Food and Agricultural Act of 1965, as amended (7 U.S.C. 1446a–1), except as specified in §§ 2.15(a) and 2.21(d), and assist the Assistant Secretary for Food and Consumer Services and the Assistant Secretary for Marketing and Inspection Services in the procurement, handling, payment, and related services under section 32 of the Act of August 24, 1935, as amended (7 U.S.C. 612c), the Act of June 28, 1937, as amended (7 U.S.C. 713c), the National School Lunch Act, as amended (42 U.S.C. 1751 et seq.), section 8 of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1777), section 311 of the Older Americans Act of 1965, as amended (42 U.S.C. 3030a), section 4(a) of the Agricultural and Consumer Production Act of 1973, as amended (7 U.S.C. 612c note), and section 1114 of the Agriculture and Food Act of 1981 (7 U.S.C. 1431e).

(26) Administer commodity procurement and supply, transportation (other than from point of export, except for movement to trust territories or possessions), handling, payment, and related services in connection with programs under title II of Pub. L. 480 (7 U.S.C. 1721–1726), and payment and related services for the Foreign Agricultural Service with respect to export subsidy and barter operations, operations under title I of Pub. L. 480 (7 U.S.C. 1701 et seq.), the export credit sales program, the noncommercial risk assurance program, and the export credit guarantee program.

(27) Administer wool and mohair programs under the National Wool Act of 1954, as amended (7 U.S.C. 1781 et seq.), and, in accordance with section 708 of that Act (7 U.S.C. 1787), conduct referenda, withhold funds (for advertising and promotion) from payments made to producers under section 704 of that Act (7 U.S.C. 1783), and transfer such funds to the person or agency designated by the Assistant Secretary for Marketing and Inspection Services.

(28) Administer the farm storage facility loan program under section 4(h) of the CCC Charter Act, as amended (15 U.S.C. 714 b(h)).

(29) Administer the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3501 et seq.) except those functions delegated in § 2.27(a)(15).

(30) Administer energy management activities as assigned.

(31) Conduct producer referenda required under the Beef Research and Information Act, as amended (7 U.S.C. 2908).

(32) Conduct field operations of diversion programs for fresh fruits and vegetables under section 32 of the Act of August 29, 1935.

(33) Conduct other functions on behalf of CCC as assigned in accordance with CCC bylaws.

(34) Administer the U.S. Warehouse Act, as amended (7 U.S.C. 241–273), and direct the examination of agricultural facilities storing commodities owned by, or pledged as loan collateral to, CCC.

(35) Enter into and administer contracts with program participants under section 202(c) of the Colorado River Basin Salinity Control Act, and waive cost-sharing requirements when such cost-sharing requirements would result in a failure to proceed with needed on-farm measures (42 U.S.C. 1592(c)).

(36) Administer the honey and sugar price support programs under the Agricultural Act of 1949, as amended (7 U.S.C. 1446).

(37) Administer the provisions of the Soil Conservation and Domestic Allotment Act relating to assignment of payments (16 U.S.C. 590 h(g)).

(38) Determine the type and quantity of commodities which are available for foreign donation under section 416(b) and (c) of the Agricultural Act of 1949, as amended (7 U.S.C. 1431(b) and (c)), and arrange for the reprocessing, packaging, transportation, handling, and delivery to port of such commodities in connection therewith.

(39) Formulate and carry out a conservation acreage reserve program, including entering into contracts to assist owners and operators of highly erodible cropland in conserving and improving the soil and water resources of their farms and ranches pursuant to sections 1231–1244 of the Food Security Act of 1985 (Pub. L. 99–198).

* * * * *

(d) Related to foreign agriculture.

* * * * *

(20) Allocate among the various export programs, agricultural commodities determined under § 2.21(b)(23) to be available for export.

* * * * *

(32) Administer the programs under section 416(b) and (c) of the Agricultural Act of 1949, as amended (7 U.S.C. 1431(b) and (c)), relating to the foreign donation of CCC stocks of agricultural commodities.

* * * * *

5. Section 2.30 is amended by adding new paragraphs (a)(81) and (a)(82) to read as follows:

§ 2.30 Delegations of authority to the Assistant Secretary for Science and Education.

* * * * *

(a) * * *

(81) Carry out research, demonstration, and education activities authorized in section 202(c) of the Colorado River Basin Salinity Control Act (42 U.S.C. 1592(c)).

(82) Provide education and technical assistance in implementing and administering the conservation reserve program authorized in sections 1231–1244 of the Food Security Act of 1985 (Pub. L. 99–198).

* * * * *

Subpart F—Delegations of Authority by the Assistant Secretary for Marketing and Inspection Services

6. Section 2.50 is amended by removing and reserving paragraphs (a)(3)(xvi) and (a)(4) as follows:

§ 2.50 Administrator, Agricultural Marketing Service.

(a) * * *

(3) * * *

(xvi) [Reserved]

* * * * *

(4) [Reserved]

* * * * *

Subpart G—Delegations of Authority by the Assistant Secretary for Natural Resources and Environment

7. Section 2.60 is amended by adding a new paragraph (a)(24) to read as follows:

§ 2.60 Chief, Forest Service.

(a) * * *

(24) Provide technical assistance on forestry technology for the implementation and administration of the conservation reserve program authorized in sections 1231–1244 of the Food Security Act of 1985 (Pub. L. 99–198).

* * * * *

8. Section 2.62 is amended by adding new paragraphs (a)(14) and (a)(15) to read as follows:

§ 2.62 Chief, Soil Conservation Service.

(a) * * *

(14) Perform the following functions in connection with the administration of the Colorado River Basin Salinity Control Act:

(i) Identify salt source areas and determine the salt load resulting from irrigation and watershed management practices;

(ii) Conduct salinity control studies of irrigated salt source areas;

(iii) Provide technical assistance in the implementation of salinity control projects, including the development of salinity control plans, technical services for application, and certification of practice applications;

(iv) Develop plans for implementing measures that will reduce the salt load of the Colorado River;

(v) Develop and implement long-term monitoring and evaluation plans to measure and report progress and accomplishments in achieving program objectives; and

(vi) Coordinate salt source planning and monitoring and evaluation activities within the Department and with the Bureau of Reclamation, other federal agencies, and representatives of the seven basin states participating in the Colorado River Basin Salinity Control Program (42 U.S.C. 1592(c)).

(15) Provide technical assistance on soil and water conservation technology for the implementation and administration of the conservation reserve program authorized in sections 1231–1244 of the Food Security Act of 1985 (Pub. L. 99–198).

* * * * *

Subpart H—Delegations of Authority by the Under Secretary for International Affairs and Commodity Programs

9. Section 2.65 is amended by revising paragraph (a) to read as follows:

§ 2.65 Administrator, Agricultural Stabilization and Conservation Service.

(a) *Delegations.* Pursuant to § 2.21(b) and (f) and subject to the reservations in § 2.22(b), the following delegations of authority are made by the Under Secretary for International Affairs and Commodity Programs to the Administrator of the Agricultural Stabilization and Conservation Service.

(1) Administer the tobacco acreage allotment and farm marketing quota programs under the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), and the tobacco price support program under the Agricultural Act of 1949, as amended (7 U.S.C. 1445).

(2) Administer the peanut poundage quota program under the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1358 et seq.), and the peanut price support program under the Agricultural Act of 1949, as amended (7 U.S.C. 1445).

(3) Coordinate and prevent duplication of aerial photographic work of the Department, including:

(i) Clearing photography projects;

(ii) Assigning symbols for new aerial photography, maintaining symbol records, and furnishing symbol books;

(iii) Recording departmental aerial photography flow and coordinating the issuance of aerial photography status maps of latest coverage;

(iv) Promoting interchange of technical information and techniques to develop lower costs and better quality;

(v) Representing the Department on committees, task forces, work groups, and other similar groups concerned with aerial photography acquisition and reproduction, and serving as liaison with other governmental agencies on aerial photography but excluding mapping;

(vi) Providing a Chairperson for the Photography Sales Committee of the Department;

(vii) Coordinating development, preparation, and issuance of specifications for aerial photography for the Department;

(viii) Coordinating and performing procurement, inspection, and application of specifications for USDA aerial photography;

(ix) Providing for liaison with EROS Data Center to support USDA programs and research with satellite imagery reproductions; and

(x) Maintaining library and files of USDA aerial film and retrieving and supplying reproductions on request.

(4) Administer the agricultural conservation program under Title X of the Agricultural Act of 1970, as amended (16 U.S.C. 1501 et seq.), and under the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590g et seq.).

(5) Administer the rural clean water program as authorized by the Agriculture, Rural Development, and Related Agencies Appropriations Act, fiscal year 1980 (Pub. L. 96–108) and annual appropriations acts.

(6) Administer the forestry incentives program under section 4 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103).

(7) Administer the water bank program under the Water Bank Act (16 U.S.C. 1301 et seq.).

(8) Administer responsibilities and functions assigned under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2064 et seq.), and the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 et seq.), relating to agricultural production; food processing, storage, and distribution of farm equipment and fertilizers; rehabilitation and use of feed, agricultural and related agribusiness facilities; and resources of the Commodity Credit Corporation (CCC) on behalf of that corporation.

(9) Administer the emergency conservation program under the Agricultural Credit Act of 1978 (7 U.S.C. 2201 et seq.).

(10) Conduct fiscal, accounting and claims functions relating to CCC programs for which the Foreign Agricultural Service has been delegated authority under § 2.68 and, in conjunction with other agencies of the U.S. Government, develop and formulate agreements to reschedule amounts due from foreign countries under the following programs: title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, hereinafter referred to as "Pub. L. 480," the export credit sales program, the non-commercial risk assurance program, and the export credit guarantee program.

(11) Administer the feed grain program under the Agricultural Act of 1949, as amended (7 U.S.C. 1444 et seq.).

(12) Administer the wheat program under the Agricultural Act of 1949, as amended (7 U.S.C. 1445 et seq.).

(13) Administer the wheat and feed grain reserve programs under the Agricultural Act of 1949, as amended (7 U.S.C. 1445e).

(14) Administer the upland and extra long staple cotton programs under the Agricultural Act of 1949, as amended (7 U.S.C. 1444 et seq.).

(15) Administer the rice program under the Agricultural Act of 1949, as amended (7 U.S.C. 1441 et seq.).

(16) Administer the milk price support program, the milk price reduction program, the milk production termination program, and the milk diversion program under the Agricultural Act of 1949, as amended (7 U.S.C. 1446 et seq.).

(17) Determine and proclaim agricultural commodities in surplus supply pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.).

(18) Conduct assigned activities under the Strategic and Critical Materials Stockpiling Act, as amended (50 U.S.C. 98–98h).

(19) Supervise and direct Agricultural Stabilization and Conservation Service State and county offices and designate functions to be performed by Agricultural Stabilization and Conservation State and county committees.

(20) Administer distress and disaster relief programs under the Agricultural Act of 1949, as amended (7 U.S.C. 1427), and the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 et seq.).

(21) Administer the emergency livestock feed assistance program under section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427), and the Act of September 21, 1959, as amended (7 U.S.C. 1427 note).

(22) Administer the emergency feed program under section 1105 of the Food and Agriculture Act of 1977 (7 U.S.C. 2267).

(23) Administer the dairy indemnity program under the Act of August 13, 1968, as amended (7 U.S.C. 450j et seq.).

(24) Determine the quantities of agricultural commodities acquired under the price support programs which are available for export programs, and estimate and announce the types, quantities, and varieties of food commodities to become available for distribution under clause (3) of section 416(a) of the Agricultural Act of 1949, as amended (7 U.S.C. 1431(a)).

(25) Administer programs to stabilize, support, and protect farm income and prices and to assist in the maintenance of balanced and adequate supplies of agricultural commodities, including programs to sell or otherwise dispose of, and aid in the disposition of, such commodities except those specified in §§ 2.15(a) and 2.21(d).

(26) Administer procurement, processing, handling, distribution, disposition, transportation, payment, and related services with respect to surplus removal and supply operations which are carried out under sections 5 (b), (c) and (d) of the CCC Charter Act (15 U.S.C. 714c (b), (c), and (d)), section 416(a) of the Agricultural Act of 1949, as amended (7 U.S.C. 1431(a)), section 210 of the Agricultural Act of 1956 (7 U.S.C. 1859), the Act of August 19, 1958, as amended (7 U.S.C. 1431 note), and section 709 of the Food and Agriculture Act of 1965, as amended (7 U.S.C. 1446a–1), except as specified in §§ 2.15(a) and 2.21(d), and assist the Food and Nutrition Service and the Agricultural Marketing Service in the procurement, handling, payment, and related services under section 32 of the Act of August 24, 1935, as amended (7 U.S.C. 612c), the Act of June 28, 1937, as amended (7 U.S.C. 713c), the National School Lunch Act, as amended (42 U.S.C. 1751 et seq.), section 8 of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1777), section 311 of the Older Americans Act of 1965, as amended (42 U.S.C. 3030a), and section 4(a) of the Agricultural and Consumer Protection Act of 1973, as amended (7 U.S.C. 612c note), and section 1114 of the Agriculture and Food Act of 1981 (7 U.S.C. 1431e).

(27) Administer commodity procurement and supply, transportation (other than from point of export, except for movement to trust territories or possessions), handling, payment, and related services in connection with programs under title II of Pub. L. 480 (7 U.S.C. 1721–1726), and payment and related services for the Foreign Agricultural Service with respect to export subsidy and barter operations, operations under title I of Pub. L. 480 (7 U.S.C. 1701 et seq.), the export credit sales program, the noncommercial risk assurance program and the export credit guarantee program.

(28) Administer wool and mohair programs under the National Wool Act of 1954, as amended (7 U.S.C. 1781 et seq.), and, in accordance with section 708 of that Act (7 U.S.C. 1787), conduct referenda, withhold funds (for advertising and promotion) from payments made to producers under section 704 of that Act (7 U.S.C. 1783), and transfer such funds to the person or agency designated by the Assistant Secretary for Marketing and Inspection Services.

(29) Administer the farm storage facility loan program under section 4(h) of the CCC Charter Act, as amended (15 U.S.C. 714b(h)).

(30) Administer the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3501 et seq.) except those functions delegated in § 2.27(a)(15).

(31) Administer energy management activities as assigned.

(32) Conduct producer referenda required under the Beef Research and Information Act, as amended (7 U.S.C. 2908).

(33) Conduct field operations of diversion programs for fresh fruits and vegetables under section 32 of the Act of August 29, 1935.

(34) Conduct other functions on behalf of CCC as assigned in accordance with CCC bylaws.

(35) Administer the U. S. Warehouse Act, as amended (7 U.S.C. 241–273), and direct the examination of agricultural facilities storing commodities owned by, or pledged as loan collateral to, CCC.

(36) Enter into and administer contracts with program participants under section 202(c) of the Colorado River Basin Salinity Control Act, and waive cost-sharing requirements when such cost-sharing requirements would result in a failure to proceed with needed on-farm measures (42 U.S.C. 1592(c)).

(37) Administer the honey and sugar price support programs under the Agricultural Act of 1949, as amended (7 U.S.C. 1446).

(38) Administer the provisions of the Soil Conservation and Domestic Allotment Act relating to assignment of payments (16 U.S.C. 590 h(g)).

(39) Determine the type and quantity of commodities which are available for foreign donation under section 416(b) and (c) of the Agricultural Act of 1949, as amended (7 U.S.C. 1431(b) and (c)), and arrange for the reprocessing, packaging, transportation, handling and delivery to port of such commodities in connection therewith.

(40) Formulate and carry out a conservation acreage reserve program, including entering into contracts to assist owners and operators of highly erodible cropland in conserving and improving the soil and water resources of their farms and ranches pursuant to sections 1231–1244 of the Food Security Act of 1985 (Pub. L. 99–198).

* * * * *

10. Section 2.68 is amended by revising paragraphs (a)(25) and (a)(35) to read as follows:

§ 2.68 Administrator, Foreign Agricultural Service.

(a) * * *

(25) Allocate among the various export programs agricultural commodities determined under § 2.21(b)(23) to be available for export.

* * * * *

(35) Administer the programs under section 416(b) and (c) of the Agricultural

Act of 1949, as amended (7 U.S.C. 1431(b) and (c)), relating to the foreign donation of Commodity Credit Corporation stocks of agricultural commodities, except as otherwise delegated in § 2.65(a)(39).

* * * * *

Subpart N—Delegations of Authority by the Assistant Secretary for Science and Education

11. Section 2.106 is amended by adding a new paragraph (a)(33) to read as follows:

§ 2.106 Administrator, Agricultural Research Service.

(a) * * *

(33) Carry out research activities authorized in section 202(c) of the Colorado River Basin Salinity Control Act (42 U.S.C. 1592(c)).

* * * * *

12. Section 2.108 is amended by adding new paragraphs (a)(25) and (a)(26) to read as follows:

§ 2.108 Administrator, Extension Service.

(a) * * *

(25) Carry out demonstration and education activities authorized in section 202(c) of the Colorado River Basin Salinity Control Act (42 U.S.C. 1592(c)).

(26) Provide education and technical assistance in implementing and administering the conservation reserve program authorized in sections 1231–1244 of the Food Security Act of 1985 (Pub. L. 99–198).

For Subpart C:

Dated: December 19, 1986.

Richard E. Lyng,

Secretary of Agriculture.

For Subpart F:

Dated: December 15, 1986.

Kenneth A. Gilles,

Assistant Secretary for Marketing and Inspection Services.

For Subpart G:

Dated: December 10, 1986.

George S. Dunlop,

Assistant Secretary for Natural Resources and Environment.

For Subpart H:

Dated: December 10, 1986

Richard W. Goldberg,

Acting Under Secretary for International Affairs and Commodity Programs.

For Subpart N:

Dated: December 10, 1986

Orville G. Bentley,

Assistant Secretary for Science and Education.

[FR Doc. 87–43 Filed 1–2–87; 8:45 am]

BILLING CODE 3410–05–M

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 641]

Navel Oranges in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 641 establishes the quantity of California-Arizona navel oranges that may be shipped to market during the period January 2, 1987, through January 8, 1987. Such action is needed to balance the supply of fresh navel oranges with the demand for such period, due to the marketing situation confronting the orange industry.

DATE: Regulation 641 (§ 907.941) is effective for the period January 2, 1987, through January 8, 1987.

FOR FURTHER INFORMATION CONTACT: James M. Scanlon, Acting Chief, Marketing Order Administration Branch, F&V, AMS, USDA, Washington, DC 20250, telephone: 202–475–3914.

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

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

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

This rule is issued under Order No. 907, as amended (7 CFR 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendation and information submitted by the Navel Orange Administrative Committee and upon other available information. It is found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1986–87 adopted by the Navel Orange Administrative Committee. The committee met publicly on December 30, 1986, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended, by a vote of 10 to 1, a quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports that the market for navel oranges has improved and demand is good.

It is further found that it is impractible and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publications in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. To effectuate the declared purposes of the act, it is necessary to make this regulatory provision effective as specified, and handlers have been apprised of such provision and the effective time.

List of Subjects in 7 CFR Part 907

Marketing agreements and Orders, California, Arizona, Oranges (navel).

PART 907—[AMENDED]

1. The authority citation for 7 CFR Part 907 continues to read:

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

2. Section 907.941 Navel Orange Regulation 641 is added to read as follows:

§ 907.941 Navel Orange Regulation 641.

The quantities of navel oranges grown in California and Arizona which may be handled during the period January 2, 1987, through January 8, 1987, are established as follows:

(a) District 1: 1,203,801 cartons;

(b) District 2: Unlimited cartons;

(c) District 3: Unlimited cartons;

(4) District 4: Unlimited cartons.

Dated: December 31, 1986.

Thomas R. Clark,

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

[FR Doc. 87–171 Filed 1–2–87; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Part 910

[Lemon Reg. 542]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 542 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 250,000 cartons during the period January 4–10, 1987. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

DATES: Regulation 542 (§ 910.842) is effective for the period January 4–10, 1987.

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

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

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

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

This regulation is issued under Marketing Order No. 910, as amended (7 CFR Part 910) regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendation and information submitted by the Lemon Administrative Committee and upon other available information. It is found that this action will tend to effectuate the declared policy of the Act.

This regulation is consistent with the marketing policy for 1986–87 The committee met publicly on December 30, 1986, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended, by a vote of 12 to 1, a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that demand is good on 140's and smaller and fair on the larger sizes.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

PART 910—[AMENDED]

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

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

2. Section 910.842 is added to read as follows:

§ 910.842 Lemon Regulation 542.

The quantity of lemons grown in California and Arizona which may be handled during the period January 4 through January 10, 1987, is established at 250,000 cartons.

Dated: December 31, 1986.

Thomas R. Clark,

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

[FR Doc. 87–170 Filed 1–2–87; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Part 1036

[Docket Nos. AO–179–A49 and AO–179–A49–R01]

Milk in the Eastern Ohio-Western Pennsylvania Marketing Area; Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action amends the plant location pricing structure of the Eastern Ohio-Western Pennsylvania milk order based on industry proposals considered at a public hearing held August 7–8, 1985 and on testimony presented at a reopened hearing held March 12–14, 1986. The amended order establishes a single Class I price differential throughout the marketing area and within Pennsylvania at a level of $2.00 per hundredweight. The change is needed to reflect current marketing conditions and to assure orderly marketing in the area. The amended order was approved by the market's dairy farmers who voted in a referendum.

EFFECTIVE DATES: January 1, 1987.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, DC 20250, (202) 447–7311.

SUPPLEMENTARY INFORMATION:

Prior documents in this proceeding:

Notice of Hearing: Issued July 19, 1985; published July 25, 1985 (50 FR 30204).

Suspension Order: Issued September 4, 1985; published September 10, 1985 (50 FR 36865).

Partial Recommended Decision: Issued February 14, 1986; published February 21, 1986 (51 FR 6245).

Notice of Reopened Hearing: Issued February 14, 1986; published February 21, 1986 (51 FR 6241).

Partial Final Decision: Issued July 24, 1986; published July 30, 1986 (51 FR 27178).

Final Order: Issued August 19, 1986; published August 26, 1986 (51 FR 30325).

Recommended Decision: Issued September 12, 1986; published September 19, 1986 (51 FR 33273).

Final Decision: Issued November 18, 1986; published November 25, 1986 (51 FR 42579).

Correction to Final Decision: Issued December 12, 1986; published December 17, 1986 (51 FR 45121).

Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when the Eastern Ohio-Western Pennsylvania order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure governing the information of marketing agreements and marketing orders (7 CFR Part 900), public hearings were held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area; and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective January 1, 1987. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued November 18, 1986 (51 FR 42579). The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective January 1, 1987, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the **Federal Register.** (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c (9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order amending the order is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved by more than the necessary two-thirds of the producers who voted in the referendum.

List of Subjects in 7 CFR Part 1036

Milk marketing order, Milk, Dairy products.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

PART 1036—MILK IN THE EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

1. The authority citation for 7 CFR Part 1036 continues to read as follows:

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

2. Section 1036.2 is amended by revising paragraphs (a), (b), (c), and removing (d) to read as follows:

§ 1036.2 Eastern Ohio-Western Pennsylvania marketing area.

* * * * *

(a) In the State of Ohio:

(1) The following counties in their entirety:

Ashland, Ashtabula, Belmont, Carroll, Columbiana, Cuyahoga, Geauga, Harrison, Holmes, Jefferson, Lake, Lorain, Mahoning, Medina, Monroe, Portage, Stark, Summit, Trumbull, Tuscarawas, and Wayne.

(2) In Guernsey County: The townships of Londonderry, Millwood, and Oxford.

(b) In the State of Pennsylvania:

(1) The following counties in their entirety:

Allegheny, Armstrong, Beaver, Butler, Crawford, Erie, Fayette, Greene, Lawrence, Mercer, Venango, and Washington.

(2) In Clarion County: The townships of Ashland, Beaver, Licking, Madison, Perry, Piney, Richland, Salem, and Toby.

(3) Westmoreland County (except the townships of Cook, Donegal, Fairfield, Ligonier, and St. Clair; and, the boroughs of Bolivar, Donegal, Ligonier, New Florence, and Seward).

(c) In the State of West Virginia, the following counties in their entirety: Barbour, Brooke, Doddridge, Hancock, Harrison, Lewis, Marion, Marshall, Monongalia, Ohio, Preston, Randolph, Taylor, Tuchker, Tyler, Upshur, and Wetzel.

(d) [Removed]

§ 1036.50 [Amended]

3. In paragraph (a) of § 1036.50, the amount "$1.95" is revised to read "$2.00".

4. In § 1036.52, paragraphs (a) and (b) are revised to read as follows:

§ 1036.52 Plant location adjustments for handlers.

(a) At a plant in the marketing area or in the State of Pennsylvania, the Class I price for producer milk shall be the Class I price computed pursuant to paragraph (a) of § 1036.50.

(b) At a plant outside the area specified in paragraph (a) of this section, the Class I price shall be adjusted by a reduction of 1.5 cents for each 10 miles or fraction thereof that such plant is from the city hall of the nearest of the following cities: Canton and Cleveland, Ohio; Erie, Pittsburgh, and Uniontown, Pennsylvania; and Clarksburg, West Virginia. Distance applied pursuant to this paragraph shall be the shortest hard-surfaced highway distances as determined by the market administrator.

* * * * *

Effective date: January 1, 1987.

Signed at Washington, DC on: December 24, 1986.

Kenneth A. Gilles,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 87–41 Filed 1–2–87; 8:45 am]

BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Parts 1944 and 1951

Borrower Supervision, Servicing and Collection of Single Family Housing Loan Accounts

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) revises its regulation regarding supervision, servicing and collection of single family housing loan accounts. This action is being taken to make editorial changes, clarify the policy on moratoriums, add instructions on the servicing of loans of borrowers entering active military duty and to authorize the refinancing of certain FmHA loans. The intended effect is to clarify the regulation and expand authorities and procedures.

EFFECTIVE DATE: February 4, 1987.

FOR FURTHER INFORMATION CONTACT: Phil Girard, Senior Loan Specialist, Single Family Housing Servicing and Property Management Division, FmHA, Room 5309, South Agriculture Building, Washington, DC 20250; telephone (202) 382–1452.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in Departmental Regulation 1512–1 which implements Executive Order 12291 and has been determined to be "nonmajor." It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions, or 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.

This document has been reviewed in accordance with 7 CFR Part 1940, Subpart G, "Environmental Program." It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of human environment, and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

This program-activity is listed in the Catalog of Federal Domestic Assistance under No. 10.410. For the reasons set forth in the Final rule related Notice(s) to 7 CFR Part 3015, Subpart V, this program/activity is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

This action contains policies and procedures for borrower supervision, servicing and collection of single family housing loans. Editorial revisions in the supervision section improve the readability and comprehension of the regulation but do not alter the Agency's commitment of providing supervised credit. Other changes clarify internal procedures concerning the initial payment date on subsequent loans and the remittance of payments to the Finance Office. New conditions for reamortization, moratoriums, and additional partial payment agreements have been established. New sections have been added concerning the servicing of loans of borrowers entering active military duty and the refinancing of certain FmHA borrowers not eligible for interest credit.

The following is a summary of the major changes made to Subpart G of Part 1951:

Section 1951.310 (a) establishes a limit on the amortization period of recoverable costs at 8 years.

Section 1951.312 (d) provides that rescheduled payment agreements will usually bring accounts current within 2 years but will never exceed the remaining term of the loan.

Section 1951.312(d)(2) allows only one Additional Partial Payment Agreement in any 1-year period without prior authorization of the District Director.

Section 1951.312 (e) refers to Subject C of Part 1965 for servicing borrowers who have declared bankruptcy.

Section 1951.312(e)(6) provides guidance on how to service accounts that are chronically one or two payments behind schedule.

Section 1951.313(a)(3) redefines unduly impaired standard of living.

Section 1951.313(b)(1) changes the requirement that housing expenses must equal 35 percent of annual income to be eligible for a moratorium to an income reduction of 30 percent and requires use of Household Budget to determine eligibility.

Section 1951.313(b)(3) clarifies the policy that a borrower would not be eligible for a moratorium if the account has been accelerated. Under § 1915.312(e)(5)(iii) of this subpart, before an account is accelerated, the District Director must determine that all appropriate servicing actions (interest credit, moratorium, etc.) have been taken and that further servicing efforts would not enable the borrower to meet loan obligations. Since it has been determined that a borrower is either unable or unwilling to make scheduled payments prior to acceleration, the granting of a moratorium after acceleration would only delay foreclosure and not further assist the borrower to become a successful homeowner. This requirement does not apply if it is discovered after acceleration that a borrower was not properly notified or considered for a moratorium prior to acceleration.

Section 1951.313(b)(4) requires the borrower to notify the County Supervisor if the circumstances for which the moratorium was granted change.

Section 1951.313(e) allows a moratorium to remain in effect until canceled for up to 2 years. The borrower's circumstances will be reviewed annually but the moratorium can be canceled anytime the reason for the moratorium no longer exists. There will no longer be a waiting period between moratoriums but the reason for the moratorium must be temporary.

Section 1951.313(f) requires borrowers to show that an amount equal to the deferred payments was applied toward the expense if the moratorium was granted to pay unexpected and unreimbursed expenses.

Section 1951.313(g)(3) allows for inclusion of fees in reamortization amount.

Section 1951.313(g)(4) cancellation of interest accrued during moratorium will only be considered for borrowers whose payments after moratorium exceed 20 percent of adjusted income.

Section 1951.314(a)(6) provides that an account may be reamortized if a delinquency develops in connection with the processing of a same terms assumption.

Section 1951.314(a)(7) provides that the RH loan of a farmer program borrower may be reamortized if the farmer program loans are being reamortized, rescheduled or consolidated.

Section 1951.315 allows refinancing, under certain circumstances, of loans approved prior to August 1, 1968, loans made to above moderate borrowers and nonprogram loans.

Section 1951.317 provides guidance on servicing accounts of borrowers who enter active military duty.

On September 24, 1985, a proposed rule was published in the **Federal Register** (50 FR 38662) for a 60-day review and comment period. Comments were received from the private sector, another government agency and FmHA employees throughout the country. The summary of the comments received from the private sector are presented here, with discussion of the action taken or

changes made or not made to the regulations in considering the comments. Comments and suggestions concerning Subpart G of Part 71 were:

Preamble. One commentor suggested that several major changes were not identified in the preamble. The two examples cited, however, were inaccurate. We believe that the summary included in the preamble adequately described the proposed changes. Two commentors objected to our not publishing the proposed servicing guide letters. The guide letters are just that, guide letters, the content of which is clearly specified in the regulation. Through State Supplements approved in the National Office, guide letters may vary from State to State. For these reasons, the Agency does not believe it necessary or beneficial to publish the guide letters.

Section 1951.301. Two commentors objected to the exclusion of borrowers who assume loans or have credit sales on ineligible terms. These are not program borrowers and, as such, are not authorized to receive assistance under this subpart. We agree that a borrower's situation can change, therefore, these borrowers will be included under § 1951.315 which authorizes refinancing if the borrower is in danger of losing his/her home due to circumstances beyond his/her control and qualifies as an eligible section 502 borrower.

Section 1951.308(b). One commentor suggested that the Agency could convert borrowers from annual to monthly payments without their consent. This was not the intent. The regulation has been clarified to assure that the borrower must concur with such a payment plan change.

Section 1951.309(b)(1). Two commentors objected to the fact that payments on amortized advances must be made in full monthly increments. Any partial payments received are not applied to the advance but to the loan account. Anytime a borrower pays less than the scheduled payment, the account is delinquent, so it is really an accounting function. A change will not be made; however, the Agency's planned new accounting system, when implemented, will have the ability to apply partial payments to amortized accounts.

Section 1951.309(b)(3) Two commentors objected to the fact that if a borrower made an extra payment, it would not relieve them from making their next scheduled payment. The problem is with the definition of extra payment. If a borrower was current and sent in two house payments in June, a payment would not have to be made in July. Extra payments are defined in Subpart A of Part 1951 of this chapter as payments derived from the sale of a portion of the real estate security, insurance proceeds or a transaction of a similar nature which reduces the value of the security.

Section 1951.312(e)(3)(ii). One commentor suggested that voluntary conveyance be considered only after all other forms of voluntary liquidation have been considered and that the authority to accept voluntary conveyance be removed from the County Supervisor and given to the District Director. The regulation clearly requires that voluntary liquidation be considered only after all servicing authorities that the borrower is eligible for have been extended and the borrower is unable or unwilling to bring the account current. If liquidation is necessary, it is in the best interest of FmHA and the borrower that it be voluntary. Further, if the borrower can no longer afford the property, it is always in the government's best interest for the borrower to sell rather than voluntarily convey, and it is in the borrower's best interest to sell rather than voluntarily convey if there is equity in the property.

Present procedures give specific instructions on the various actions that must be accomplished prior to acceptance of a voluntary conveyance. Since the County Supervisor would have to carry out these same procedures before recommending a voluntary conveyance to the District Director, we see no benefit in moving the authority up to the District level.

Section 1951.312(e)(5). Three comments were received concerning foreclosure of borrowers that are chronically one or two payments past due. It was not the intent of this paragraph to change policy and mandate foreclosure in these situations. It was, however, added to stress the importance of prompt and persistent servicing of uncooperative borrowers. The purpose of these servicing regulations is to set forth authorities that assist borrowers in becoming successful homeowners. All borrowers, therefore, will continue to receive the assistance for which they are eligible. The proposed regulation has been changed to avoid the implication that foreclosure would be initiated against all borrowers one and two payments delinquent.

Section 1951.313(b)(1)(i). Two commentors suggested that it actually took a 42.8 percent decrease in income to meet the 35 percent of income test. Many homeowners, not just FmHA borrowers, have difficulty at times meeting family obligations. Priorities must be established if families are to become successful homeowners. In these times, it is not uncommon for families to pay upwards of 35 percent of their incomes for mortgage payments. While it is realized that FmHA borrowers are not typical homeowners, we agree, however, that a 42.8 percent decrease is excessive and have changed the requirement from 35 percent of income to a straight 30 percent income reduction. Thirty percent is a significant reduction, but the moratorium provision authorizes assistance when the borrower's standard of living is unduly impaired. It is expected that from time to time most families will experience periods during which they are unable to, or find it impossible to, meet family obligations. Families must plan for such emergencies. Conditions based on circumstances beyond the borrower's control that exceed what would be considered normal or reasonable setbacks that temporarily prevent the borrower from meeting necessary living expenses and scheduled payments will constitute an unduly impaired standard of living. Since a moratorium is only considered after it has been determined that a borrower is receiving maximum interest credit for which he/she is eligible, the interest credit regulation has also been revised to allow for a change in the interest credit agreement if a borrower experiences a 30 percent income reduction. Both of the commentors also believed that moratorium requests should be considered on a case-by-case basis with the household budget being the determining factor. This would be extremely difficult to administer and think that the 30 percent reduction in income starting point is necessary. For this reason, this suggestion was not adopted.

Section 1951.313(b)(1)(ii). One commentor suggested that any legitimate expenses should be considered, not just those resulting in a lien. Another comment objected to the anticipated arbitrary interpretation of what constitutes excessive consumer debt. We agree that the interpretation would have been arbitrary, but also realize that based on these comments and the ones received from FmHA field personnel, the moratorium provision is very subjective. For this reason, we have redefined what constitutes an unduly impaired standard of living. We have also deleted reference to excessive consumer debt and instead limited expenses to those unexpected and uninsured expenses resulting from an accident, illness, injury or death of a family member or damage to the security property if adequate insurance

coverage was not available. In addition, if FmHA is willing to defer payments to enable a borrower to pay these expenses, it is only right to expect that the amount of the deferred house payment will be used for that purpose. Therefore, we have added as a condition for moratorium the requirement that expenses be reduced by at least the amount of the deferred payments.

Section 1951.313(b)(2). One commentor suggested that this condition would prohibit granting a moratorium, for example, to migrant farm workers who are absent from the property for extended periods. Occupancy is a requirement for obtaining the benefits of a loan and migrant farm families are eligible for loans. This condition does not include obvious exceptions such as temporary periods of nonoccupancy inherent to the borrowers' employment. A change will not be made.

Section 1951.313(b)(3). Two commentors objected to this condition. Although not specifically mentioned in the present regulation, policy has always been not to grant moratoriums on accelerated accounts. Acceleration of accounts is discussed in Subpart A of Part 1955 of the chapter. Once an account is accelerated, payments other than for the full amount of the delinquency normally are not accepted. An account will not be accelerated because of a borrower's delinquent payments unless all servicing authorities have been considered. However, if foreclosure was initiated and on review it was determined that the account was not properly serviced, i.e., moratorium rights not offered, the acceleration letter would be rescinded.

Section 1951.313(b)(5). One commentor suggested that the 2-year limitation between moratoriums be deleted. Considering the other changes being made and the fact that the 2-year period could be waived if circumstances warrant, we concur and will eliminate the 2-year limitation.

Section 1951.313(e). Two commentors suggested that it was contrary to statute and unreasonable that borrowers not be extended appeal rights if a moratorium is allowed to expire because of the borrower's failure to supply the information necessary for FmHA to make a decision. Similar to interest credit renewals, many borrowers on moratorium fail to timely supply the information needed for the County Office to determine if a moratorium is still justified. These additional contacts cause an unnecessary burden on the County Office, especially if the moratorium was allowed to expire and then was subsequently granted because the borrower was in fact still eligible. With these facts in mind and in the interest of combining review responsibilities of the county office staff, moratoriums will no longer expire every 6 months. Instead, moratoriums will continue in effect for a period of up to 2 years unless cancelled and the borrower will agree at the time the moratorium is approved to advise the County Office of any change in circumstances. A review of the borrower's circumstances will be conducted during the borrower's annual interest credit review period. If the borrower is not on interest credit, the review will be on the anniversary date of the moratorium. The moratorium will continue in effect if the borrower is determined eligible, otherwise the moratorium will be cancelled. A moratorium can be cancelled anytime the County Supervisor becomes aware that the reason for the moratorium no longer exists. Appeal rights will be given unless the denial or cancellation is based on an income reduction that did not equal at least 30 percent of the borrower's confirmed income, the moratorium had been in effect for a total of 2 years or the borrower failed on a timely basis to supply information needed to make a decision.

Section 1951.313(g)(3). Two commentors suggested that it was unreasonable to require borrowers to pay out of pocket for title clearance and legal services associated with a reamortization. We agree, and a change has been made authorizing the fees to be included in the reamortized loan. One commentor suggested that the loan term be extended for 5 years when reamortized as permitted in the Housing Amendments of 1983, Public Law 98–181. The law enhances the affordability of homes for new borrowers and does not provide a servicing tool to extend existing loan terms. A change will not be made.

Section 1951.313(k). One commentor questioned the definition of confirmed income. Confirmed income means the borrower has supplied or agreed with the income amount used in making the determination. If this is the case, there are no appeal rights. A change will not be made. Three commentors objected to the fact that failure to cancel interest accrued during a moratorium was not appealable. The Housing Act provides for cancellation of interest only in cases of extreme hardship. The Agency has determined that extreme hardship occurs if, after all authorized interest credit has been granted and the account has been reamortized over the maximum period, the borrower cannot make scheduled payments. Cancellation would only change a borrower's payment if the effective interest rate is lowered to 1 percent. While the amount of accrued interest could be considered substantial to low-income borrowers, when amortized, the resulting payment changes are usually minimal and normally would not be the determining factor in FmHA continuing with a borrower. We agree, however, that the regulation can be made more equitable. The regulation is revised to consider cancellation of interest accrued during the moratorium period *only* for borrowers whose payments after the moratorium exceed 20 percent of their adjusted income. If cancellation is denied, these borrowers will be given appeal rights in accordance with FmHA Instruction 1900–B. Interest cancellation will not be considered for other borrowers and no appeal rights will be given.

Section 1951.314. One commentor suggested the addition of an additional condition for reamortizations which would allow reamortization in circumstances where a delinquency remains after the use of all other servicing authorities. This would essentially require reamortization in all cases before foreclosure could be initiated. Reamortization is an effective tool to assist borrowers in the identified circumstances, however, it is not viewed as an authority to be used across the board as the last servicing effort before liquidation. Utilization of reamortizations in this manner would appear to be no more than a stalling tactic that would not benefit either the borrower or FmHA. No change will be made.

Section 1951.315. Two commentors suggested that FmHA extend the refinancing authority to all borrowers, not just those presently not eligible for interest credit. Both cited *U.S.* v. *Garner* 767 F.2d 101 (5th Cir. 1985) as the basis for their comments. Six examples were cited as evidence that the refinancing authority would assist borrowers over and above the benefits received from interest credit, moratorium and reamortization. In example 1, the borrower's payments were 20 percent of income. In example 2, the borrower cited in example 1 has a lower adjusted income and received the maximum subsidy (1 percent) which represented payments equaling 24 percent of income. In example 3, a borrower suffered a further reduction of income, however, at both income levels payments equaled 20 percent of income. In example 4, a 45 percent income reduction caused payments to be reduced to an effective interest rate of 1 percent which equaled 35 percent of income. It was stated the

borrower was not eligible for a moratorium, however, with State Director concurrence, a moratorium could have been granted. This borrower, if refinanced, would have had payments equaling 19 percent of income. Under the revised regulations, this borrower would be eligible for a moratorium without a waiver. In example 5, after the account was reamortized upon expiration of the moratorium, the borrower's payments equaled 26 percent of income compared to 20 percent of income if it had been refinanced. In example 6, if the loss of income occurred at 18 months, the difference in payments was slight, 21 percent vs. 20 percent. If the reduction had occurred at 84 months, the reamortized payments would equal 23 percent and the refinanced payments 20 percent of income. It is clear in all examples except number 4 that payments are well within an acceptable percentage of income. In example 4, the borrower would receive a moratorium until normal income was restored or 2 years passed, whichever occurs first. We continue to believe that present authorities are adequate to handle the needs of most borrowers. Therefore, the refinancing authority will not be extended to all borrowers. Refinancing will, however, be extended to nonprogram (NP) borrowers (since they are not eligible for any program benefits) who, similar to above moderate-borrowers and borrowers who received their loans prior to August 1968, cannot be eligible for interest credit. NP borrowers' loans can only be refinanced if the NP borrower and the house being financed meet the eligibility criteria for a section 502 loan at the time the refinancing is approved.

Section 1951.318. One commentor suggested that the exception authority be extended so that it can be initiated by a request from a borrower and not just by the State Director. If this suggestion was adopted, it would, in effect, negate the need for the regulation. It would essentially require administration of the program on a case-by-case basis. This change will not be made; however, we extended it to provide that the administrator can approve an exception if the provision adversely affects the government's interest and/or has an inequitable effect on a borrower. We also revised it to allow the Assistant Administrator, Housing, to initiate a request for exception.

Exhibits A, B and C are not being published. These exhibits are administrative in nature and are available in any FmHA office. Exhibit A is a guide letter and Exhibits B and C give guidance in the establishment of a servicing tickler system.

Numerous comments were received from FmHA personnel, some of which resulted in administrative changes and some of which were not adopted because they did not fit within the scope of these regulations or were otherwise not appropriate. A comment was received from another agency within the Department of Agriculture suggesting that a distinction be recognized between telephone and personal delinquency contacts. Changes to § 1951.312(e) were made to reflect the different objectives of these contacts.

The changes in Subpart G of Part 1951 require conforming changes in Subpart A of Part 1944 of this chapter.

List of Subjects

7 CFR Part 1944

Loan programs—housing and community development, Low and moderate income housing, Mortgages, Rural housing, Subsidies.

7 CFR Part 1951

Account servicing, Low and moderate income housing loans.

Accordingly, Chapter XVIII, Title 7 Code of Federal Regulations is amended as follows:

PART 1944—HOUSING

1. The authority citation for Part 1944 continues to read as follows:

Authority: 42 U.S.C. 1480; 7 CFR 2.23; 7 CFR 2.70.

Subpart A—Section 502 Rural Housing Loan Policies, Procedures and Authorizations

2. Section 1944.17 is amended by adding paragraph (e) to read as follows:

§ 1944.17 Maximum loan amounts.

* * * * *

(e) When FmHA is refinancing the loan of an existing FmHA borrower in accordance with § 1951.315 of Subpart G of Part 1951 of this chapter, the debt may exceed the market value of the security property to the extent necessary to refinance the borrower's outstanding indebtedness plus closing costs required in connection with the refinancing.

3. Section 1944.22 is amended by revising paragraph (a) to read as follows:

§ 1944.22 Refinancing debts.

(a) Refinancing of FmHA debts, except as authorized under § 1951.315 of Subpart G of Part 1951 of this Chapter, and debts on a building site without a dwelling is not authorized.

* * * * *

4. Section 1944.33 is amended by revising paragraph (f) to read as follows:

§ 1944.33 Loan closing.

* * * * *

(f) *Direct payments.* Direct payment coupons for all new borrowers, including transferees, will be retained in the County Office until the borrower has made at least six monthly payments on time. The coupons may then be delivered to the borrower and payments made directly to the Finance Office. Payments made to the County Office will be handled in accordance with Subpart B of Part 1951 of this chapter.

* * * * *

5. Section 1944.34 is amended by revising paragraph (i)(3)(ii) to read as follows:

§ 1944.34 Interest credit.

* * * * *

(i) * * *

(3) * * *

(ii) *Decreased adjusted income.* Changes in interest credit will not be made unless the borrower's income is reduced by at least 30 percent. The 30-percent reduction will be from the income on which the current interest credit agreement is based. If the change is determined within 3 months prior to the anniversary date of the agreement currently in effect, the change will be effective on the anniversary date.

* * * * *

PART 1951—SERVICING AND COLLECTIONS

6. The authority citation for Part 1951 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

7. Subpart G is revised to read as follows:

Subpart G—Borrower Supervision, Servicing and Collection of Single Family Housing Loan Accounts

Secs.

1951.301–Purpose.
1951.302–Authorities and responsibilities.
1951.303–State supplements.
1951.304–1951.306 [Reserved].
1951.307–Supervision.
1951.308–Payment coupons and changes in payment plan.
1951.309–Receiving and applying payments.
1951.310–Amortization of recoverable cost.
1951.311–Finance Office responsibilities.
1951.312–Servicing.
1951.313–Moratoriums
1951.314–Reamortizations.
1951.315–Refinancing.

Secs.
1951.316–Servicing a note-only loan.
1951.317–Servicing the account of a borrower who enters active military duty after a loan is closed.
1951.318–Exception authority.
1951.319–1951.350 [Reserved]

Subpart G—Borrower Supervision, Servicing and Collection of Single Family Housing Loan Accounts

§ 1951.301 Purpose.

This subpart sets forth policies and procedures of the Farmers Home Administration (FmHA) to ensure that in borrower supervision, servicing and collection of Single Family Housing Loan Accounts, all authorities are considered and used to assist borrowers to become successful homeowners, thereby reducing the number and amount of borrower delinquencies and borrower failures resulting in liquidation of the account. This subpart pertains to all section 502 and 504 Rural Housing (RH) loans (except RH loans for farm service buildings) herein referred to as Single Family Housing (SFH) borrowers, including those who are also indebted for a Farmer Program loan, i.e., farm ownership (FO), operating (OL), soil and water (SW), recreation (RL), emergency (EM), economic emergency (EE), economic opportunity (EO), and special livestock (SL) loan. Farmer Program loans and RH loans for farm service buildings wil be serviced in accordance with applicable farmer program servicing regulations. It does not apply to borrowers who assumed RH loans, or have purchased inventory housing by credit sale, on ineligible terms unless refinanced in accordance with § 1951.315 of this subpart. These are nonprogram (NP) loans, not SFH loans, and will be collected in accordance with Subpart B of Part 1951. SFH cases where unauthorized loan or other financial assistance has been received will be serviced according to Subpart M of Part 1951 of this chapter. In executing the authorities provided in this subpart, FmHA will observe requirements of the Equal Credit Opportunity Act (ECOA) which prohibits discrimination on the basis of race, color, religion, national origin, sex, marital status, age, or handicap.

§ 1951.302 Authorities and responsibilities.

County Supervisors or delegated representatives are responsible for borrower supervision, servicing and collection of all SFH loans as prescribed by this subpart under the general guidance and supervision of District Directors and State Office personnel. Where a servicing and collection contract has been entered into between the FmHA National Office and a contractor, the contractor is responsible for servicing and collection actions required by the contract for loans covered by the contract. Any such contracts shall be entered into subject to the provisions of OMB Circular A–76 and Federal Acquisition Regulations (48 CFR, Chapter 1).

§ 1951.303 State supplements.

Except for instructions on how to implement a State-wide tickler system and procedures recommended by the Office of the General Counsel based on State law requirements, State supplements will normally not be issued for this subpart. Any State supplements proposed must be submitted to the National Office for approval prior to issuance.

§§ 1951.304–1951.306 [Reserved]

§ 1951.307 Supervision.

Supervision and counseling will be provided when deemed necessary to give borrowers an opportunity to become successful homeowners, thereby accomplishing the objectives of the loan.

(a) *Supervising and counseling borrowers.* When it is known that borrowers are experiencing financial difficulties or other problems, or when borrowers request assistance, the County Supervisor should counsel them on use and cost of credit, conserving energy, property maintenance, and applicable FmHA authorities and requirements. When deemed necessary, the County Supervisor will assist in development of a budget to help borrowers make the best use of their resources.

(b) *Use of counselors from other sources.* FmHA may enter into a Cooperative Agreement with a nonprofit corporation, public body, or other agency or organization which has employees with training and experience in counseling services. When an Agreement of this type is in effect, the County Supervisor will refer borrowers for counseling in compliance with paragraph (b)(1) through (4) of this section when he/she determines such counseling may be beneficial to the borrower. The authority and requirements for entering and participating in a Cooperative Agreement for counseling services are as follows:

(1) County Supervisors are authorized to enter into Cooperative Agreements with nonprofit corporations and public bodies which employ qualified housing counselors. The counseling Agency will provide free counseling to the FmHA borrower and neither the counseling Agency nor the Counselor will receive payment from the borrower or FmHA. The Cooperative Agreement will be in the form of Exhibit A (available in any FmHA Office) unless an exception is authorized by the National Office.

(2) In counties where a Cooperative Agreement is in effect and the Counseling Agency will be counseling delinquent borrowers, the County Supervisor will send a letter to each borrower who the County Supervisor determines needs assistance in order to overcome the delinquency problem. This letter is to introduce the counseling program to delinquent borrowers and encourage their participation (see Guide Letter 1951–G–8). When the borrower has agreed to participate by signing and returning the letter, the counselor will be notified and provided the information in the borrower's case file which is needed for effective counseling.

(3) The County Supervisor, with assistance from the District Director and State Office staff, if necessary, will provide necessary training in FmHA loan policies and servicing policies to the counselors.

(4) When a borrower is referred to a counselor, the County Supervisor will take no liquidation action for 1 month to allow a repayment agreement, acceptable to FmHA, to be worked out with the counselor. An account is considered referred after Guide Letter 1951–G–8 is executed by the borrower and the counselor notified.

(c) *Technical and Supervisory Assistance (TSA) grants.* In counties or areas in which TSA grants have been funded and implemented, the County Supervisor will refer to the grantee FmHA low-income borrowers who need counseling and supervisory assistance as defined in Subpart K of Part 1944 of this chapter, and recommend their participation.

§ 1951.308 Payment coupons and changes in payment plan.

(a) *Issuing payment coupons.* A booklet of 12 payment coupons and envelopes is provided initially for each borrower. The Finance Office will mail the payment coupons to the County Supervisor who will forward them to the borrower or keep them in the County Office depending on the status of the borrower's account. The County Supervisor will use Form FmHA 451–34, "Direct Payment Plan Change," to request new coupons when not automatically provided by the Finance Office. The Finance Office will automatically provide a new booklet of 12 coupons and envelopes when:

(1) The tenth coupon in the booklet is processed in the Finance Office;

(2) The required monthly payment is changed for one of the following reasons:

(i) Recoverable cost is charged to the borrower's account.

(ii) Form FmHA 451–37, "Additional Partial Payment Agreement," is processed.

(iii) A subsequent loan is closed.

(iv) The final payment of an advance or subsequent loan is paid.

(v) An account rescheduled by use of Form FmHA 451–37 becomes current.

(vi) An Interest Credit Agreement is placed in effect.

(vii) An Interest Credit Agreement is cancelled or renewed for a different amount.

(viii) The account is reamortized.

(b) *Changes in payment plan*—(1) *From annual payment to monthly payment.* With their concurrence, borrowers may be converted at anytime from annual payments to the monthly payment plan by using Form FmHA 451–34, completed in accordance with the Forms Manual Insert (FMI). The County Office must be careful not to create a delinquency when making this conversion. When the form is processed in the Finance Office, the required monthly payments will be established as 1/12th of the annual installment. Cents will be rounded to the next higher dollar.

(2) *From monthly payments to annual payment.* Borrowers with annual payment notes who voluntarily converted to the monthly payment plan may be removed from the monthly payment plan upon request provided their account is current. The change will be accomplished by completing Form FmHA 451–34.

(c) *Subsequent loan payments.* Initial and subsequent loans of the same loan type must be on the same payment plan and payments must be due on the same date. When a subsequent loan is closed, it will be on the payment plan *in effect* for the initial loan. The Finance Office will issue payment coupons which reflect the combined payments on all loans. The monthly payment due date shown on the coupons will be that required by the initial loan; however the first installment on the subsequent loan will not be due within 15 days after closing.

§ 1951.309 Receiving and applying payments.

(a) *Payments on accounts*—(1) *Payments to Finance Office.* Normally, borrowers will mail their payments directly to the Finance Office in one of the envelopes provided with the coupon booklet. However, for all new borrowers, the payment coupons will be held in the County Office for at least the first six payments or for a longer period of time if needed to determine that borrowers understand their responsibility to make payments in a timely manner.

(2) *Payments to County Office.* Direct payments may be accepted in the County Office or in the field by employees listed in Exhibit B of Subpart B of Part 1951 of this chapter (available in any FmHA office). Payments received will be processed in the manner outlined in Subpart B of Part 1951 of this chapter.

(b) *Application of payment.* The definitions of regular payments, extra payments, and refunds in Subpart A of Part 1951 of this chapter apply to this subpart.

(1) *Regular payments.* Regular payments will be applied by the Finance Office in the following order of priority.

(i) Advances for recoverable cost in the amount necessary to keep the advance accounts current. Payments on amortized advances can only be applied to the amortized advance in full monthly increments. Partial payments are not applied to the amortized advance, but to any outstanding unamortized advance until paid in full before it is applied to the borrower's loan account.

(ii) Unamortized advances.

(iii) Accrued interest on the note account.

(iv) Principal on the note account.

(2) *Payments insufficient to pay amount due.* When a borrower who has more than one loan of the same type makes a payment in an amount insufficient to pay the amount then due, the payment shall be applied on a prorata basis to each loan according to the amount then due. For delinquency reporting purposes, a borrower with more than one loan of the same type will be considered delinquent if the payments received are less than the combined amounts due on all loans of the same type.

(3) *Extra payments and refunds.* Extra payments and refunds will be credited to the borrower's note account(s) as of the date of the Form FmHA 451–2, "Schedule of Remittances" and will be applied as prescribed in paragraph (b)(1) of this section. Extra payments and refunds do not relieve borrowers from making their next scheduled payment.

§ 1951.310 Amortization of recoverable cost.

When an advance is made by FmHA to pay recoverable costs, the Finance Office will automatically increase the payments during the amortization period by the amount necessary to repay the advance. The advance will bear interest at the rate which is in effect for the loan to which the advance is charged (as specified on SF–1034, "Public Voucher for Purchases and Services other than Personnel," and Form FmHA 2024–1, "Miscellaneous Payment System").

(a) *Monthly payment borrowers.* If there is an outstanding balance from a previous advance when a new advance is made, the two amounts will be combined and amortized as specified in this section. If the new installment is less than the previous installment, the larger of the two will be used, thus causing the balance to be paid over a shorter period.

(1) *Payment of real estate taxes.* When a borrower's taxes are paid by voucher as authorized in § 1965.105 of Subpart C of Part 1965 of this chapter, the amortization period of the tax advance will be the number of months for which the taxes are being vouchered and will be stated on the voucher.

(2) *Costs other than real estate taxes.* Advances for costs other than real estate taxes will automatically amortized for 12 months unless the County Supervisor determines that, based on the borrower's repayment ability, a longer period is needed and so specifies on the voucher. An amortization period of more than 12 months will be used only when the cost is of a nonrecurring type. In no case, however, will the repayment period exceed 8 years.

(b) *Annual payment borrowers.* Recoverable costs will be automatically due and payable for annual payment borrowers on the next payment due date, unless the County Supervisor determines, based on the borrower's repayment ability, that a longer period is needed and so specifies on the voucher. The advance can be prorated for more than one annual payment under the conditions specified in paragraph (a) of this section.

(c) *Scheduling adjusted loan payments.* A copy of Form FmHA 451–26, "Transaction Record," will be sent to the County Office when a recoverable cost is charged to an account. The first increased payment will be due on the first regular monthly due date occurring 30 or more days after the charge is made to the account.

§ 1951.311 Finance Office responsibilities.

(a) *Monthly status report.* The Finance Office will provide each County Office with a monthly report showing the unpaid balance of interest and principal, daily interest accrual, date of last payment, and schedule status of each borrower. Separate reports will be

prepared for monthly payment borrowers and annual payment borrowers. The Finance Office will provide each State Office with a monthly report showing the number of delinquent monthly and annual payment borrowers in each County Office.

(b) *Annual statement.* At the end of each calender year, the Finance Office will send each borrower a statement showing the unpaid loan balance and the total amount of principal and interest paid during the year. If the borrower received subsidy that is subject to recapture, the annual statement will also show the cumulative interest credit granted on the loans.

§ 1951.312 Servicing.

The County Supervisor will use all the authorities available to give borrowers an opportunity to become successful homeowners. Every effort should be made to reduce the number and amount of borrower delinquencies and failures resulting in liquidation of the account. When foreclosure is recommended for failure to make scheduled FmHA payments, the account will not be accelerated unless the loan is at least 3 payments delinquent. To assure that effective use is made of those authorities, follow up and monitoring procedures must be established. The County Office will develop a monitoring (tickler) system for all new and delinquent borrowers that are required to make their payments to the County Office. (See Exhibits B and C available in any FmHA Office.) Offices with a Multi-Function Work Station will monitor borrowers on the system established in the Automated Field Management System. The tickler will be worked daily to assure that borrowers who did not make the payments scheduled for the previous day are promptly contacted. The monthly Finance Office status printout will be reviewed upon receipt to identify and promptly service new past due accounts. The District Director will review delinquent accounts at least quarterly to determine if appropriate servicing actions are being taken and desired results are being attained. All actions taken, agreements reached and recommendations made in the servicing of a borrower account are to be documented. Account servicing includes the following:

(a) *Hold payment coupons.* The County Supervisor will hold payment coupons for all new borrowers for at least 6 months and for delinquent borrowers until the delinquency is removed and the County Supervisor believes that payments will be made as scheduled.

(b) *Interest credit.* When servicing loan accounts, County Supervisors will make sure that borrowers are receiving all of the interest credit assistance for which they are eligible as provided for in § 1944.34 of Subpart A of Part 1944 of this chapter.

(c) *Moratorium.* When it is known (or if it appears) that circumstances exist which may entitle a borrower to a moratorium, the County Supervisor will provide the borrower with Form FmHA 1951–23, "Moratorium on Payment (Section 502/504 Loans)," on which to apply for a moratorium to be processed in accordance with § 1951.313 of this subpart.

(d) *Rescheduled payment agreements.* Delinquent borrowers are expected to bring their accounts current as soon as possible, based on their ability to repay as determined by a completed Form FmHA 431–3, "Household Financial Statement and Budget." Borrowers who are able will pay all or a substantial portion of the delinquent amount in a single payment. Those unable will pay a larger than scheduled regular payment until the account is current. The remaining delinquent balance should usually be paid within 2 years but in no case will the repayment period exceed the remaining term of the loan. The borrower's circumstances will be reviewed annually to determine if the remaining delinquent balance can be paid in full or if the additional payment amount should be increased.

(1) If the account can be brought current in four payments or less an agreement will be reached with the borrower, documented and recorded on the tickler system but not sent to the Finance Office.

(2) Borrowers who need more than 4 months to repay a delinquency will execute Form FmHA 451–37 which will be recorded on the tickler system and sent to the Finance Office. Form FmHA 451–37 must be completed for each loan and the amount of the additional partial payment must be at least $10 per month for each borrower. The County Supervisor may enter into only one agreement with a borrower in any 1-year period. Prior authorization from the District Director is required for any additional agreements during this 1-year period.

(e) *Systematic method to service accounts of delinquent borrowers.* The following method is to be followed in servicing each delinquent housing account. If letters are sent in lieu of personal contact then Guide Letters 1951–G–1, 2, 3, 4, 5, and 6 will be used unless letters with different wording are incorporated into a State supplement which has received prior approval of the National Office. Although a sufficient number of servicing letters are needed to document that borrowers have been notified of benefits which may be available to them, the County Supervisor must be aware that personal contact, either by telephone or in person, is more effective. Borrowers who have declared bankruptcy under the Federal Bankruptcy Code will be serviced as provided in § 1965.117 of Subpart C of Part 1965 of this chapter.

(1) *First notice.* A borrower will be contacted as soon as the County Office becomes aware of a delinquency. This will be when a borrower first misses a payment; however, an existing delinquent borrower who has not previously been contacted will also be serviced in accordance with paragraph (e) of this section. In many cases, this initial contact will determine the success or failure of future servicing efforts. Borrowers scheduled to make payments in the County Office will be contacted by phone, personal visit, or Guide Letter 1951–G–1 the day following the due date of a missed payment. Borrowers paying direct to the Finance Office will be contacted by phone, personal visit, or Guide Letter 1951–G–1 immediately after the County Supervisor becomes aware of the missed payment.

(i) If the contact is by phone, the borrower will be advised as to the amount of the delinquency and an agreement should be reached that the payment will be remitted that same day. If the contact is by personal visit, a payment should be collected. In either case, if the borrower can't make the payment that day, the County Supervisor will discuss the situation with the borrower and set a specific date when the payment will be made. This date will be recorded on the tickler system.

(ii) If the contact is by letter, the borrower will be informed of the delinquent amount and that payment should be remitted that day.

(iii) If the contact results from this initial servicing effort but a payment is not received or a payment date agreed upon, the borrower will be scheduled into the County Office in accordance with § 1951.312(e)(3) of this subpart.

(2) *Second notice.* If, within 10 days, no response has been received to the initial delinquency contact, the County Supervisor will send Guide Letter 1951–G–2 notifying the borrower that the required payment has not been received and informing the borrower that interest credit or a moratorium may be available.

(3) *Third notice.* If within 10 days no response has been received to the second notice the County Supervisor will send Guide Letter 1951–G–3. The letter will schedule an appointment for a County Office visit. Form FmHA 431–3 will be attached and the borrower will be requested to complete the form and bring the payment coupons to the FmHA office.

(i) During the borrower's visit a payment should be collected and the Form FmHA 431–3 reviewed to determine if the borrower has repayment ability. If a payment is not received to bring the account current, the following items will be discussed and appropriate action taken:

(A) Is the borrower willing and able to make additional payments in excess of the scheduled payment to bring the account curent?

(B) Is the borrower eligible for interest credit assistance or additional interest credit?

(C) Does the borrower qualify for a moratorium?

(ii) If the borrower does not qualify for a moratorium or additional interest credit and cannot or is not willing to make a firm commitment to bring the account current, the County Supervisor will discuss voluntary liquidation of the account. The following options listed in the order of preference will be discussed with the borrower:

(A) *Sale of the property.* The borrower will be advised that sale of the property will provide an opportunity to recover any equity the borrower may have acquired. If the borrower agrees to attempt to sell, a reasonable time (usually 120 days) will be allowed to complete the sale. If the house remains suitable for the SFH program, the borrower will be informed of the possibility of assumption of the FmHA debt by an FmHA applicant in accordance with § 1965.126 of Subpart C of Part 1965 of this chapter.

(B) *Voluntary conveyance.* If the borrower is unable to sell the property within a reasonable period, voluntary conveyance to the Government will be considered. If the property is conveyed, the borrower will be informed that the property will have to be vacated, title will transfer to the government and any equity they might have in the property will be lost.

(C) *Foreclosure.* If the borrower does not liquidate voluntarily, explain that foreclosure will be initiated.

(4) *Fourth notice.* If the borrower does not respond to the County Supervisor's letter or fails to keep the scheduled appointment, the County Supervisor will immediately send Guide Letter 1951–G–4, notifying the borrower of the items in paragraphs (e)(3)(i) and (e)(3)(ii) of this section, and advising that the account will be referred to the District Director if FmHA is not contacted within 10 days.

(5) *Fifth notice.*

(i) If within 10 days the borrower does not respond to the County Supervisor's letter the District Director will send Guide Letter 1951–G–5 notifying the borrower of the previous efforts to assist and advising that foreclosure will be initiated if payment is not received or satisfactory arrangements made to bring the account current.

(ii) If there is no response to Guide Letter 1951–G–5 within 10 days, no further contact is required. The County Supervisor will prepare Form FmHA 1955–2, "Report on Real Estate Problem Case," recommending foreclosure and send to the District Director if the account is at least 3 payments delinquent. Exception. Refer to paragraph (e)(6) of this section.

(iii) The District Director will review the file and decide if appropriate action has been taken by the County Supervisor to adequately service the account in an effort to give the borrower an opportunity to become a successful homeowner. If the District Director determines that appropriate action has been taken in servicing the account, that further servicing efforts will not result in the borrower meeting loan obligations, and the account is at least 3 payments delinquent the District Director will accelerate the account according to Subpart A of Part 1955 of this chapter. The acceleration decision will be deferred until it can be determined if the borrower is eligible for interest credit or a moratorium in situations where the spouse has been living apart from the borrowers family for less than 6 months and separation or divorce proceedings have not been initiated. If the District Director determines that additional servicing efforts are appropriate, the County Supervisor will be instructed regarding actions to be taken. If the County Supervisior cannot work out an agreement with the borrower, the file will be returned to the District Director for initiation of foreclosure action.

(6) *Supplemental Contacts.* The circumstances of all borrowers encountering problems will not be the same as described in paragraphs (e)(1) through (e)(5) of this section. Some borrowers are chronically 1 or 2 payments behind schedule and others continually default on payment agreements and fail to keep appointments. Once the requirements of paragraphs (e)(1) through (e)(5) of this section are completed, it would be ineffective, in many cases, to continually repeat these contacts. In these cases Guide Letter 1951–G–6 or any preapproved guide letter may be used for future contacts. The County Supervisor must be very firm and persistent in servicing these borrowers since in many cases it is difficult or impossible for them to bring the account current. If during the past 24 months an account was accelerated for being at least 3 payments over due and after reinstatement the borrower remains unable or unwilling to bring and keep the account current the County Supervisor may recommend foreclosure when the account becomes 2 payments over due.

§1951.313 Moratoriums.

(a) *Definitions.* As used in this section:

(1) *Moratorium.* A period of up to 2 years during which scheduled payments are deferred for payment at a later date.

(2) *Scheduled payments.* The amount of the monthly or annual installment on a promissory note as modified by any Interest Credit Agreement, Additional Partial Payment Agreement or other documented agreements between FmHA and the borrower.

(3) *Temporary.* For the purposes of this regulation, temporary is a period of time not to exceed a 2-year duration. For example, it would not be appropriate to grant a moratorium during each period of unemployment to a borrower with an unstable employment history. This condition (unemployment) could not be considered temporary.

(4) *Unduly impaired standard of living.* An adverse condition, based on circumstances beyond the borrower's control, exceeding a normal or reasonable financial setback, that temporarily prevents a borrower from meeting necessary living expenses and scheduled payments.

(b) *Eligibility requirements.* The County Supervisor will provide the borrower Form FmHA 1951–23 when he/she becomes aware of existing circumstances which may entitle a borrower to a moratorium or if the borrower requests a moratorium without filing the form. All of the following conditions must exist before a moratorium can be granted:

(1) The borrower is temporarily unable for the following reasons to continue making scheduled payments without unduly impairing his or her standard of living. Form FmHA 431–3 will be completed to make this determination.

(i) Income reduction of at least 30 percent. If the borrower is currently receiving interest credit, the 30 percent reduction will be from the income on

which the current interest credit agreement is based. If the borrower is not receiving interest credit, the 30 percent reduction will be from the gross income reported on the borrower's last federal income tax return. If an income reduction of 30 percent is verified, the County Supervisor will prepare Form FmHA 1944–A6, "Interest Credit Agreement" if the borrower is eligible for interest credit, or change the current agreement if additional interest credit is authorized. A 30 percent reduction by itself does not make a borrower eligible for a moratorium. The budget must indicate that the borrower's standard of living will be unduly impaired if payments with the maximum authorized interest credit are continued, or

(ii) The need to pay unexpected and unreimbursed expenses resulting from an accident, illness, injury or death of a family member or damage to the security property if adequate insurance coverage was unavailable.

(2) The borrower must occupy the dwelling unless the dwelling is determined by FmHA to be uninhabitable.

(3) The borrower's account has not been accelerated.

(4) The borrower agrees to notify the County Supervisor if the circumstances on which the moratorium was based change and agrees to keep real estate taxes and hazard insurance premiums current during the moratorium period.

(c) *Granting a moratorium.* A moratorium on scheduled payments will be granted when:

(1) The borrower has made written request on Form FmHA 1951–23.

(2) The County Supervisor has verified the accuracy of the information provided and determines that the borrower is receiving all authorized interest credit and meets all the moratorium eligibility requirements.

(d) *Approval authority.* The County Supervisor is authorized to approve or disapprove a request for moratorium. The borrower will be notified in writing of the action taken within 15 days after the completed Form FmHA 1951–23 has been received in the County Office. If the moratorium is approved, Part 2 of Form FmHA 1951–23 will be completed and the form sent to the borrower. Form FmHA 1951–6, "Borrower Account Description Flag," will be sent to the Finance Office. If the moratorium is denied, the borrower will be notified in accordance with paragraph (e) of this section, and §1910.6 (b)(1) of Subpart A of Part 1910 of this chapter.

(e) *Moratorium period.* (1) A moratorium will be in effect until cancelled for a period not to exceed 2 years. The borrower's circumstances will be reviewed annually but the moratorium will be cancelled anytime the reason for the moratorium no longer exists.

(2) A moratorium may be retroactive for up to 90 days prior to the date the request for a moratorium was received in the County Office if the circumstances for which the moratorium is to be granted existed during that time. In situations under § 1944.5 (d)(11) of Part 1944 of this chapter where the income of a spouse living apart from the borrower family is included, the moratorium may be retroactive for up to 90 days prior to either the date the moratorium request was received or the end of the 6 month period, whichever is later.

(f) *Annual Review.* (1) For borrowers receiving interest credit, the borrower's circumstances will be evaluated during the annual interest credit review to determine if a moratorium is still justified. For borrowers not receiving interest credit the borrower's circumstances will be reviewed annually on the anniversary date of the moratorium. If circumstances warrant the moratorium will continue in effect, otherwise it will be cancelled. If the borrower does not respond to the annual request, the moratorium will be cancelled. There will be no appeal of this cancellation. A moratorium will never continue for a period of more than 2 years.

(2) If the moratorium was granted to pay unexpected and unreimbursed expenses the borrower must show that an amount at least equal to the house payments that were deferred has been applied toward the expense, or the moratorium will be cancelled. A follow up should be scheduled if the deferred house payments will pay off the expenses prior to the annual review.

(3) The County Supervisor will remind the borrower that a moratorium on payments does not relieve him/her of the responsibility of paying real estate taxes and hazard insurance premiums during the moratorium period.

(g) *Action at the end of the moratorium period.* At the end of the moratorium period, the County Supervisor will verify the borrower's annual income and obtain a current budget to determine the borrower's repayment ability. The borrower will be advised by letter of the action taken, the reasons for the action, and the new repayment schedule.

(1) Borrowers who can bring the account current within 2 years by paying the payments which were deferred during the moratorium period, in addition to the regularly scheduled payments, will execute Form FmHA 451–37 to establish a new repayment schedule.

(2) When a borrower cannot bring the account current within 2 years through the use of Form 451–37, the loan will be reamortized within the remaining term of the loan.

(3) When a borrower does not have repayment ability if the loan were reamortized within the remaining term of the loan, the loan may be reamortized for the remaining term of the loan plus a period not to exceed the total time a moratorium was in effect. If the loan was not originally scheduled for the maximum legal term, the loan can be reamortized for the maximum legal term of the loan plus a period not to exceed the time the moratorium was in effect, less the number of years the loan has been outstanding. Fees for title clearance and legal services need to assure that the Government's lien priority is retained may be charged to the borrower's account as recoverable costs.

(4) Cancellation of interest accrued during the moratorium will be considered for borrowers whose payments after the moratorium period exceed 20 percent of their adjusted income with maximum interest credit. Part or all of the accrued interest will be cancelled when reamortization over the maximum authorized period will not result in payments which are within the borrower's repayment ability. If the determination is made that the borrower cannot make scheduled payments without cancellation of part or all of the interest which accrued during the moratorium, the County Supervisor will determine how much interest must be cancelled to enable the borrower to repay the loan during the maximum authorized period. The County Supervisor will advise the Finance Office by memo of the amount of interest cancelled, and this amount will be deducted from the balance owed in determining a new repayment schedule.

(5) If after 2 consecutive years of moratorium the borrower is still unable to make scheduled payments, even if the account were reamortized, all authorized interest credits were granted, and interest accrued during the moratorium were cancelled, the account must be liquidated.

(h) *Cancellation.* A moratorium may be cancelled at any time during the moratorium period if the County Supervisor determines that the reason for the moratorium no longer exists. If cancelled, Form FmHA 1951–6 will be sent to the Finance Office and the borrower will be notified in writing with appeal rights given according to

paragraph (k) of this section. Form FmHA 451–37 will be executed to establish a new repayment schedule and the borrower will be notified in writing of the new payment amount.

(i) *Interest accrual.* Interest will accrue during the moratorium at the rate shown on the promissory note as modified by any Interest Credit Agreement in effect. Interest credit will be granted and renewed throughout the period a moratorium is in effect for borrowers eligible for interest credit as authorized in Subpart A of Part 1944 of this chapter.

(j) *Notification of moratorium provision.* Applicants and borrowers will be advised of the availability of moratorium relief as follows:

(1) During the applicant interview as required in Subpart A of Part 1944 of this chapter.

(2) In borrower servicing contacts as required in § 1951.312 of this subpart.

(k) *Appeal rights.* The borrower will be advised in writing of the right to appeal as provide in Subpart B of Part 1900 of this chapter when a moratorium request is denied, if a moratorium is cancelled, or the interest accrued during the moratorium is not cancelled unless:

(1) The request or cancellation was based on loss of income and the reduction did not equal at least 30 percent of the borrower's confirmed income.

(2) The moratorium terminated because it was in effect for a total of 2 years.

(3) The accrued interest was not cancelled because the borrower's payments after the moratorium did not exceed 20 percent of income.

(4) The borrower failed to provide information during the annual review period.

(l) *Waiting period.* There is no waiting period between moratoriums provided the condition on which the later moratorium is granted differs from the first one.

§ 1951.314 Reamortizations.

Reamortizing section 502 and 504 RH loans extends loan payments to the maximum authorized repayment period, or rearranges the payments within the remaining years of the original repayment period.

(a) *Conditions.* RH loan accounts may be reamortized under any of the following circumstances:

(1) When the borrower has made extra payments or refunds totaling 10 percent or more of the loan balance and the County Supervisor determines that the borrower cannot reasonably be expected to meet the obligation unless the account is reamortized to substantially reduce the annual or monthly installments;

(2) At the end of the moratorium period in accordance with § 1951.313(g) of this subpart;

(3) When an individual farmer program loan for real estate purposes or a section 502 or 504 HR loan is being made to a presently indebted section 502 or 504 RH borrower, and the loan approval official determines that the borrower cannot reasonably be expected to meet installments due unless the account is reamortized.

(4) When the loan was not originally scheduled for the maximum legal term and the security life of the property is such that the term can be extended, the loan can be reamortized for the maximum legal term less the number of years the loan has been outstanding provided the County Supervisor determines that the borrower's financial condition has changed and the borrower cannot reasonably be expected to meet the obligation unless the account is reamortized. Fees for title clearance and legal services needed to assure that the Governments lien priority is retained may be charged to the account as recoverable costs.

(5) When an unauthorized loan or unauthorized interest credit has been serviced in accordance with Subpart M of Part 1951 of this chapter, and the reversal and reapplication of payments have resulted in a delinquency which requires more than 2 years for the borrower to repay under Form FmHA 451–37.

(6) When a delinquency developed in connection with a same terms assumption processed prior to October 31, 1985.

(7) To bring a delinquent account current when an assumption on same terms is processed as authorized in § 1965.126(c)(2) of Subpart C of Part 1965 of this chapter.

(8) When a decision has been made under Subpart A of Part 1951 of this chapter to reamortize, reschedule or consolidate the farmer program loans of a borrower who also has an RH loan.

(b) *Required actions.* The following actions will be taken:

(1) Form FmHA 452–2, "Reamortization and/or Deferral Agreement," Form FmHA 1965–22, "Information on Assumption on New Terms or Other Change of Terms," and Form FmHA 1965–23, "Supplemental Information on Assumption and/or Change of Terms," will be completed in accordance with the FMI.

(2) If the note or assumption agreement being reamortized is not held in the County Office, the County Supervisor will obtain the promissory note and any assumption agreement from the Finance Office before processing the reamortization.

(3) On the back of the original note or assumption agreement, below all signatures and endorsements, the County Supervisor will insert the following: "A Reamortization and/or Deferral Agreement dated _____, 19____, in the principal sum of $_____, has been given to modify the payment schedule of this note."

(4) The end of the amortization period will be the final due date of the note being reamortized unless the due date is extended in accordance with § 1951.313(g)(3) of § 1951.314(a)(4) of this subpart.

(5) Interest rate on the loan will be unchanged. If the borrower qualifies for interest credit following reamortization of the account, a new Form FmHA 1944–6, "Interest Credit Agreement (Section 502 RH Loans)," will be attached to Form FmHA 452–2 and submitted to the Finance Office.

§ 1951.315 Refinancing.

Refinancing of section 502 loans is authorized when the property is suitable and either interest credit would not be available because the loan was approved prior to August 1, 1968, or the loanwas made as an above-moderate income or NP loan and the borrower would now be eligible for a loan with interest credit and, through circumstances beyond the borrower's control, the borrower is in danger of losing his/her home. Refinancing will be accomplished in accordance with § 1944.22(a) of Subpart A of Part 1944 of this chapter and will be for the amount of the FmHA debt plus closing costs if necessary.

§ 1951.316 Servicing a note-only loan.

A loan made on a note-only basis will be serviced in a manner which is in the Government's best interest.

(a) *Sale of real property improved with note-only funds.* When property which was improved with note-only funds is sold, the County Supervisor will attempt to collect the balance owed on the loan. If collection cannot be made, the debt may be assumed by the purchaser of the property on the terms of the note. If collection or assumption cannot be effected, the debt should be settled under Part 1864 of this chapter (FmHA Instruction 456.1), if possible, or reclassified to collection-only if the borrower has assets and a judgment is to be sought.

(b) *Note-only in connection with secured loan(s).* When a borrower owes both secured and RH note-only loans

and the security property is transferred to a party who will assume the secured loan(s), the amount to be assumed will be the total of the secured and unsecured loans, not to exceed the market value of the security property. When all of the transferor's debt is not assumed, the balance will be collected, secured by a judgment if there are assets from which collection may be made, or settled under Part 1864 of this chapter (FmHA Instruction 456.1).

(c) *Deceased borrower.* When a note-only borrower dies, the County Supervisor will determine if there are relatives who will repay the loan. If payments are not made, the County Supervisor will determine whether there are assets in the borrower's estate from which a claim may be collected. If there are assets, a claim against the decedent's estate may be recommended under § 1962.49 of Subpart A of Part 1962 of this chapter. If not, the debt will be settled under Part 1864 of this chapter (FmHA Instruction 456.1).

§ 1951.317 Servicing the account of a borrower who enters active military duty after a loan is closed.

The Soldiers and Sailors Relief Act requires that the effective interest rate charged a borrower who enters active military duty after a loan is closed will not exceed 6 percent. This applies only to full-time active military duty, and does not include military reserve status or National Guard participation. When the borrower or the borrower's dependents are occupying the security property, the borrower may be entitled to interest credit which would result in an effective interest rate lower than 6 percent. Therefore, such a loan will accrue interest at the lesser of the effective interest rate under an interest credit agreement or at 6 percent for as long as the borrower is in active military duty status.

(a) *Responsibility.* The County Supervisor when made aware that a borrower has entered active military duty is responsible for determining the status of the borrower under this section, notifying the borrower of this entitlement, and notifying the Finance Office of appropriate interest rate changes.

(b) *Notification to Finance Office*—(1) *To initiate.* If the borrower is entitled to interest credit, after preparation of the interest credit agreement but before submission to the Finance Office, the County Office personnel will contact the Finance Office by telephone to determine what the effective interest rate will be under the interest credit agreement. If the interest credit agreement prepared according to the FMI for Form FmHA 1944–6 will result in an effective interest rate of less than 6 percent, the agreement will be processed according to Subpart A of Part 1944 of this chapter and the FMI for Form FmHA 1944–6. When the borrower is not entitled to interest credit or where the effective interest under an interest credit agreement would be more than 6 percent, the County Supervisor will request the Finance Office by memorandum to accrue interest on the account at an effective interest rate of 6 percent beginning on the date of the memorandum or the date of last payment, whichever is later, until further notice. The assistance under this section may not be retroactively applied.

(2) *To terminate.* When a borrower is receiving the assigned 6 percent interest rate (not interest credit), and the County Supervisor becomes aware the borrower is no longer in active military duty status, the Finance Office will be notified by memorandum to terminate the 6 percent interest rate. The County Supervisor will verify the borrower's income and if entitled to interest credit according to Subpart A of Part 1944 of this chapter, an interest credit agreement will be prepared and submitted (or changed, if applicable) or the interest rate will revert to the note rate, effective with the next scheduled payment. The 6 percent interest rate will not be canceled retroactively.

§ 1951.318 Exception authority.

The Administrator may, in individual cases make an exception to any requirement or provision of this subpart or address any omission of this subpart which is not inconsistent with the authorizing statute or other applicable law if the Administrator determines that application of the requirement or provision or failure to take action in the case of an omission would adversely affect the Government's interest and/or have an inequitable effect on a borrower. The Administrator will exercise this authority upon the request of the State Director with the recommendation of the Assistant Administrator for Housing; or upon request initiated by the Assistant Administrator for Housing. Request for exception must be made in writing and supported with documentation to explain the adverse affect, propose alternative courses of action and show how the adverse affect will be eliminated or minimized if the exception is granted.

§§ 1951.319–1951.350 [Reserved]

Dated: November 14, 1986.

Vance L. Clark,

Administrator.

[FR Doc. 87–39 Filed 1–2–87; 8:45 am]

BILLING CODE 3410–07–M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket C–3203]

Cosmo Communications Corp.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent Order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, a Miami, Fla. manufacturer and seller of telephones from misrepresenting that its phones are capable of generating the tones necessary to access alternative long distance and banking services that require touch-tone phones.

DATE: Complaint and Order issued December 12, 1986.[1]

FOR FURTHER INFORMATION CONTACT: FTC/B–407, Joel C. Winston, Washington, DC 20580. (202) 376–8648.

SUPPLEMENTARY INFORMATION: On Thursday, September 25, 1986, there was published in the **Federal Register**, 51 FR 34093, a proposed consent agreement with analysis In the Matter of Cosmo Communications Corporation, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.170 Qualities or properties of product or service; § 13.205

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 6th St. and Pa. Ave., NW., Washington, DC 20580.

Scientific or other relevant facts. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533–20 Disclosures; § 13.533–45 Maintain records; § 13.533–45(a) Advertising substantiation. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1710 Qualities or properties; § 13.1740 Scientific or other relevant facts.

List of Subjects in 16 CFR Part 13

Telephones, Trade practices.

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

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 87–36 Filed 1–2–87; 8:45 am]

BILLING CODE 6750–01–M

16 CFR Part 13

[Docket C–3204]

Viobin Corp.; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent Order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, a Monticello, Ill. manufacturer and seller of wheat germ oil products, as well as its Richmond, Va. parent company, from misrepresenting that their wheat germ oil products can help consumers improve endurance, stamina, vigor, or any aspect of athletic fitness, or that octacosanol, the active ingredient in its products, is in any way related to body reaction time, oxygen debt, or athletic performance. Additionally, respondents are required to run corrective advertising for a specified period of time.

DATE: Complaint and Order issued December 17, 1986.[1]

FOR FURTHER INFORMATION CONTACT: FTC/B–407, Brinley H. Williams, Washington, DC 20580 (202) 376–8720.

SUPPLEMENTARY INFORMATION: On Friday, October 10, 1986, there was published in the **Federal Register**, 51 FR 36406, a proposed consent agreement with analysis In the Matter of Viobin Corporation, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly: § 13.170 Qualities or properties of product or service; § 13.170–52 Medicinal, therapeutic, healthful, etc. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533–45 Maintain records; § 13.533–45(a) Advertising substantiation. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1710 Qualities or properties.

List of Subjects in 16 CFR Part 13

Wheat germ oil products, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52)

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 87–37 Filed 1–2–87; 8:45 am]

BILLING CODE 6750–01–M

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 6th St. and Pa. Ave., NW., Washington, DC 20580.

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

[T.D. 87–1]

Customs Regulations Amendment Relating to Foreign Clearances of Vessels

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document advises the public that Cambodia, Iran, Iraq, Laos, Libya, Nicaragua, and South Yemen are being added to the list of countries for which vessels may not be cleared by Customs to proceed to a foreign destination until complete outward foreign manifests and all required shipper's export declarations have been filed with the Customs district director. The document also revises the Customs Regulations pertaining to clearance of vessels with incomplete cargo declarations, incomplete export declarations, and bonds given in lieu thereof. As part of the continuing Customs program to update and revise its regulations, the document also will clarify foreign clearance procedures for carriers, importers and the public, and will greatly aid Customs in its enforcement of the export control regulations.

EFFECTIVE DATE: January 5, 1987.

FOR FURTHER INFORMATION CONTACT: Edward B. Gable, Jr., Carriers, Drawback and Bonds Division (202–566–5732).

SUPPLEMENTARY INFORMATION:

Background

Section 4.75, Customs Regulations (19 CFR 4.75), currently provides the clearance procedures for vessels bound for a foreign port or ports which have incomplete cargo declarations, incomplete export declarations, and bonds given in lieu thereof. In addition, footnote 109 to § 4.75(c) lists the countries for which vessels may not be cleared by Customs to proceed to a foreign destination until complete outward foreign manifests and all shipper's export declarations have been filed with the Customs district director. Such action is necessary as an aid to the enforcement of export laws and regulations by the Customs Service.

Customs is adding Cambodia, Iran, Iraq, Laos, Libya, Nicaragua, and South Yemen to that list of countries. Further, as part of its continuing program to update its regulations, Customs is removing footnote 109 to § 4.75(c) and placing the list of countries contained therein in revised § 4.75(c). In addition to the above changes, this document revises the existing language of § 4.75, and deletes the unnecessary citation to 50 U.S.C. 191 from the section. Footnotes 106, 107 and 108 are also being deleted, as they are unnecessary.

These changes will clarify foreign clearance procedures for carriers, importers and the public, and will greatly aid Customs in its enforcement of the export control regulations.

Executive Order 12291

It has been determined that this amendment is not a "major rule" within the criteria provided in section 1(b) of E.O. 12291, and therefore no regulatory impact analysis is required.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this final rule, the provisions of the Regulatory Flexibility Act (45 U.S.C. 601 *et seq.*) do not apply.

Drafting Information

The principal authors of this document were Glen E. Vereb and Larry L. Burton, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service Headquarters. However, personnel from other offices participated in its development.

Inapplicability of Public Notice and Delayed Effective Date Requirements

Because vessels of Cambodia, Iran, Iraq, Laos, Libya, Nicaragua, and South Yemen pose immediate potential export control risks to the U.S., it is contrary to the public interest to delay implementation of the changes by seeking comments. Because the rest of the amendment merely revises and updates existing sections of the Customs Regulations, it is impracticable and unnecessary to seek public comments. Therefore, it has been determined that good cause exists for dispensing with notice and public procedure pursuant to 5 U.S.C. 553(b)(B). Further, for the same reasons, good cause exists for dispensing with a delayed effective date under 5 U.S.C. 553(d)(3).

List of Subjects in 19 CFR Part 4

Customs duties and inspection, Imports, Vessels.

Amendments to the Regulations

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

1. The general authority citation for Part 4, Customs Regulations (19 CFR Part 4), continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1624; 46 U.S.C. 3, 91, 2103.* * * There are no changes in the specific authority citations for Part 4.

2. Section 4.75 is revised to read as follows:

§ 4.75 Incomplete manifest; incomplete export declarations; bond.

(a) *Pro forma manifest.* Except as provided for in § 4.75(c), if a master desiring to clear his vessel for a foreign port does not have available for filing with the district director a complete Cargo Declaration Outward with Commercial Forms, Customs Form 1302–A (see § 4.63) in accordance with 46 U.S.C. 91, or all required shipper's export declarations (see 15 CFR 30.24), the district director may accept in lieu thereof an incomplete manifest (referred to as a pro forma manifest) on the General Declaration, Customs Form 1301, if there is on file in his office a bond on Customs Form 301, containing the bond conditions set forth in § 113.64 of this chapter relating to international carriers, executed by the vessel owner or other person as attorney in fact of the vessel owner. The legend, "This incomplete Cargo Declaration is filed in accordance with § 4.75, Customs Regulations," shall be inserted in item 16 of the General Declaration. The form shall be appropriately modified to indicate that it is an incomplete Cargo Declaration, and the Master's Oath on Entry of Vessel in Foreign Trade, Customs Form 1300 (see § 4.63(a)), shall be executed.

(b) *Time in which to file complete manifest and export declarations.* Not later than the fourth business day after clearance from each port in the vessel's itinerary, the master, or the vessel's agent on behalf of the master, shall deliver to the district director at each port a complete Cargo Declaration Outward with Commercial Forms, Customs Form 1302–A, in accordance with § 4.63, of the cargo laden at such port together with duplicate copies of all required shipper's export declarations for such cargo and a General Declaration on Customs Form 1301. The oath of the master or agent on the Master's Oath on Entry of Vessel in Foreign Trade, Customs Form 1300 (see § 4.63(a)), shall be properly executed before acceptance. The statutory grace period of 4 days for filing the complete manifest and missing export declarations begins to run on the first day (exclusive of any day on which the customhouse is not open for marine business) following the date on which clearance is granted.

(c) *Countries for which vessels may not be cleared until complete manifests and shipper's export declarations are filed.* To aid the Customs Service in the enforcement of export laws and regulations, no vessel shall be cleared for any port in the following countries until a complete outward foreign manifest and all required shipper's export declarations have been filed with the district director:

Albania
Bulgaria
Cambodia
China, People's Republic of
Cuba
Czechoslovakia
Estonia
German Democratic Republic (Soviet Zone of Germany and Soviet Zone sector of Berlin)
Hungary
Iran
Iraq
Laos
Latvia
Libya
Lithuania
Mongolian People's Republic
Nicaragua
North Korea
Polish People's Republic (Including Danzig)
Rumania
South Yemen
Union of Soviet Socialist Republics
Viet Nam

3. Part 4 is amended by removing footnotes 106, 107, 108 and 109.

Alfred R. De Angelus,
Acting Commissioner of Customs.
Approved: November 20, 1986.
Michael H. Lane,
Deputy Assistant Secretary (Enforcement).

[FR Doc. 87–56 Filed 1–2–87; 8:45 am]
BILLING CODE 4820–02–M

---

19 CFR Part 24

Current IRS Interest Rate Used in Calculating Interest on Overdue Accounts and Refunds

AGENCY: Customs Service, Treasury.

ACTION: Notice of calculation of interest.

SUMMARY: This notice advises the public that 26 U.S.C. 6621 has been amended by the Tax Reform Act of 1986 (Pub. L. 99–514), to establish a new method of determining the adjusted rate of interest on applicable overpayments or underpayments of Customs duties. The new method provides a two-tier system based on the short-term Federal rate and will be adjusted quarterly. The interest rate, as set by the Internal Revenue Service, will be 9 percent for underpayments and 8 percent for overpayments for the quarter beginning January 1, 1987. It is being published for the convenience of the importing public and Customs personnel.

EFFECTIVE DATE: January 1, 1987.

FOR FURTHER INFORMATION CONTACT: Robert Hamilton, Revenue Branch, National Finance Center, U.S. Customs Service, P.O. Box 68901, Indianapolis, IN 46268 (317) 298–1245.

SUPPLEMENTARY INFORMATION:

Background

By T.D. 85–93, published in the **Federal Register** on May 29, 1985 (50 FR 21832), Customs advised the public that, in order to implement sections 621 and 210 of Pub. L. 98–573, the Trade and Tariff Act of 1984, interest on applicable overpayments or underpayments of Customs duties shall be in accordance with the Internal Revenue Code rate established in 26 U.S.C. 6621 and 6622. Both the rate paid to the Treasury for underpayments, and the rate that Treasury paid for overpayments was the same rate. In addition, the date was determined semi-annually for the 6-month periods ending on September 30 and March 31 of each year. The rate used was the prime rate quoted by large

commercial banks as determined by the Board of Governors of the Federal Reserve System.

This determination covered antidumping and countervailing duty payments, and increased or additional Customs duties determined to be due on a liquidation or reliquidation of an entry. In addition, T.D. 85-93 also stated that it has been determined that a uniform interest payment system should be established and that refunds pursuant to a court determination and payable under 28 U.S.C. 2644, and interest on overpayments and underpayments of estimated excise taxes determined at liquidation shall be assessed at the rate prescribed under 26 U.S.C. 6621 and 6622.

The Tax Reform Act of 1986 (Pub. L. 99-514), amended 26 U.S.C. 6621 mandating a new method of determining the interest rate. The new method provides a two-tier system based on the short-term Federal rate. As amended, 26 U.S.C. 6621 provides that the interest rate that Treasury pays on overpayments will be the short-term Federal rate plus 2 percentage points. The interest rate paid to the Treasury for underpayments will be the short-term Federal rate plus 3 percentage points. The rates will be rounded to the nearest full percentage.

The interest rates are determined by the Internal Revenue Service on behalf of the Secretary of the Treasury based on the average market yield on outstanding marketable obligations of the U.S. with remaining periods to maturity of 3 years or less and are to fluctuate quarterly. The rates are determined during the first month of a calendar quarter and become effective for the following quarter.

Determination

It has been determined that the rate of interest for the period of January 1, 1987–April 1, 1987, is 9 percent for underpayments and 8 percent for overpayments. This rate will remain in effect until April 1, 1987, when it is subject to change. Appropriate amendments will be made to the Customs Regulations in a future document.

Dated: December 29, 1986.

William von Raab,

Commissioner of Customs.

[FR Doc. 87-57 Filed 1-2-87; 8:45 am]

BILLING CODE 4820-02-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2644

Collection of Withdrawal Liability; Adoption of New Interest Rate

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This is an amendment to the Pension Benefit Guaranty Corporation's regulation on Notice and Collection of Withdrawal Liability. That regulation incorporates certain interest rates published by another Federal agency. The effect of this amendment is to add to the appendix of that regulation a new interest rate to be effective from January 1, 1987, to March 31, 1987.

EFFECTIVE DATE: January 1, 1987.

FOR FURTHER INFORMATION CONTACT: John Foster, Attorney, Regulations Division, Corporate Policy and Regulations Department (35100), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006; telephone 202-778-8850 (202-778-8859 or TTY and TDD). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Under section 4219(c) of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), the Pension Benefit Guaranty Corporation ("the PBGC") promulgated a final regulation on Notice and Collection of Withdrawal Liability. That regulation, codified at 29 CFR Part 2644, deals with the rate of interest to be charged by multiemployer pension plans on withdrawal liability payments that are overdue or in default, or to be credited by plans on overpayments of wihdrawal liability. The regulation allows plans to set rates, subject to certain restrictions. Where a plan does not set the interest rate, § 2644.3(b) of the regulation provides that the rate to be charged or credited for any calendar quarter is the average quoted prime rate on short-term commercial loans for the fifteenth day (or the next business day if the fifteenth day is not a business day) of the month preceding the beginning of the quarter, as reported by the Board of Governors of the Federal Reserve System in Statistical Release H.15 ("Selected Interest Rates").

Because the regulation incorporates interest rates published in Statistical Release H.15, that release is the authoritative source for the rates that are to be applied under the regulations. As a convenience to persons using the regulation, however, the PBGC collects the applicable rates and republishes them in an appendix to Part 2644. This amendment adds to this appendix the interest rate of 7½ percent, which will be effective from January 1, 1987, through March 31, 1987. This rate is the same rate as was in effect for the last quarter of 1986. See 51 FR 34597 (September 30, 1986). This rate is based on the prime rate in effect on December 15, 1986.

The appendix to 29 CFR Part 2644 does not prescribe interest rates under the regulation; the rates prescribed in the regulation are those published in Statistical Release H.15. The appendix merely collects and republishes the rates in a convenient place. Thus, the interest rates in the appendix are informational only. Accordingly, the PBGC finds that notice of and public comment on this amendment would be unnecessary and contrary to the public interest. For the above reasons, the PBGC also believes that good cause exists for making this amendment effective immediately.

The PBGC has determined that this amendment is not a "major rule" within the meaning of Executive Order 12291, because it will not have an annual effect on the economy of $100 million or more; nor create a major increase in costs or prices for consumers, individual industries, or geographic regions, nor have significant adverse effects on competition, employment, investment, innovation or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects in 29 CFR Part 2644

Employee benefit plans, Pensions.

In consideration of the foregoing, Part 2644 of Subchapter F of Chapter XXVI of Title 29, Code of Federal Regulations, is amended as follows:

PART 2644—NOTICE AND COLLECTION OF WITHDRAWAL LIABILITY

1. The authority citation for Part 2644 continues to read as follows:

Authority: Secs. 4002(b)(3) and 4219(c), Pub. L. 93-496, as amended by secs. 403(1) and 104 (respectively), Pub. L. 96-364, 94 Stat. 1208, 1302 and 1236-1238 (29 U.S.C. 1302(b)(3) and 1399(c)(6)).

2. Appendix A is amended by adding to the end of the table of interest rates therein the following new entry:

From	To	Date of quotation	Rate (percent)
*	*	*	*
01-01-87	03-31-87	12-15-86	7.50

Issued at Washington, DC, on this 30th day of December 1986.

Kathleen P. Utgoff,

Executive Director.

[FR Doc. 87-102 Filed 1-2 -87; 8:45 am]

BILLING CODE 7708-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[FR 3108-9]

Regulation of Fuels and Fuel Additives; Test Procedure for Determination of Gasoline Lead Content by X-Ray Spectrometry

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule.

SUMMARY: EPA is amending its testing procedure. for the determination of lead content in gasoline by adding an optional third method to the standard and automated methods. This method utilizes X-ray spectrometry, is technically equivalent to the other methods, and is generally more efficient and cost effective.

EFFECTIVE DATE: February 4, 1987.

ADDRESS: Comments and other information relevant to this rulemaking [Docket No. EN-85-05] may be reviewed at the Central Docket Section (LE-131A), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, between 8:00 a.m. and 4:00 p.m. on weekdays. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: Marilyn W. McCall, Fuels Section, Field Operations and Support Division (EN-397F), EPA, 401 M Street, SW., Washington, DC, (202) 382-2660.

SUPPLEMENTARY INFORMATION: The use of leaded gasoline in motor vehicles equipped with catalytic converters ("catalysts") as part of their emission control systems can render the catalysts inoperative. Therefore, such vehicles are designed (and labeled) to operate on unleaded gasoline and the introduction of leaded fuel into those vehicles by certain persons is prohibited (40 CFR 80.22). To ensure that fuel represented as unleaded does not contain lead in excess of the maximum established by rule—0.05 gram of lead per gallon (gpg) of gasoline (40 CFR 80.2 (g))—the Administrator has established approved testing procedures (40 CFR Part 80, Appendix B). This rule amends the approved procedures (which utilize atomic absorption spectrometry) by adding an optional procedure utilizing X-ray spectrometry. The addition of this procedure allows greater flexibility and efficiency in the analysis of gasoline lead content.

This method is basically an American Society of Testing and Materials (ASTM) method, designated as method B of ASTM D2599, "Standard Test Method for Lead in Gasoline by X-ray Spectrometry." Slight modifications have been made to the ASTM method in order to achieve compatibility with the atomic absorption methods and in order to ensure compliance with EPA quality assurance guidelines. First, the range of the new method has been extended from a lower limit of 0.1 gpg to a lower limit of 0.01 gpg. This decrease in the lower limit is well within the valid range of the method (See data in Section 9 of attached method.)

Second, EPA quality assurance guidelines require more extensive quality checks than the ASTM method and these have been incorporated into the method. The quality assurance part of the new EPA method is equivalent to the corresponding sections of the EPA atomic absorption methods in all major respects. The quality assurance standards are more stringent than those of the ASTM method.

The third change is in the calibration procedure. This section is more detailed than the ASTM method in order to better reflect good laboratory practice in enforcement analyses.

The last part of the new EPA method, Section 9, is composed of quality control data collected at EPA's National Enforcement Investigations Center (NEIC). Almost all of these data were collected during use of the X-ray spectrometer for screening actual samples for lead. (Screening means analyzing all samples by X-ray spectrometry and then reanalyzing samples with excessive lead by atomic absorption). In order to completely cover the entire range of possible lead concentrations, additional quality control data were collected on specially prepared samples. The actual duplicate, spike recovery, EPA check sample, and National Bureau of Standards ("NBS") reference sample data are included in the method. An actual duplicate sample is simply a repeat of a test on the same sample. A spike recovery is a sample which has been "spiked" in the testing laboratory with a known amount of lead. A National Bureau of Standards sample is a sample provided by the National Bureau of Standards with a known amount of lead.

An extensive comparison between the X-ray method and the automated atomic absorption method was done on 15 samples prepared by compositing several hundred old survey samples. The results of this comparison are also included in the method. EPA has concluded that the two methods show similar precisions for concentrations near 0.05 gpg, but at higher concentrations the X-ray spectrometry is somewhat more precise, although the differences between results from the two methods are minor.

Various methods are available for the detection of lead content in gasoline. However, any new method approved for use by EPA for enforcement actions under this Part must be compatible, for comparison purposes, with the already approved procedures—the "standard" and "automated" methods. Therefore, EPA is amending this rule to permit the use of X-ray spectrometry as an efficient, accurate, rapid analysis which is technically equivalent to and comparable with the standard and automated methods.

The proposed rulemaking was published in the **Federal Register** on November 29, 1985, 50 FR 49338. Time was allowed for comments and requests for a formal hearing were invited. No hearing was requested. Comments were received from four organizations: Atlantic Richfield Company (ARCO), Chevron U.S.A. Inc., General Motors Corporation, and Oxford Analytical Marketing Company.

ARCO claimed that the main disadvantage of the proposed method was that it was a modification of ASTM D2599 Part B which requires the use of a tungsten target tube. It said that most refinery X-ray spectrometers are not equipped with tungsten tubes since they exhibit poor sensitivity for sulfur. Chevron also commented on the use of the tungsten tube and said that it was rapidly becoming a specialty item. Chevron said the proposed method did not offer any cost savings because of the need to switch target tubes. Both ARCO and Chevron recommended the use of the rhodium target tube which is presently used for sulfur analyses in petroleum products by the refinery laboratories.

Both ARCO and Chevron commented that the ASTM Method D3229 was an acceptable X-ray method which was specifically designed to determine total lead in gasoline in the lower ranges from

0.010 to 0.50 gpg. ARCO recommended that EPA approve the use of the ASTM Method D3229 as an optional method for determining lead in gasoline since this method has been in use by the industry since 1973 and can be performed on X-ray spectrometers with a wide variety of tube targets. Also, ARCO believed that use of ASTM D3229 would allow a refiner to run lead on a spectrometer optimized for sulfur and, as a result, the method would receive much wider usage in the industry. ASTM D3229 uses a bismuth compound as an internal standard. Bismuth has lines of very nearly the same energy as the lead line so, according to ARCO, the method would function well regardless of the tube. However, EPA believes the method promulgated today has a distinct advantage over the ASTM D3229 method because no internal standard need be added to the sample before analysis. The tungsten lines are always present from the tube and do not need to be carefully measured into the sample as a separate compound.

EPA believes, however, that other ASTM X-ray methods can potentially be considered as optional methods, and that the method promulgated today can potentially be expanded to include the use of a rhodium tube. EPA is actively investigating these alternatives and plans to propose a rule which would allow incorporating other such methods in the near future. EPA feels that to incorporate ASTM D3229 and the use of the rhodium tube as optional methods and equipment usage is not appropriate at this time. Thus, EPA has decided to promulgate the rule substantially as proposed in the November 29, 1985, **Federal Register** notice.

Chevron also commented that the new method does not consider "statistical uncertainty" and that the data presented in the method do not show that the new X-ray method is as precise as the atomic absorption methods. EPA disagrees with Chevron's conclusions. The comparison data submitted with the method clearly show that the methods have similar precisions. For the eight samples with less than 0.1 gpg of lead used in the comparison, both the atomic absorption and the X-ray measurements had an average standard deviation of 0.0024 gpg (the standard deviation was calculated from four determinations by each method for each sample). For the seven samples with more than 0.1 gpg, the atomic absorption method had an average standard deviation of 0.03 gpg, and the X-ray method had an average standard deviation of 0.003 gpg. Chevron did not mention these data in their comments. In fact, what Chevron objected to is the precision statement in Section 8.1 of the proposed EPA X-ray method. Chevron correctly pointed out that, for certain sample concentrations, the precision requirement for the proposed X-ray method when testing duplicate samples is less stringent than the precision requirement of the atomic absorption methods. The atomic absorption methods state that between 0 and 0.1 gpg, duplicates should differ by no more than 0.005 gpg. The X-ray method covers a much wider range, up to 5.0 gpg, and thus requires a two-part statement concerning duplicates: duplicates can differ by no more than 0.005 gpg or 6%, whichever is greater. The 0.005 gpg figure applies to low concentration samples and the 6% figure to high concentration samples. At 0.05 gpg, the limit for unleaded gasoline, both the X-ray and atomic absorption methods have 0.005 gpg as the maximum difference between duplicates. Over 0.083 gpg, the X-ray method has a 6% difference as the maximum, while the atomic absorption method ranges from 6% at 0.083 to 5% at 0.1 gpg. This difference of 1% or less is not a major difference and the 6% criterion is adequate for values above 0.1 gpg.

Chevron also claimed that "above 0.10 g Pb/gal there is no precision statement for the atomic absorption method." In fact, samples above 0.10 gpg are routinely analyzed by atomic absorption by diluting the samples, as required by the automated method. The precision of the high level samples is calculated from the dilution factor and the precision of the diluted samples measurements.

Chevron's suggestion that the large dynamic range of the new method may make obtaining a linear calibration curve difficult has merit. Thus, the method has been slightly modified to allow the use of separate calibration curves for different ranges, or a calibration curve which covers a smaller range when necessary or desirable.

Chevron stated that the condition EPA included in the proposed method for the minimum time and intensity is different from that stated in ASTM 2599 Method B, Note 4. Chevron said that, depending upon the X-ray instrument used, 30 seconds may be too short a time for the required precision. EPA feels that 30 seconds should be enough time for collecting sufficiently precise data for a given peak on most instruments suited for the method. However, in response to the comment, a statement has been added to the method requiring a counting error of 1% or less.

Chevron stated that "the repeatability statement [in the proposed method] is not in agreement with the past quality control data," and seems to be referring to the data for duplicates in the 0 to 0.1 gpg range. However, not enough data were presented by Chevron to allow reaching that conclusion and the data that were presented were apparently misinterpreted by Chevron. EPA has included in the public docket data which are a more complete version of the duplicate data. All of the duplicates in the 0 to 0.1 gpg range meet the criterion of the method. Those that differ by over 6% are for lower concentration samples and do not differ by more than 0.005 gpg.

Chevron said that EPA should have collected "round robin" data which substantiate EPA's reproducibility statement. No reproducibility data were collected by a round robin test. However, EPA does not agree such data were needed. The ASTM method has a reproducibility criterion (based on data determined in different laboratories) which is over two times less precise than the repeatability criterion (based on data from one laboratory). This relationship was used to prepare the reproducibility criterion for the new method as it was proposed, which used a factor of two between repeatability and reproducibility.

General Motors advocated approval of the method even though they found the atomic absorption spectrometry methods more convenient and time-saving. It said the acceptance of the X-ray method will provide greater analytical flexibility in the choice of an approved method for testing lead in gasoline. EPA agrees with this statement.

Oxford Analytical Marketing ("OAM") made no direct comments on the method, but suggested that its radioisotope instrument which uses energy dispersive technology was also suitable. The data it provided appeared to support their claim; however, such an instrument is sufficiently different in operation and capabilities to require separate treatment as an alternative to the X-ray method. Thus, EPA has not adopted OAM's suggestion at this time.

Additional Information

Under Executive Order 12291, EPA must judge whether an action is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action is not major because it is not likely to result in:

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

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

(3) Significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The effects of this action are to increase efficiency and reduce costs to test facilities which adopt the proposed procedure.

This action was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any written comments from OMB and any EPA responses to such comments have been placed in the docket.

Finally, under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., EPA is required to determine whether a regulation will have a significant impact on a substantial number of small entities so as to require a Regulatory Impact Analysis. This regulation authorizes use of an optional laboratory procedure for testing lead content of gasoline for enforcement purposes. The method allows greater efficiency than the authorized standard methods. This enables facilities to achieve a cost saving if they already have the equipment or test a volume of samples sufficient to warrant the initial investment in the equipment. Small laboratories which cannot afford to purchase the needed equipment may be placed at a slight competitive disadvantage if they are unable to test gasoline samples as inexpensively as facilities employing this method; however, this impact on small entities is expected to be insignificant. Therefore, pursuant to 5 U.S.C. 605(b), I hereby certify that his rule will not have a significant impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 80

Gasoline.

Dated: December 23, 1986.

Lee M. Thomas,

Administrator.

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

For the reasons set forth in the preamble, Part 80 of Title 40 of the Code of Federal Regulations is to be amended as follows:

1. The authority citation for Part 80 continues to read as follows:

Authority: Secs. 211 and 301(a) of the Clean Air Act as amended, 42 U.S.C. 7545 and 7601, unless otherwise noted.

2. Appendix B is amended by revising the heading and by adding Method 3 to read as follows:

Appendix B—Test Methods for Lead in Gasoline

* * * * *

Method 3—Test for Lead in Gasoline by X-Ray Spectrometry

1. Scope and Application

1.1 This method covers the determination of the total lead content of gasoline. The procedure's calibration range is 0.010 to 5.0 grams of lead/U.S. gallon. Samples above this level should be diluted to fall within the range of 0.05 to 5.0 grams of lead/U.S. gallon. The method compensates for variations in gasoline composition and is independent of lead alkyl type.

1.2 This method may be used as an alternative to Method 1—Standard Method Test for Lead in Gasoline by Atomic Absorption Spectrometry, or to Method 2—Automated Method Test for Lead in Gasoline by Atomic Absorption Spectrometry.

1.3 Where trade names or specific products are noted in the method, equivalent apparatus and chemical reagents may be used. Mention of trade names or specific products is for the assistance of the user and does not constitute endorsement by the U.S. Environmental Protection Agency.

2. Summary of Method

2.1 A portion of the gasoline sample is placed in an appropriate holder and loaded into an X-ray spectrometer. The ratio of the net X-ray intensity of the lead L alpha radiation to the net intensity of the incoherently scattered tungsten L alpha radiation is measured. The lead content is determined by reference to a linear calibration equation which relates the lead content to the measured ratio.

2.2 The incoherently scattered tungsten radiation is used to compensate for variations in gasoline samples.

3. Sample Handling and Preservation

3.1 Samples should be collected and stored in containers which will protect them from changes in the lead content of the gasoline, such as loss of volatile fractions of the gasoline by evaporation or leaching of the lead into the container or cap.

3.2 If samples have been refrigerated they should be brought to room temperature prior to analysis.

3.3 Gasoline is extremely flammable and should be handled cautiously and with adequate ventilation. The vapors are harmful if inhaled and prolonged breathing of vapors should be avoided. Skin contact should be minimized. See precautionary statements in Annex A1.3.

4. Apparatus

4.1 X-ray Spectrometer, capable of exciting and measuring the fluorescence lines mentioned in 2.1 and of being operated under the following instrumental conditions or others giving equivalent results: a tungsten target tube operated at 50 kV, a lithium fluoride analyzing crystal, an air or helium optical path and a proportional or scintillation detector.

4.2 Some manufacturers of X-ray Spectrometer units no longer allow use of air as the beam path medium because the X-ray beam produces ozone, which may degrade seals and electronics. In addition, use of the equipment with liquid gasoline in close proximity to the hot X-ray tube could pose flammability problems with any machine in case of a rupture of the sample container. Therefore, use of the helium alternative is recommended.

5. Reagents

5.1 Isooctane. Isooctane is flammable and the vapors may be harmful. See precautions in Annex A1.1.

5.2 Lead standard solution, in isooctane, toluene or a mixture of these two solvents, containing approximately 5 gm Pb/U.S. gallon may be prepared from a lead-in-oil concentrate such as those prepared by Conostan (Conoco, Inc., Ponca City, Oklahoma). Isooctane and toluene are flammable and the vapors may be harmful. See precautionary statements in Annex A1.1 and A1.2.

6. Calibration

6.1 Make exact dilutions with isooctane of the lead standard solution to give solutions with concentrations of 0.01, 0.05, 0.10, 0.50, 1.0, 3.0 and 5.0 g Pb/U.S. gallon. If a more limited range is desired as required for linearity, such range shall be covered by at least five standard solutions approximately equally spaced and this range shall not be exceeded by any of the samples. Place each of the standard solutions in a sample cell using techniques consistent with good operating practice for the spectrometer employed. Insert the sample in the spectrometer and allow the spectrometer atmosphere to reach equilibrium (if appropriate). Measure the intensity of the lead L alpha peak at 1.175 angstroms, the Compton scatter peak of the tungsten L alpha line at 1.500 angstroms and the background at 1.211 angstroms. Each measured intensity should exceed 200,000 counts or the time of measurement should be at least 30 seconds. The relative standard deviation of each measurement, based on counting statistics, should be one percent or less. The Compton scatter peak given above is for 90° instrument geometry and should be changed for other geometries. The Compton scatter peak (in angstroms) is found at the wavelength of the tungsten L alpha line plus 0.024 (1-cos phi), where phi is the angle between the incident radiation and the take-off collimator.

6.2 For Each of the standards, as well as for an isooctane blank, determine the net lead intensity by subtracting the corrected background from the gross intensity. Determine the corrected background by multiplying the intensity of the background at 1.211 angstroms by the following ratio obtained on an isooctane blank:

$$\frac{\text{Background at 1.175 angstroms}}{\text{Background at 1.211 angstroms.}}$$

6.3 Determine the corrected lead intensity ratio, which is the net lead intensity corrected for matrix effects by division by the net incoherently scattered tungsten radiation. The net scattered intensity is calculated by subtracting the background intensity at 1.211 angstroms from the gross intensity of the incoherently scattered tungsten L alpha peak. The equation for the corrected lead intensity ratio follows:

$$R = \frac{\text{Lead L alpha—corrected background}}{\text{Incoherent tungsten L alpha—background.}}$$

6.4 Obtain a linear calibration curve by performing a least squares fit of the corrected lead intensity ratios to the standard concentrations.

7. Procedure

7.1 Prepare a calibration curve as described in 6. Since the scattered tungsten radiation serves as an internal standard, the calibration curve should serve for at least several days. Each day the suitability of the calibration curve should be checked by analyzing several National Bureau of Standards (NBS) lead-in-reference-fuel standards or other suitable standards.

7.2 Determine the corrected lead intensity ratio for a sample in the same manner as was done for the standards. The samples should be brought to room temperature before analysis.

7.3 Determine the lead concentration of the sample from the calibration curve. If the sample concentration is greater than 5.0 g Pb/U.S. gallon or the range calibrated for in 6.1, the sample should be diluted so that the result is within the calibration span of the instrument.

7.4 Quality control standards, such as NBS standard reference materials, should be analyzed at least once every testing session.

7.5 For each group of ten samples, a spiked sample should be prepared by adding a known amount of lead to a sample. This known addition should be at least 0.05 g Pb/U.S. gallon, at least 50% of the measured lead content of the unspiked sample, and not more than 200% of the measured lead content of the unspiked sample (unless the minimum addition of 0.05 g Pb/U.S. gallon exceeds 200%). Both the spiked and unspiked samples should be analyzed.

8. Quality Control

8.1 The difference between duplicates should not exceed 0.005 g Pb/U.S. gallon or a relative difference of 6%.

8.2 All quality control standard check samples should agree within 10% of the nominal value of the standard.

8.3 All spiked samples should have a percent recovery of 100% ± 10%. The percent recovery, P, is calculated as follows:

$$P = 100 \times (A-B)/K$$

where

A = the analytical result from the spiked sample, B = the analytical result from the unspiked sample, and K = the known addition.

8.4 The difference between independent analyses of the same sample in different laboratories should not exceed 0.01 g Pb/U.S. gallon or a relative difference of 12%.

9. Past Quality Control Data

9.1 Duplicate analysis for 26 samples in the range of 0.01 to 0.10 g Pb/U.S. gallon resulted in an average relative difference of 5.2% with a standard deviation of 5.4%. Duplicate analysis of 14 samples in the range 0.1 to 0.5 g Pb/U.S. gallon resulted in an average relative difference of 2.3% with a standard deviation of 2.0. Duplicate analysis of 47 samples in the range of 0.5 to 5 g Pb/U.S. gallon resulted in an average relative difference of 2.1% with a standard deviation of 1.8%.

9.2 The average percent recovery for 23 spikes made to samples in the 0.0 to 0.1 g Pb/U.S. gallon range was 103% with a standard deviation of 3.2%. For 42 spikes made to samples in the 0.1 to 5.0 g Pb/U.S. gallon range, the average percent recovery was 102% with a standard deviation of 4.2%

9.3 The analysis of National Bureau of Standards lead-in-reference-fuel standards of known concentrations in a single laboratory has resulted in found values deviating from the true value for 14 determinations of 0.0490 g Pb/U.S. gallon by an average of 2.8% with a standard deviation of 6.4%, for 11 determinations of 0.065 g Pb/U.S. gallon by an average of 4.4% with a standard deviation of 2.9%, and for 15 determinations of 1.994 g Pb/U.S. gallon by an average of 0.3% with a standard deviation of 1.3%.

9.4 Eighteen analyses of reference samples (U.S. EPA, Research Triangle Park, NC) have resulted in found values differing from the true value by an average of 0.0004 g Pb/U.S. gallon with a standard deviation of 0.004 g Pb/U.S. gallon.

Annex

A1. Precautionary Statements

A1.1 Isooctane

Danger—Extremely flammable. Vapors harmful if inhaled.
Vapor may cause flash fire.
Keep away from heat, sparks, and open flame.
Vapors are heavier rhan air and may gather in low places, resulting in explosion hazard.
Keep container closed.
Use adequate ventilation.
Avoid buildup of vapors.
Avoid prolonged breathing of vapor or spray mist.
Avoid prolonged or repeated skin contact.

A1.2 Toluene

Warning—Flammable. Vapor harmful.
Keep away from heat, sparks, and open flame.
Keep container closed.
Use with adequate ventilation.
Avoid breathing of vapor or spray mist.
Avoid prolonged or repeated contact with skin.

A1.3 Gasoline

Danger—Extremely flammable. Vapors harmful if inhaled.
Vapor may cause flash fire.
Keep away from heat, sparks, and open flame.
Vapors are heavier than air and may gather in low places, resulting in explosion hazard.
Keep container closed.
Use adequate ventilation.
Avoid buildup of vapors.
Avoid prolonged breathing of vapor or spray mist.
Avoid prolonged or repeated skin contact.

[FR Doc. 87-58 Filed 1-2-87; 8:45 am]
BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Part 30

Federal Claims Collection

AGENCY: Department of Health and Human Services

ACTION: Final Rule.

SUMMARY: The Department's Claims Collection regulations at 45 CFR Part 30 implement the Federal Claims Collection Act of 1966 and the implementing Federal Claims Collection standards issued by the Department of Justice and the General Accounting Office. This final rule would amend the regulation to implement the Debt Collection Act of 1982 Amendments to the Act of 1966, as these Amendments were interpreted in revisions to the Federal Claims Collection Standards and new guidelines issued by the Office of Personnel Management. The rule would also establish procedures for the exercise of the Department's authority to collect and dispose of debts under the common law. These procedures are not intended to supersede or preempt, but rather should complement, procedures which may now exist or may later be promulgated for the collection and disposition of debts arising under particular programs administered by the Department.

EFFECTIVE DATE: February 5, 1987.

FOR FURTHER INFORMATION CONTACT: Sandra H. Shapiro, (202) 475-0150.

SUPPLEMENTARY INFORMATION: On May 2, 1985, the Department solicited public comment on a proposed revision to the regulations implementing the Federal Claims Collection Act of 1966 (FCCA) and the Federal Claims Collection Standards (FCCS) issued jointly by the General Accounting Office and the Department of Justice at 4 CFR Parts 101–105. Enactment of the Debt Collection Act of 1982 (DCA) (Pub. L. 97–365), amending the FCCA and related statutes, amendment of the FCCS and

the publication by the Office of Personnel Management of new guidelines on employee salary offset at 5 CFR Part 550 necessitated revision of the Department's regulations.

The Department received numerous comments from, or on behalf of, interested parties, including fifteen states. Many editorial and a few substantive revisions were made to the proposed rule upon consideration of these comments. The major organizational change appearing in this final rule is the consolidation of proposed § 30.15 (Administrative Offset of General Debts) and 30.16 (Employee Salary Offset) into new §§ 30.15 (Administrative Offset). This change is discussed below along with other changes.

We wish to thank all the individuals and entities who reviewed the proposed rule and contributed their comments.

The comments that we received and the revisions that we made in this final rule are discussed below.

Debts Owed by States and Local Governments

The comments submitted by, or on behalf of, fifteen states addressed the issue of the application of the interest (§§ 30.13 and 30.14) and administrative offset (§ 30.15) provisions to debts owed by the states. Relying primarily on the federal court decision in *Perales* v. *United States*, 751 F.2d 95 (2d Cir. 1984), *(per curiam)*, aff'g 598 F. Supp. 19 (S.D. N.Y. 1984), these commenters suggest that the Debt Collection Act of 1982 abolished the right of federal agencies to charge interest on debts owed by states or to collect these debts by administrative offset. We addressed this issue in the preamble to the proposed rule. We remain firm in our belief that such, in fact, was not the intent of Congress in excluding state and local governments from the interest (section 11) and administrative offset (section 10) provisions of the DCA. 31 U.S.C. 3701(c), 3716, 3717. We believe that *Perales, supra,* and *Pennsylvania* v. *Block*, Nos. 85–5186 through 5198 and 85–5269 through 5271, slip op. (3rd Cir. January 6, 1986), which essentially adopted the commenters' position, were wrongly decided.

The interpretation of section 11 of the Act by these two Circuits is supported by neither the plain and ordinary meaning of the language, the legislative history nor principles of statutory construction. In addition, the two opinions fail to give any weight to the interpretation of this provision by the Department of Justice and the General Accounting Office, the two agencies charged with government-wide implementation of the Act. These two agencies have taken the position that, because no statutory purpose to the contrary is evident, the Act cannot be read in derogation of the common law. Therefore, federal agencies are free to charge interest on debts owed by states and offset these debts administratively under the common law authority acknowledged by *Pennsylvania, supra.* GAO and Justice have articulated this position in the amendments to the FCCS, 4 CFR 102.3(b)(4), 102.13(i), and preamble at 49 FR 8889, 8891, March 9, 1984, and Comptroller General decision, B–21222, Jan. 5, 1984.

In addition, two other circuits which have addressed the issue have affirmed the survival of the Federal Government's right to assess interest to the states under common law. *United States* v. *West Virginia*, 764 F.2d 1028 (4th Cir. 1985); *County of Saint Clair, Michigan* v. *United States*, No. 83–35146, slip. op. (6th Cir. Dec. 7, 1984) (unpublished).

One commenter cites to the Intergovernmental Cooperation Act of 1968, 31 U.S.C. 6501, et seq., as an expression of Congressional intent that states not be charged interest. That Act provides, at 31 U.S.C. 6503, that states are not to be held accountable for interest earned on grant money before it is used. This provision supports our position that clearly, where Congress has intended to prohibit the assessment of interest, the intent has been expressed unequivocally; and if Congress had intended, in the DCA, to impose the same prohibition generally on all debts owed by states, similarly unequivocal language would have been adopted.

Except for the provisions in 4 CFR 102.13 relating to interest, administrative costs and late payment charges, all other provisions in the FCCS relating to the collection or compromise of debts, or suspension or termination of collection action, apply equally to all debtors, including state and local governments. In exercising their common law right to charge interest on debts owed by state and local governments, federal agencies have the option of either adopting the FCCS or applying independent standards. These regulations will treat state and local governments the same as any other debtor with respect to interest charges: *i.e.*, interest will be charged under §§ 30.13 and 30.14 to the extent that a statute, a contract or another regulation does not provide otherwise. *See* section 30.1.

In order to conform with this policy, under a final rule published in this issue of the **Federal Register**, we are amending the regulations governing grants to States for public assistance programs and Federal financial participation in the child support enforcement programs under the Social Security Act.

One commenter suggested that if states are to be subject to administrative offset and interest charges, our regulations should also permit the states to apply these remedies on amounts owed to them by this Department.

The subject matter is outside the scope of these regulations, which provide standards for the exercise of the Department's role as creditor. These regulations do not purport to address the issue of payment of the Department's obligations. Procedures for claims filed against the Federal Government are provided in 4 CFR Part 31.

Social Security Act Debts

In the preamble to the proposed rule we expressed our concurrence with the GAO and Justice position that, under the same rationale which leads us to conclude that our common law right to charge interest to the states and offset their debts administratively remains unaffected, section 8(e) of DCA did not abrogate our common law right to utilize these and other collection tools provided for in the DCA in collecting debts owed under the Social Security Act. FCCS, section 102.19, preamble at 49 FR at 8892; 62 Comp. Gen. 599 (1983). Section 8(e), 31 U.S.C. 3701(d), provides that the DCA amendments at 31 U.S.C. 3711(f) and 3716–19 do not apply to debts or amounts payable under the Social Security Act. These provisions pertain to the use of credit reporting agencies, administrative offset, interest and other charges and collection agencies. However, we explained that, except under certain conditions, these collection tools would not be applied to debts arising out of benefit payments under Titles II and XVI of the Social Security Act. In this final regulation we have added debts arising out of payments to beneficiaries under Title XVIII of the Act (Medicare) to this class of exemptions, except for debts arising under section 1862(b) for Medicare payments for which a beneficiary has been reimbursed by liable third party, *e.g.*, doctor or other health care provider. *See* §§ 30.13(d)(1), 30.15(c)(5), 30.16(a)(2) and (3), 30.17(b)(2). We felt this change to be justified by the similitude in circumstances of debtor recipients under these three entitlement programs.

The following changes (other than minor editorial and minor clarifying changes) were also made:

Preamble

In the above "Summary" section we adopted one commenter's suggestion that we revise the preamble to clarify that these regulations implement both the DCA and our common law collection authority.

Section 30.1 Purpose and Scope

Several commenters suggested that we list the specific debts which are covered by these regulations, and those which are collected under other regulations or procedures. We do not feel such a list would be appropriate for inclusion in this regulation. We are, however, considering the possibility of doing so when we revise those provisions of the various agency guidance manuals pertaining to claims collection. Section 30.1 was revised to add a list of the Department manuals which provide such guidance.

Section 30.2 Definitions

We amended several definitions to clarify our intent: 1. We amended the definitions of "amounts payable" and "debts arising under the Social Security Act by adding "other contractors or grantees" to the list of covered debtors, and by specifically excluding federal employees salaries from that list. One commenter noted that the prior definition would not treat as debts arising under the Act, debts such as those arising out of the award of grants to colleges and universities under section 707 or research grants or contracts under section 1110. We agree, and do not feel such a distinction is appropriate. By adding "other contractors or grantees" the definition will cover all debts which in fact arise under the Act, and amounts which are in fact payable under the Act, while excluding purely administrative payments necessary to maintain the operations of the agency which, although technically made from program funds, do not arise under the Act. Employee salaries fall within the latter category. The Comptroller General has affirmed the view that the exclusion of debts arising or payable under the Social Security Act (31 U.S.C. 3701(d)) from 31 U.S.C. 3711–3720 does not apply to non-Act debts such as overpayments of pay. Comp. Gen. Dec. B–214919, March 22, 1985, at 10, footnote 6. Payment of federal employee salaries, including employees of the Social Security Administration, is an obligation which arises under Title 5 of the United States Code. Because of the number of queries which we received regarding the status of this type of debt, we felt a specific reference would be appropriate for clarification.

2. We amended the definition of "claim" to reflect references in the regulations to debts owed to other agencies, and to include other examples of debts. One commenter suggested that we distinguish "claims" from "debts" but we found no basis for making the distinction. The terms are interchangeable. "Overdue" is now defined separately from "claim."

3. We added the definition of debts which are "liquidated or certain in amount."

Section 30.11 Collection Rule

We reorganized this section into various subsections and eliminated superfluous language to facilitate its reading. We also added language to new subsection (a) to clarify that where the agency attempts to collect its debts by offset under Section 30.15, appropriate notice must be given under that section, without regard to the notice provisions of section 30.11 and 30.12. These changes address several comments.

Section 30.13 Interest and Charges

One commenter queried why § 30.13(a)(1) did not provide for the accrual of interest from the date a debt is incurred, rather than at the time notice is mailed to the debtor. The DCA and the FCCS provide for accrual from the date of notice, and agencies are not free to digress from the mandatory provision. 31 U.S.C. 3717(b); 4 CFR 102.13 (a) and (b). Theoretically, interest could be assessed beginning at an earlier date on debts owed under the Social Security Act or those owed by state or local governments because the DCA does not apply to these debts. In addition the Secretary may use the advance billing procedure: that is, include the interest notification prior to the debt actually being owed. For example, the Secretary may notify grantees in the grant award document that misspent funds will be subject to interest from the time they were misspent. It also should be noted that these regulations would not preclude the adoption of independent standards for a particular type of debt, should the need arise, or be perceived, in the future. These regulations only apply to the extent that other procedures do not.

Paragraph (a)(1) was amended to provide that the Secretary shall charge an annual rate of interest as fixed by the Secretary of the Treasury after taking into consideration private consumer rates of interest prevailing on the date that the Department becomes entitled to recovery. The rate is identical to the interest rate charged under the National Research Services Awards program pursuant to 42 U.S.C. 289–1(c)(4)(B). The rate of interest was amended to protect the interests of the government, since the "current value of funds" (CVF) rate does not provide adequate protection inasmuch as the rate is substantially lower than existing commercial rates of interest. The interest rate is adjusted on a quarterly basis and the Assistant Secretary for Management and Budget will publish all adjustments in the Federal Register upon receipt from the Department of the Treasury. The adopted maximum interest rate represents a moderate charge between the CVF rate, and the maximum consumer credit rate in the District of Columbia suggested in the proposed rule. The maximum rate was amended to provide a more moderate and stable rate of interest than that originally proposed.

Paragraph (a)(2) was amended to provide lower rates of interest if the rates provided in paragraph (a)(1) adversely affect the government's interest. However, such rates may be no lower than the current value of funds, as required by 31 U.S.C. 3717. We also amended paragraph (a)(2), with reference to § 30.19, relating to installment agreements, to provide that rates of interest on installment agreements shall be no lower than the U.S. Treasury "Schedule of Certified Interest Rates with Range of Maturities." Interest rates under this schedule bear a relation to the length of time over which payment of a debt is extended. Information regarding the schedule of certified interest rates may be obtained from Mr. Gerald Murphy, Fiscal Assistant Secretary, Department of Treasury, Room 2112, Main Treasury Building, 15th and Pennsylvania Avenue, NW., Washington, DC. 20220, (202) 566–2112).

Paragraph (d)(1) was amended to include beneficiary overpayments under Title XVIII in the category of excluded Social Security Act debts.

Paragraph (h)(1) was amended to clarify that normal processing delays are not grounds for waiver of interest and other charges.

The last four sentences in proposed paragraph (h) were deleted as an unnecessary obstacle to the exercise of the Secretary's discretion to waive interest and charges. Also, the last sentence denying review is unnecessary because, ordinarily, a debtor would have no right of review of an agency determination under these regulations except as expressly granted. Of course, a debtor does not lose his right to seek review by GAO under 31 U.S.C. 3702, or

by a federal district court under the Administrative Procedure Act, 5 U.S.C. 551 et seq. or the U.S. Constitution.

Section 30.14 Interest and Charges Pending Waiver or Review

We have improved the clarity of this section: in any case in which the Secretary believe that a debt is owed to HHS and the debtor disputes the existence or amount of the debt and retains the debt amount in dispute and the final determination is to the effect that any amount was properly a debt to HHS, the Secretary shall collect or offset the debt plus interest from any future payments to the debtor. Interest will be calculated as described in § 30.13(a) and accrue on the debt amount starting from the date the debtor was first made aware of the debt and ending when such debt is repaid.

Section 30.15 Administrative Offset

This section underwent extensive revision as a result of inquiries and suggestions offered by commenters. Commenters repeatedly expressed confusion regarding the distinction between employee salary offsets effected under former § 30.16 and those effected under former § 30.15. Section 30.16 essentially pertained to offset under 5 U.S.C. 5514. However, procedures were still necessary for the offset of debts not covered by 5 U.S.C. 5514, and so the procedures under former § 30.15 for offset of general debts were made applicable to those debts pursuant to the FCCS, section 102.3(b). In effect, few substantive differences existed between the two former sections: in fact, only two essential differences exist with respect to offset of employee debts by salary deductions. Under former § 30.16 deductions could not exceed 15 percent of the employee's disposable pay, whereas former § 30.15 contained no such limitation. In addition, if an employee requested review of the existence or amount of the debt, the reviewing officer under former § 30.16 was required to be someone not under the supervision of the Secretary, whereas review under former § 30.15 would be conducted by an agency officer or employee. These restrictions under former § 30.16 were mandated by the DCA Amendments to 5 U.S.C. 5514.

Except for the above distinctions, the standards and procedures for offset under the two sections were essentially parallel. We, therefore, felt that consolidation would resolve the confusion.

Several other changes were made.

In paragraph (a)(1), we substituted the word "liquidated or certain in amount" in place of "certain in amount" and defined "liquidated or certain in amount "in § 30.2. Several commenters queried whether "certain in amount" referred to a debt affirmed after exhaustion of all appeals. Such is not the case. "Liquidated or certain in amount" as the definition explains, merely refers to a debt for an amount that has been identified by the creditor agency, or is readily ascertainable based upon the information available to the agency. This is to be distinguished from a debt which is merely speculative with respect to the amount. The term "liquidated or certain in amount" is also used by the Department of Justice and the General Accounting Office in the Federal Claims Collection Standards, 4 CFR 101–105.

In new paragraph (b)(1) (formerly subsection (b)), the phrase "without the debtor's consent" was deleted from the definition of "administrative offset." This is merely a conforming change to accommodate the provisions pertaining to offset with the debtor's consent, such as new paragraph (d)(1) and (3).

New paragraph (b)(2), which now incorporates former §§ 30.15(k)(2) and 30.16(a)(2), also amends former § 30.16(a)(2) to reflect that an Administrative Law Judge may be assigned to review an employee challenge only if other permissible arrangements are not feasible.

New paragraph (c)(5) adds title XVIII to the category of excluded beneficiary debts arising under the Social Security Act.

A new paragraph (c)(3) clarifies the status of Commissioned Corps officers of the Public Health Service and employees who are assigned to work in an office which administers a Social Security Act program. Debts owed by these employees may be offset under this section. Comp. Gen. Dec. B–21419, at 9–11.

New paragraph (d)(1) was added to clarify that most of the factors that must be considered in determining whether to apply administrative offset should also be considered when the debtor agrees to, or requests the offset. Paragraph (d)(2) adds a reference to the procedures applicable to offset of debts reduced to judgment from the current pay of federal employees. Paragraph (f) now provides that debts owed to the Department will normally be collected before debts owed to other federal agencies by the same debtor.

Several commenters raised the issue of potential abuse of the appeals process, were concerned that former sections 30.15 and 30.16 appeared to allow a debtor to request review even without raising a genuine issue to justify review, and were concerned that debtors could be given additional (multiple) appeal procedures beyond those that currently exist. In fact, such was not the intent of those provisions. New paragraph (m) thus provides for denial of requests for hearing which raise no genuine issue of fact or law.

This change clarifies that a debtor has a right to review only to the extent that he or she has a valid basis for disputing the agency's action and raises a genuine issue of fact or law. A debtor does not have a right to abuse available due process protections by utilizing these as a delaying tactic. In addition, requests which do not meet the standard for review will be treated as requests for waiver under applicable statutes if waiver issues are raised. In addition, while these provisions ensure that each debtor subject to offset has an avenue of appeal, in no way do these rules add an additional appeal procedure when one currently exists. Debtors subject to offset may use this or another HHS appeal procedure, but not more than one such procedure.

Section 30.17 Credit Reporting Agencies and Section 30.18 Collection Agencies

For the sake of consistency, beneficiary indebtedness under Title XVIII was added to the group of Social Security Act debts that under §§ 30.16(a)(2) and (3), and 30.17(b)(2), may not ordinarily be referred to credit reporting agencies or collection agencies.

Section 30.19 Installment Payments

The provision concerning the rate of interest chargeable under installment agreements was amended to provide a cross-reference to § 30.13.

Section 30.22 Compromise and 30.31 Termination of Collection Action

One commenter was concerned about the provisions in § 30.22 limiting the Department's compromise authority to cases where the outstanding principal amount of the debt before compromise does not exceed $20,000. He thought that the intent in the FCCS, section 103.1(b) was that the $20,000 limit apply to the *original* amount of the debt, regardless of any partial payment that may have been made before the compromise is reached. As evidence of this intent he cites to section 104.1 of the FCCS, which specifically provides for "deducting the amount of partial payment or collections" in determining whether a claim exceeds $20,000.

We do not believe this was the intent of GAO and Justice in drafting sections 103.1(b) and 104.1 as they did. No such distinction is made in the Federal

Claims Collection Act, 31 U.S.C. 3711(a)(2) and (3). The amount of a debt at any given time is the outstanding amount at the time, regardless of the original amount. We can think of no possible reason why the FCCS would require that an agency consider other than the amount actually compromised in determining whether it has the authority to effect such a compromise. The failure in section 103.1(b) to provide for consideration of partial payments in determining the amount of the debt to be compromised, if deliberate, was most likely to avoid misinterpretation and ensure that agencies did not consider the amount outstanding *after* the compromise in exercising their authority.

E.O. 12291

This rule does not require a Regulatory Impact Analysis because it is not a "major rule" as defined in Executive Order 12291, dated February 17, 1981. It is unlikely to result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

I certify under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entitles, including small businesses, small organizations and small local governments. Therefore, a regulatory flexibility analysis is not required by 5 U.S.C. 603.

Reporting and Recordkeeping Requirements

The information collection requirements contained in this regulation have been approved by the Office of Management and Budget under control number 0990–0148.

List of Subjects in 45 CFR Part 30

Administrative practice and procedure, Claims, Department of Health and Human Services, Government employees, Privacy.

Dated: July 11, 1986.

Otis R. Bowen,

Secretary.

Accordingly, we hereby revise 45 CFR Part 30 to read as follows:

PART 30—CLAIMS COLLECTION

Subpart A—General

Sec.

30.1 Purpose and scope.
30.2 Definitions.
30.3 Interagency claims.
30.4 Other administrative proceedings.
30.5 Other remedies.
30.6 Property claims.
30.7 Claims involving criminal activity or misconduct.
30.8 Claims arising from GAO exceptions.
30.9 Subdivision of claims.
30.10 Omissions not a defense.

Subpart B—Collection of Claims

30.11 Collection Rule.
30.12 Notices to debtor.
30.13 Interest, administrative costs and late payment penalties.
30.14 Interest and charges pending waiver or review.
30.15 Administrative offset.
30.16 Use of credit reporting agencies.
30.17 Contracting for collection services.
30.18 Liquidation of collateral.
30.19 Installment payments.
30.20 Taxpayer information.
30.21 Army hold-up list.

Subpart C—Compromise of Claims

30.22 Compromise rule.
30.23 Exceptions.
30.24 Inability to collect the full amount.
30.25 Litigative probabilities.
30.26 Cost of collecting claim.
30.27 Enforcement policy.
30.28 Joint and several liability.
30.29 Further review of compromise offers.
30.30 Restriction.

Subpart D—Termination or Suspension of Collection Action

30.31 Termination rule.
30.32 Exceptions.

Subpart E—Referrals to the Department of Justice or GAO

30.33 Litigation.
30.34 Claims Over $20,000.
30.35 GAO exceptions.

Authority: Subchapter II of Chapter 37 of Title 31, United States Code, 5 U.S.C. 5514 and 5 U.S.C. 552a as amended by Pub. L. 97–365, 96 Stat 1749.

Subpart A—General

§ 30.1 Purpose and scope.

This regulation prescribes standards and procedures for the officers and employees of the Department, including officers and employees of the various Operating Divisions and regional offices of the Department, charged with collection and disposition of debts owed to the United States.

These standards and procedures will be applied where a statute, regulation or contract does not prescribe different standards or procedures. The authority for the regulation lies in the Federal Claims Collection Act of 1966, as amended, 31 U.S.C. 3711 and 3716–3718; the Federal Claims Collection Standards, at 4 CFR Parts 101–105; related statutes (5 U.S.C. 5512 and 5514, 5 U.S.C. 552a) and regulations (5 CFR Part 550); and the common law. The covered activities include collecting claims in any amount; compromising claims, or suspending or terminating collection of claims that do not exceed $20,000, exclusive of interest and charges; and referring debts that cannot be disposed of by the Department to the Department of Justice or to the General Accounting Office for further administrative action or litigation. Further guidance may be found in the Departmental General Administration Manual, Personnel Manual, Accounting Manual and Grants Administration Manual, and any other manuals which may be issued by each Operating Division, office, or program.

§ 30.2. Definitions

In this Part, unless the context otherwise requires—

—"amounts payable under the Social Security Act" means payments by the Department to beneficiaries, providers, intermediaries, physicians, suppliers, carriers, States, or other contractors or grantees under a Social Security Act program, including: Title I (Grants to States for Old-Age Assistance and Medical Assistance for the Aged); Title II (Federal Old-Age Survivors, and Disability Insurance Benefits); Title III (Grants to States for Unemployment Compensation Administration); Title IV (Grants to States for Aid and Services to Needy Families with Children and for Child-Welfare Services); Title V (Maternal and Child Health and Crippled Children's Services); Title IX (Unemployment Compensation Program); Title X (Grants to States for Aid to the Blind); Title XI, Part B (Peer Review of the Utilization and Quality of Health Care Services); Title XII (Advances to State Unemployment Funds); Title XIV (Grants to States for Aid to Permanently and Totally Disabled); Title XVI (Supplemental Security Income for the Aged, Blind, and Disabled); Title XVII (Grants to States to Fight Mental Retardation); Title XVIII (Medicare); Title XIX (Medicaid); and Title XX (Block Grants to States for Social Services). Federal employee salaries and other payments made by the Department in the course of administering the provisions of the Social Security Act are not deemed to be "payable under" the Social Security Act for purposes of this regulation.

—"claim" or "debt" means an amount of money or other property owed to the United States. Debts include, but are not limited to amounts owed on account of loans made, insured or guaranteed by the United States; salary overpayments to employees; overpayments to program beneficiaries; overpayments to contractors and grantees, including overpayments arising from audit disallowances; excessive cash advances to employees, grantees and contractors; civil penalties and assessments; theft or loss of money or property; and damages.

—"debtor" means an individual, organization, association, partnership, corporation, or a State or local government or subdivision indebted to the Department; or the person or entity with legal responsibility for assuming the debtor's obligation.

—"debts arising under the Social Security Act" are overpayments to, or contributions, penalties or assessments owed by, beneficiaries, providers, intermediaries, physicians, suppliers, carriers, States or other contractors or grantees under Titles I, II, III, IV, V, IX, X, XI (Part B), XII, XIV, XVI, XVII, XVIII, XIX and XX of the Social Security Act. Salary overpayments and other debts that result from the administration of the provisions of the Social Security Act are not deemed to "arise under" the Social Security Act for purposes of this regulation.

—"Department" means the United States Department of Health and Human Services and each of its Operating Divisions and regional offices.

—"liquidated or certain in amount" refers to a debt of an amount already fixed and determined by the Secretary, or which may be readily fixed and determined from the information available in the debt file, irrespective of any dispute by the debtor.

—"local government" means a political subdivision, instrumentality, or authority of any State; the District of Columbia; the Commonwealth of Puerto Rico; a territory or possession of the United States; or an Indian tribe, band or nation.

— "Operating Division" means each separate component within the Department of Health and Human Services, and includes the Office of the Secretary, the Office of Human Development Services, the Family Support Administration, the Health Care Financing Administration, the Public Health Service and the Social Security Administration.

— "overdue" refers to a debt not paid by the payment due date specified in the notice of the debt to the debtor (see § 30.13(a)) and not the subject of a repayment agreement approved by the Secretary. Also, a debt subject to repayment agreement is considered overdue if the debtor fails to satisfy his or her obligations under that agreement. "Overdue" and "delinquent" have the same meaning. See 4 CFR 101.2(b).

— "Secretary" means the Secretary of Health and Human Services or the Secretary's designee within any Operating Division or Regional Office.

§ 30.3 Interagency claims.

This regulation does not apply to debts owed by other federal agencies. These debts will be resolved by negotiation or referral to the General Accounting Office.

§ 30.4 Other Administrative Proceedings.

This regulation does not supersede or require omission or duplication of administrative proceedings required under contract, statute, regulation or other agency procedures. Examples: resolution of audit findings under grants or contracts, Chapter 1–105, Grants Administration Manual (GAM); informal grant appeals, 45 CFR Part 75 (Departmental), 42 CFR 50.401 et seq. (Public Health Service); formal appeals to the Departmental Grant Appeals Board, 45 CFR Part 16; and review under a procurement contract Disputes Clause and the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.), 48 CFR Part 33.

§ 30.5 Other remedies.

The remedies and sanctions available to the Department under this regulation when collecting debts are not intended to be exclusive. The Secretary may impose other appropriate sanctions upon a debtor for inexcusable, prolonged or repeated failure to pay a debt. For example, the Secretary may stop doing business with a grantee, contractor, borrower or lender; convert the method of payment under a grant from an advance to a reimbursement method; or revoke a grantee's letter-of-credit.

§ 30.6 Property claims.

Any person who converts, or negligently loses or destroys personal property belonging, entrusted or loaned to the Department is liable for the return of the property or payment of its fair market value. A person who damages such property is liable for the cost of repairs or its fair market value, whichever is less. Collection of these debts means the recovery of the property, its fair market value, or the cost of repairs. Demand for payment of these claims means a demand for the return of the property or for payment of its fair market value or the cost of repairs.

§ 30.7 Claims involving criminal activity or misconduct.

(a) A debtor whose indebtedness involves criminal activity is subject to punishment by fine or imprisonment as well as to a civil claim by the United States for compensation for the misappropriated funds or property. Examples of such activity are fraud, embezzlement and theft or misuse of Government money or property. See 18 U.S.C. 641, 643. The Secretary will refer cases of suspected criminal activity or misconduct to the Office of Inspector General. That office will investigate such cases, refer them to the Department of Justice for criminal prosecution and/or return them to the Secretary for collection, application of administrative sanctions or other disposition.

(b) Debts involving anti-trust violations, fraud, false claims or misrepresentation—

(1) Shall be referred by the Secretary to the Office of Inspector General for review. The Office of Inspector General shall refer the claim back to the Secretary for collection or other disposition to the extent authorized by the Department of Justice.

(2) Shall not be compromised, terminated, suspended or otherwise disposed of by the Secretary under these regulations. Only the Department of Justice is authorized to compromise, terminate, suspend or otherwise dispose of such debts.

§ 30.8 Claims arising from GAO exceptions.

The Secretary may not compromise but will collect, suspend or terminate collection of debts due on account of illegal, improper or incorrect payments shown in General Accounting Office notices of exception issued to certifying or disbursing officers. Only the General Accounting Office has the authority to compromise such debts.

§ 30.9 Subdivision of claims.

Debts may not be subdivided to avoid the monetary ceilings imposed by 31 U.S.C. 3711(a) (2) and (3) on the Secretary's authority to compromise, suspend or terminate collection of debts. A debtor's liability arising from a particular incident or transaction will be considered a single debt in determining whether the claim exceeds $20,000 for purposes of compromising, suspending or terminating collection efforts.

§ 30.10 Omissions not a defense.

Failure by the Secretary to comply with any provision of this regulation may not serve as a defense to any debtor.

Subpart B—Collection of Claims

§ 30.11 Collection rule.

(a) *Aggressive agency action.* The Secretary will take aggressive action to collect debts and reduce delinquencies. Collection efforts shall, at a minimum, normally include sending to the debtor's last known address a total of three progressively stronger written demands for payment at not more than 30-day intervals unless amounts are available for offset under section 30.15, or a response to the first or second demand indicates that further demand would be futile and the debtor's response does not require rebuttal.

(b) *Immediate action.* When necessary to protect the Government's interest, written demand may be preceded by other appropriate action, such as withholding of amounts payable to the debtor or immediate referral of the debt for litigation or filing of a claim in bankruptcy court or against a decedent's estate.

(c) *Finding debtors.* The Secretary will exhaust every reasonable effort to locate debtors, using such sources as telephone directories, city directories, postmasters, driving license records, automobile title and license records in State and local government agencies, the Internal Revenue Service, credit reporting agencies and skip locator services. Referral of a confess-judgment note to the appropriate United States Attorney's Office for entry of judgment will not be delayed because the debtor cannot be located.

(d) *Joint and several liability.* Collection of the full amount of the debt will be pursued from each debtor jointly and severally liable.

(e) *Debtor disputes.* A debtor who disputes a debt must promptly provide available supporting evidence.

(f) *Debt files.* The Secretary will maintain an administrative file for each debt or debtor, documenting the debt(s), all administrative collection action, including communications to and from the debtor, and disposition of the debt(s). Information from a debt file relating to an individual may be disclosed only for purposes consistent with this regulation, the Privacy Act of 1974 (5 U.S.C. 552a), and any other applicable law.

§ 30.12 Notice to debtor.

(a) *Required notice.* The first written demand for payment must inform the debtor of—

(1) The amount and nature of the debt;

(2) The date payment is due, which will generally be 30 days from the date the notice was mailed; and

(3) The assessment under § 30.13 of interest from the date the notice was mailed, and full administrative costs if payment is not received within the 30 days.

(b) *Other notice.* Where applicable, the Secretary must inform the debtor in writing of—(1) His or her right to dispute the debt or request a waiver of the debt, citing the applicable review or waiver authority, the conditions for review or waiver, and the effect of the review or waiver request on collection of the debt, interest, charges and late payment penalties (see § 30.14);

(2) The office, address and telephone number that the debtor should contact to discuss repayment, reconsideration or waiver of the debt;

(3) The proposed sanctions if the debt is overdue, including assessment of late payment penalties under 30.13 (if the debt is more than 90 days overdue) or referral of the debt to a credit reporting agency under § 30.17, or to a collection agency under § 30.18. (See also § 30.5).

(c) *Exception.* This section does not require duplication of any notice already contained in a written agreement, letter or other document signed by, or provided to the debtor.

§ 30.13 Interest, administrative costs and late payment penalties.

(a) *Interest.* (1) Interest will accrue on all debts from the date notice of the debt and the interest requirement is first mailed to the last known address or hand-delivered to the debtor if the debt is not paid within 30 days from the date of mailing of the notice. Except as provided in paragraph (a)(2) of this section, or unless the Secretary determines a higher rate is necessary to protect the Government's interests, the Secretary shall charge an annual rate of interest as fixed by the Secretary of the Treasury after taking into consideration private consumer rates of interest prevailing on the date that the Department becomes entitled to recovery. This rate may be revised quarterly by the Secretary of the Treasury and shall be published by the HHS Assistant Secretary for Management and Budget quarterly in the **Federal Register.** Debtors who were not paying interest, or were paying interest at a different rate prior to October 25, 1982, may be charged interest at the above-stated rate in effect on the date that notice of the new interest requirement is mailed after 1982. The Secretary may use the advance billing procedure and include the interest notification prior to the debt being owed. Bills sent before a debt is due will include notification of the interest requirement. In these cases, interest will begin to accrue on the day after the due date.

(2) The interest rate established in paragraph (a) of this section shall be no lower than the current value of funds rate, as set by the Secretary of the Treasury pursuant to 31 U.S.C. 3717, except that in the case of installment payment agreements under § 30.19, such rate shall be no lower than the applicable rate determined from the U.S. Treasury "Schedule of Certified Interest Rates with Range of Maturities."

(3) The Secretary may, at his or her discretion, extend the 30 day interest-free period an additional 30 days if the Secretary determines that such action is in the best interests of the Government, or otherwise warranted by equity and good conscience.

(4) The rate of interest, as initially assessed, will remain fixed for the duration of the indebtedness; except that if a debtor defaults on a repayment agreement, interest may be set at the Treasury rate in effect on the date a new agreement is executed.

(5) Interest will not be charged on interest, administrative costs or late payment penalties required by this section. However, if the debtor defaults on a previous repayment agreement, unpaid accrued interest, charges and late payment penalties under the defaulted agreement may be added to the principal to be paid under a new repayment agreement.

(b) *Administrative costs of collecting overdue debts.* Delinquent debtors will be assessed the administrative costs incurred by the Department as a result of handling and collecting the overdue debts, based on either actual or average costs incurred. These costs will include direct (personnel, supplies, etc.) and indirect costs of collecting inhouse and contracting with collection agencies and may include the costs of providing hearings or any other form of review requested by debtors. *See* § 30.14. These charges will be assessed monthly, or per payment period, throughout the period that the debt is overdue. Such costs may also be additive to other administrative costs if collection is being made for another federal agency or unit.

(c) *Late payment penalties.* A penalty charge of 6 percent a year will be assessed on a debt, a payment, or any portion thereof that is more than 90 days overdue. Late payment penalty charges will accrue from the date the debt, or portion thereof, became overdue until the overdue amount is paid. These charges will be assessed monthly, or per payment period. See also § 30.14.

(d) *Social Security Act debts.* (1) Unless specifically authorized by

statute, regulations or written agreement, or unless the debts arise from, or involve, fraud or criminal activity, the Secretary will not charge interest on debts arising from payments to beneficiaries under Titles II, XVI and XVIII of Social Security Act. The charging of interest is appropriate on debts arising from section 1862(b) of the Act for Medicare payments for which a beneficiary has been reimbursed by a liable third party, in which case the charging of interest would be appropriate.

(2) The Secretary will charge administrative costs or late payment penalties on debts arising under the Social Security Act where authorized by statute, regulations, or written agreement.

(e) *Other debts not covered by 31 U.S.C. 3717.* The Secretary will charge administrative costs or late payment penalties on debts arising under a contract executed prior to, and in effect on October 25, 1982, or debts owed by State or local governments where authorized by statute, regulation, or written agreement.

(f) *Allocation of payments.* Partial or installment payments will be applied first to outstanding administrative cost charges and late payment penalties, second to accrued interest and third to outstanding principal.

(g) *Inactive claims.* Interest, but not administrative cost charges or late payment penalties, will continue to accrue when collection of a debt is suspended under § 30.33(a).

(h) *Waivers.* The Secretary may waive collecting all or part of interest, administrative costs or late payment penalties, if—

(1) The debt or the charges resulted from the agency's error, action or inaction (other than normal processing delays), and without fault on the part of the debtors; or

(2) Collection in any manner authorized under this regulation would defeat the overall objectives of a Departmental program.

§ 30.14 Interest and charges pending waiver or review.

(a) *Rule.* A debtor may either pay the debt, or be liable for interest on the uncollected debt, while a waiver determination, a bona fide dispute or a formal or informal review of the debt is pending. If a final determination is to the effect that any amount was properly a debt to HHS and the debtor chose to retain the amount in dispute, the Secretary shall collect or offset from any future payments to the debtor, an amount equal to the amount of the debt plus interest (as calculated under § 30.13(a)) on such debt amount starting from the date the debtor was first made aware of the debt and ending when such debt is repaid. The debtor will also be assessed administrative cost charges and late payment penalties on the upaid debt for this period if the reviewing or hearing officer determines in writing that the request for a waiver, a hearing or other form of review was spurious.

(b) *Exception.* Interest, late payment penalties and administrative cost charges will not be assessed pending consideration of waiver or review under a statute which prohibits collection of the debt during this period, unless the reviewing or hearing officer determines in writing that the request for a waiver, a hearing or other form of review was spurious.

§ 30.15 Administrative offset.

(a) *Rule.* The Secretary will collect debts owed to the Department by administrative offset if—

(1) The debt is liquidated or certain in amount;

(2) Offset is not expressly or implicitly prohibited by statute or regulation;

(3) Offset is cost-effective or has significant deterrent value;

(4) Offset does not substantially impair or defeat program objectives; and

(5) Overall, offset is best suited to further and protect the Government's interest.

The Secretary may consider financial impact of the proposed offset on the debtor in determining the method and amount of the offset.

(b) *Definitions.* (1) "Administrative Offset" means satisfying a debt by withholding money payable by the Department to, or held by the Department for a debtor. Amounts available for offset include, for example, benefit payments to a program beneficiary overpaid under the same or a different program, amounts due a defaulting or overpaid contractor or grantee under the same or a different agreement, salaries of federal employees, federal income tax refunds and judgments held by the debtor against the United States. (Offset against judgments will be effected through the Comptroller General pursuant to 31 U.S.C. 3728.)

(2) "Hearing" means either a review of the record or an oral hearing. A review of the record means a review of the documentary evidence by a designated hearing officer. An oral hearing means an informal conference before a designated hearing officer.

(3) "Hearing officer" is an individual appointed by the Secretary to review and issue a final decision on an employee's dispute of a debt. In the case of an employee debt subject to 5 U.S.C. 5514, the hearing officer may not be an individual under the supervision of the Secretary; will normally be an independent contractor of the Department or an employee of another federal agency, *see* 4 CFR 102.1 and 5 CFR 550.1107; and may be an administrative law judge if appointment of an independent contractor or an employee of another federal agency is not feasible.

(4) "Pay" means basic pay, special pay, incentive pay, retired pay, retainer pay, or, in case of an employee not entitled to basic pay, other authorized pay.

(5) "Disposable pay" means the amount that remains from an employee's federal pay after withholding of all deductions listed in 5 CFR 581.105(b) and any other deductions required by law (including, but not limited to, Federal, State, and local income taxes; Social Security taxes, including Medicare taxes; and Federal retirement programs).

(c) *Scope.* This section satisfies the standards in 4 CFR 102.3 and 102.4 and 5 CFR Part 550, for offset under the common law, 31 U.S.C. 3716, 5 U.S.C. 5514 and any other statute under which standards and procedures for offset have not otherwise been promulgated, including:

(1) Offset of debts owed or to amounts payable, under a grant or contract; except that paragraphs (j)–(p) of this section do not apply. See § 30.4.

(2) Offset of debts owed by former employees from final salary and lump sum payments; and from the Civil Service Retirement and Disability Fund (which also requires compliance with 5 CFR Part 831, subpart R);

(3) Offset of salary overpayments and other debts under statutes such as 5 U.S.C. 5514 (or 31 U.S.C. 3716 in the case of commissioned officers), travel advances under 5 U.S.C. 5705, training expenses under 5 U.S.C. 4108, debts of employees removed for cause under 5 U.S.C. 5511 and amounts owed by accountable officers under 5 U.S.C. 5512, from the current pay of federal employees, including employees of the Social Security Administration and other offices administering a Social Security Act program;

(4) Offset of debts owed by state or local governments;

(5) Offset of debts arising, or from amounts payable, under the Social Security Act, except that unless specifically authorized by statute, regulation, or written agreement, or unless the debts arise from, or involve, fraud or criminal activity, administrative

offset will not be applied to recover debts arising from, or to withhold, payments to beneficiaries under Titles II, XVI, and XVIII of the Social Security Act with the exception of debts arising from section 1862(b) of the Act for Medicare payments for which a beneficiary has been reimbursed by a liable third party.

(d) *Exceptions.* (1) So long as the conditions listed in paragraphs (a) (2)–(5) and (e) are met, offset may be effected with the debtor's consent without regard to the other provisions in this section.

(2) This section does not apply to debts reduced to judgment, debts already subject to a written repayment or settlement agreement, or debts with respect to which the specified procedures have already been otherwise afforded. Debts reduced to judgment may be offset from the current pay of a federal employee under Federal Personnel Manual Supplement 552–1.

(3) This section does not apply to any adjustment to a federal employee's pay arising out of the employee's request for, or change in, coverage under a federal benefits program such as health or life insurance, which requires periodic deductions from pay, if the amount to be recovered was accumulated over four pay periods or less. Employees consent to deductions from pay whenever they elect or change coverage. Affected employees will receive a notice informing them of these retroactive adjustments to pay and the office to contact if the employee disputes the amount of the adjustment.

(e) *Advance payments.* Under many programs, the Department advances funds to pay for a recipient's anticipated costs. Before offsetting such an advance payment in order to collect a debt, the Secretary may request an assurance that the recipient will incur additional allowable costs whose Federal share is at least equal to the amount of the offset plus the amount of funds actually advanced. If the Secretary believes that the recipient will not incur sufficient costs, the advance will not be offset. In such case, the Secretary may request cash payment or convert the method of paying the recipient from an advance to a reimbursement basis and collect the debt by offsetting payments for costs already incurred.

(f) *Multiple debts.* Amounts available for offset will be applied to multiple debts in accordance with the best interests of the Department and the Government as determined on a case-by-case basis. Other factors being equal, recovery will be equally apportioned, except that debts owed to the Department will be satisfied before debts owed to other federal agencies.

(g) *Statutory bar to offset.* (1) Administrative offset will not be initiated more than 10 years after the Government's right to collect the debt first accrued, unless facts material to the Government's right to collect the debt were not known and could not reasonably have been known by the officer responsible for discovering or collecting the debt. For this purpose, a debt accrues when it is administratively determined to exist, when it is affirmed by an administrative appeals board or a court having jurisdiction, or when a debtor defaults on a repayment agreement, whichever is later. Offset is initiated when the notice of the proposed offset is mailed to the debtor under paragraph (i) of this section or under other agency procedures, when money payable to the debtor is first withheld, or when the Department requests offset from money held by another agency, whichever is first.

(2) The 10 year statutory bar does not apply to offset of a debt arising out of the Social Security Act. However, offset against such debts will generally not be initiated more than 10 years after the debt accrued unless the Secretary did not previously have the necessary information or the means by which to collect the debt by administrative offset.

(h) *Offset against assigned claims.* The Assignment of Claims Act of 1940, 31 U.S.C. 3727, 41 U.S.C. 15, strictly limits the conditions under which a contractor or any other person or entity entitled to receive payments from the United States may assign his or her rights to the payments to a third party. The Federal Acquisition Regulations implement at 48 CFR Part 32, Subpart 32.8, the statutory conditions to assignment of a contractor's right to be paid by the United States for performance under a Federal procurement contract. A contractor may assign his or her right to payment by the United States only to a bank, trust company, or other financing institution, as security for a loan to the contrator.

(1) The Secretary normally may not collect a debt owed by a contractor by offset from payments due the contractor if the contractor has properly assigned his or her rights to such payments to a financing institution, the assigned payments are due under a contract with a "no setoff" provision, and—

(i) The contractor's debt to the United States arose independently of the contract; or

(ii) The debt arose under the contract because of renegotiation, fines, penalties (other than penalties for noncompliance with the terms of the contract), taxes or social security contributions, or withholding or nonwithholding of taxes or social security contributions. Notwithstanding the satisfaction of all the conditions of this paragraph, offset may be appropriate under certain circumstances, for example: if the financing institution has made neither a loan nor a firm commitment to make a loan under the assignment; or to the extent that the amount due on the contract exceeds the amount of any loans made or expected to be made under a firm commitment.

(2) The Secretary may not offset a debt from payments due any debtor if the debtor has properly assigned his or her right to such payments and the debt arose after the effective date of the assignment.

(3) The Secretary may not attempt to satisfy the assignor's indebtedness by recovering payments already made to the assignee.

(i) *Amount of offset.* Whenever feasible debts will be offset in one lump sum, except that deductions from an employee's current pay pursuant to 5 U.S.C. 5514 may not exceed 15 percent of the employee's disposable pay for any pay period, unless the employee agrees in writing to a larger deduction. However, if the employee retires, resigns, or is discharged, or if his or her employment or active duty otherwise ends, an amount necessary to satisfy the debt may be offset immediately from payments of any nature due the individual.

(j) *Pre-offset requirements.* Before effecting offset, the Secretary will send the debtor written notice of the following—

(1) The nature and amount of the debt;

(2) The agency intention to collect the debt by offsetting the lump sum or installments (stating the amount, frequency, proposed beginning date and duration of the installments) unless the debtor pays the debt or responds within 30 days from the date the notice was mailed to the debtor;

(3) The interest, administrative cost charges and penalties that will or may be assessed under §§ 30.13 and 30.14 if the debt is not paid, or the debtor has not consented to a lump sum offset, within 30 days from the date the notice was mailed to the debtor;

(4) The debtor's right, if a previous opportunity was not provided, to request within 15 days (unless otherwise provided by statute or regulation) from the date of mailing of the notice—

(i) Copies of agency records pertaining to the debt;

(ii) An alternative repayment schedule; or

(iii) A hearing if the debtor contends no debt is owed, the debt is for a different amount, or the proposed offset does not comply with this section;

(5) The debtor's right, if any, to request waiver of the debt, interest or changes, citing the applicable statutory authority, request procedures and waiver conditions and the effect of the waiver request on collection of the debt, interest and charges by offset;

(6) The office, address and telephone number of whom the debtor should address any inquiries or requests;

(7) The requirement that the hearing officer issue a decision at the earliest practical date; except that under 5 U.S.C. 5514, the decision may be issued no later than 60 days after the request for the hearing was filed unless the employee requested and was granted an extension;

(8) That any knowingly false or frivolous statements, representations or evidence may subject the debtor to criminal or civil penalties under 18 U.S.C. 286, 287, 1001 and 1002 or 31 U.S.C. 3729–3731; or also disciplinary action under 5 CFR Part 752 or any other applicable authority if the debtor is an employee;

(9) Any other rights and remedies available to the debtor under the statutes or regulations governing the program under which the debt is being collected; and

(10) That, unless otherwise provided by statute or contract, amounts collected and later waived or found not owed will be promptly refunded.

(k) *Alternative repayment proposal.* A debtor may propose a different offset schedule or repayment by cash installments pursuant to § 30.19.

(l) *Request for hearing.* A debtor may submit to the address specified in the notice letter a written request for a hearing to dispute the administrative determination of the existence or amount of the debt, or whether the proposed offset schedule complies with this section, before the initiation of collection by offset. The request must be postmarked no later than 15 days (unless otherwise provided by statute or regulation) from the date the notice was mailed to the debtor. The debtor must sign the request and briefly state each agency conclusion being disputed and the reasons for the dispute. Supporting facts, witnesses, and documents must be identified in the request. The request, with supporting documents, must, on its face, sufficiently raise a genuine issue of fact or law. Receipt of the request will be acknowledged. The Secretary may grant an extension or excuse a delay if the debtor shows good cause for late filing of a request for a hearing. A reasonable extension will be granted only if the debtor shows that the delay was caused by circumstances beyond the debtor's control or because the debtor did not receive notice, and was not otherwise aware of the time limit. A debtor who fails to meet the filing deadline or to request an extension waives the right to a hearing and will be immediately subject to offset.

(m) *Denial of request.* The Secretary will summarily deny a request for an oral hearing pursuant to a written finding that the request raises no genuine issue of fact or law, or is otherwise spurious or frivolous. In addition, if the Secretary finds that the request raises issues which may properly constitute grounds for waiver of the debt under 5 U.S.C. 5584 or any other statute, the request will be deemed to be a request for a waiver and will be so handled with notification to the debtor.

(n) *Hearings*—(1) *Type of hearing.* The hearing will normally be a review of the record, unless the hearing officer determines that a decision cannot be made without resolving an issue of credibility or veracity, in which case the hearing officer will provide for an oral hearing.

(2) *Date and place of oral hearing.* The oral hearing will normally be held no later than 30 days from the date of receipt by the agency of the request for a hearing. The hearing officer will give the debtor and the Secretary at least 10 days prior notice of the hearing date, time, place, procedures and issues. The hearing officer, for good cause, may grant the parties each one request to change the hearing date and reschedule the hearing for the earliest practical date. To the extent feasible the hearing will be held at a location convenient to the debtor, and will be open to the public.

(3) *Oral hearing procedures.* The hearing officer will:

(i) Make a summary record of the hearing;

(ii) Decide the order of hearing the evidence;

(iii) Allow the debtor and the agency to introduce relevant evidence not previously submitted and informally call and cross examine witnesses;

(iv) Question parties and witnesses as appropriate;

(v) Allow the debtor and the agency to be represented by counsel; and

(vi) Limit review of the case to the particulars of the agency determination challenged by the debtor.

(o) *Decision of hearing officer.* The hearing officer will issue a written decision at the earliest practical date; but not later than 60 days after a request for a hearing or extension is filed under 5 U.S.C. 5514. The decision will, at a minimum, state the relevant facts, include the hearing officer's analysis, findings and conclusions based on the issues and, if unfavorable to the debtor, inform the debtor of any available rights or remedies.

(p) *Employee waiver requests.* Requests for waiver of overpayments of pay under 5 U.S.C. 5584 will continue to be handled under 4 CFR Parts 91–93 and Chapter 4–40 of the HHS General Administration Manual, except that a waiver request made simultaneously with, or during the pendency of a request for review under this section may be referred for a decision under the waiver standards to the hearing officer reviewing the debt under this section.

(q) *Deductions.* Unless an alternative repayment arrangement has been accepted, the Secretary may initiate offset 30 days after the date that notice of the proposed action was mailed to the debtor if no review or hearing is pending, or as soon as practical after a hearing officer's decision affirming the debt.

(r) *Protection of the Government's interest.* Notwithstanding the provisions of paragraphs (j) through (q) of this section, the Secretary may take immediate action to delay a lump sum or final payment to the debtor whenever such action is necessary to protect the Government's ability to recover the debt by offset. The amount withheld may not exceed the amount of the debt plus any accrued or anticipated interest, administrative cost charges and penalties. The Secretary shall promptly send the debtor the notice specified in paragraph (j) of this section. The Secretary may not take final action to effect offset of the debt from the withheld amount until the procedures required by paragraphs (j) through (l) of this section have been exhausted. The appropriate amount will be paid to the debtor as soon as practical after the debt, or a portion of the debt, is found not to be owed.

(s) *Interagency offsets.* The Secretary may offset a debt owed to another federal agency from amounts due or payable by the Department to the debtor; or request another federal agency to offset a debt owed to the Department. Pursuant to 31 U.S.C. 3720a, Department of the Treasury regulations, 26 CFR Part 301, and HHS' implementing regulations, 45 CFR Part 31, the Secretary may seek to offset an overdue debt from a federal income tax refund due the debtor where reasonable attempts to obtain payment from the debtor have failed.

(1) In attempting to collect a debt from an employee of another federal agency by deduction from the debtor's pay, the Secretary will follow the procedures set forth in this section. When those procedures are exhausted, a written request for offset will be submitted to the employing agency. The request will—

(i) Certify that the debt is valid;

(ii) Certify the amount and basis of the debt;

(iii) Certify the date the Government's right to collect the debt first accrued;

(iv) Certify that this section has been approved by OPM;

(v) Either—

(A) Certify that the procedures required by this section have been complied with;

(B) Include the employee's written consent to the offset or acknowledgement of receipt of the required procedures; or

(C) If the debt is reduced to judgment, include a copy of the court judgment; and

(vi) Indicate whether collection is to be made in a lump sum or by installments and the number, amount and beginning date of the installments.

(2)(i) The Secretary may deduct from an employee's pay a debt owed to another Federal agency in accordance with this section. The creditor agency must submit the properly certified claim form described in paragraph (s)(1) of this section. No deductions will be made until a properly completed claim form is received.

(ii) Before initiating deductions, the Secretary must send the employee a letter:

(A) Transmitting a copy of the creditor agency's request;

(B) Notifying the employee of the proposed action;

(C) Instructing the employee to contact the creditor agency regarding payment or any dispute of the debt, the certification or the proposed collection; and

(D) Informing the employee of the date that deduction will begin (which should be at the next officially established pay interval) and that deductions will continue until the debt is paid unless the creditor agency directs otherwise.

(iii) The creditor agency must resolve any disputes concerning the debt or the offset and promptly inform the Department of any circumstances affecting the collection by offset. The Department may not review the merits of the creditor agency's decisions.

(iv) The Secretary may temporarily withhold lump sum or final leave payments to the employee who is in the process of separating or to a former employee for no more than 30 days beyond normal processing time periods pending certification.

(v) If the employee subject to salary offset is in the process of separating, and is entitled to payment from the Civil Service Retirement and Disability Fund, the Secretary will send OPM a copy of the creditor agency's original offset request. If the employee transfers to another Federal agency, the Secretary will certify in writing the total amount collected on the debt and send one copy of the certification to the employee and another to the creditor agency, with notice of the transfer. A copy of the certification, along with the creditor agency's original offset request will be inserted in the employee's official personnel folder.

(vi) When a new Department employee transfers from another Federal agency and the employee's official personnel folder contains a creditor agency's offset request to the former employing agency and the former employing agency's certification of the amount of the debt already collected, the Secretary will resume collection by offset. If either item is missing, the creditor agency must comply with paragraph (s)(1).

(t) *Non-waiver of debtor rights by payment.* Unless a statute or contract provides otherwise, a debtor does not waive any rights under law or contract by paying all or part of a debt by offset or cash payment.

(Approved by the Office of Management and Budget under control number 0990–0148)

§ 30.16 Use of credit reporting agencies.

(a) *Overdue debts.* (1) The Secretary will report overdue debts over $100 owed by individuals and all debts over $100 owed by business concerns and private non-profit organizations to consumer or commercial credit reporting agencies. Except as provided in paragraph (a)(3) of this section, beneficiary debts which arise under the Social Security Act may be reported under this section.

(2) Debts owed by individuals, except debts arising under the Social Security Act, will be reported to consumer reporting agencies as defined in 31 U.S.C. 3701(a)(3) pursuant to 5 U.S.C. 552a(b)(12) and 31 U.S.C. 3711(f). The Secretary must first give the individual, but not the corporate debtor at least 60 days written notice that the debt is overdue and will be reported to a credit reporting agency (including the specific information that will be disclosed); that the debtor may dispute the accuracy and validity of the information being disclosed; and, if a previous opportunity was not provided, that the debtor may request review of the debt or rescheduling of payment. The Secretary may disclose only the individual's name, address and social security number, and the nature, amount, status and history of the debt.

(3) Unless specifically authorized by statute, regulation or written agreement, or unless the debts arise from, or involve, fraud or criminal activity, overdue debts arising from payments to beneficaries under Titles II, XVI and XVIII of the Social Security Act will not be reported to credit reporting agencies. All other overdue debts of individuals which arise under the Social Security Act may be reported to credit reporting agencies subject to the conditions stated in paragraph (a)(2) of this section, except that such disclosure would be as a routine use under 5 U.S.C. 552a(b)(3), rather than a disclosure under 552a(b)(12).

(b) *Credit reports and locator services.* The Secretary may also use credit reporting agencies to obtain credit reports to evaluate the financial status of loan applicants and potential contractors and grantees; to obtain credit reports when collecting or disposing of debts to determine a debtor's ability to repay a debt; and to locate debtors. In the case of an individual, the Secretary may disclose, as a routine use under 5 U.S.C. 552a(b)(3), only the individual's name, address, Social Security number and the purpose for which the information will be used.

(c) Disclosures pertaining to individuals may be made to credit reporting agencies generally from the primary systems of records containing information about the debt or the loan, contract or grant application.

(d) Addresses obtained from the Internal Revenue Service may be disclosed to credit reporting agencies only to obtain credit reports (see § 30.21).

§ 30.17 Contracting for collection services.

(a) *Rule.* Except as provided in paragraph (b) of this section, the Secretary may contract for collection services to recover outstanding debts and may pay the contractor's fee from the amounts collected, from funds specifically available for that purpose, or from a revolving fund. The amount of the fee must be consistent with prevailing commercial practice. The Secretary may contract for collection services only if reasonable in-house collection efforts and remedies were, or are likely to be, unsuccessful or not feasible; and the total amount of anticipated recoveries exceeds the total cost of the contract and incidental expenses. The Secretary

must retain the authority to resolve disputes, compromise debts, terminate collection action (or recommend such action to the Department of Justice) and refer debts to the Department of Justice for litigation. Contracts for collection services must conform to the standards set forth in the Federal and Departmental Acquisitions Regulations at 48 CFR, Chapters 1 and 3. The Secretary may disclose to the contractor the information about debtors necessary to accomplish the purpose of the contract. The contractor must provide any data from its files relating to the account to the Secretary upon request or upon return of the account. The contractor will be subject to the Privacy Act of 1974, as amended, as specified in 5 U.S.C. 552a(m), and to applicable Federal and State laws and regulations regarding debt collection practices, including the Fair Debt Collection Practices Act, 15 U.S.C. 1692. The contractor will be strictly accountable for all amounts collected.

(b) *Social Security Act debts.* (1) A contractor's fee for collecting debts arising under the Social Security Act may be paid from any funds available for that purpose, but not from the amounts collected unless those amounts belong to a revolving fund.

(2) Unless specifically authorized by statute, regulation or written agreement, or unless the debts arise from, or involve, fraud or criminal activity, debts arising from payments to beneficiaries under Titles II, XVI and XVIII of the Social Security Act will not be referred to private collection agencies for collection.

§ 30.18 Liquidation of collateral.

If the Secretary holds a security instrument with a power of sale or has physical possession of collateral, the Secretary will liquidate the security or collateral when it is cost-effective to do so and apply the proceeds to an overdue debt. The Secretary will give the debtor reasonable notice of the sale and an accounting of any surplus proceeds and will comply with other requirements under law or contract.

§ 30.19 Installment payments.

The Secretary may enter into a written agreement with a debtor for payment of a debt in regular installments if payment in one lump sum, either by cash or offset, will cause the debtor extreme financial hardship. The debtor must submit sufficient information to determine his or her ability to pay. A request by a debtor for installment payment will delay initiation of offset under § 30.15 only if the request is in writing, is accompanied by a statement with supporting documents indicating how the proposed offset would cause extreme financial hardship and, unless an extension is granted for good cause, is received by the Secretary no later than 15 days (unless otherwise provided by statute or regulation) from the date that notice of the proposed offset was mailed to the debtor. The Secretary will consider factors such as the amount of the debt, the length of the proposed repayment period, whether the debtor is willing to sign a confess-judgment note or give collateral, past dealings with the debtor and documentation indicating that the offset will cause the debtor extreme financial hardship and that the debtor will be financially capable of adhering to the terms of the agreement. The size and frequency of the payments will reasonably relate to the size of the debt and the debtor's present and future ability to pay. Whenever feasible, the installment agreement will provide for full payment of the debt, including interest and charges, in three years or less, and include a security or confess judgment provision. The full balance, including accrued interest, charges and penalties, will be immediately due and payable if the debtor defaults on any installment made pursuant to a repayment agreement. Interest under installment agreements will be payable at the applicable rate as provided in § 30.13. When a debtor owes several debts and does not designate how an installment payment should be applied as among the various debts, the payment will be applied in accordance with § 30.15(f).

(Approved by the Office of Management and Budget under control number 0990–0148)

§ 30.20 Taxpayer information.

(a) The Secretary shall enter into reimbursable agreements with the Internal Revenue Service in accordance with IRS Revenue Procedure 83–29, 26 CFR 601.702, to obtain the current mailing addresses of debtors and to find out whether applicants under included Federal loan programs have overdue tax accounts.

(b) "Included Federal loan program" means any program under which the Department makes, guarantees or insures loans and which appears in the current list of included Federal loan programs published by the Director of the Office of Management and Budget in the **Federal Register**. An applicant for a loan under an included Federal loan program administered by the Department must furnish his or her taxpayer identification number, which, for an individual, means the Social Security number.

(c) Tax delinquency information may not be redisclosed or used for any other purpose. Addresses obtained from the Internal Revenue Service may be used by the Department, its officers, employees, agents or contractors and other Federal agencies to collect or dispose of debts, but may be disclosed to consumer reporting agencies only to obtain credit reports, unless otherwise independently verified.

§ 30.21 Army hold-up list.

The Secretary may use the Army hold-up list to report indebted contractors to the Department of the Army for inclusion in the list and to check whether a prospective contractor is indebted to another agency. The reported information will be limited to the contractor's name, address and taxpayer identification number if available, and the amount of the debt. The Secretary will promptly report any partial or full satisfaction or waiver of a reported debt and will screen the hold-up list periodically and request removal of any debt of less than $1,000 that has been on the list for over twelve months.

Subpart C—Compromise of Claims

§ 30.22 Compromise rule.

The Secretary may attempt to dispose of debts, including accrued interest, charges and penalties, by compromise settlement whenever the Department's ability to collect the full amount is uncertain because of the debtor's financial status or the litigation risks or because enforced collection would not be cost-effective. When the outstanding principal amount of the debt before compromise exceeds $20,000 and the debtor has exhausted all Departmental administrative remedies, the debt may be compromised only with the approval of the Department of Justice.

§ 30.23 Exceptions.

The Secretary may not compromise debts—

(a) Which arise out of exceptions made by the General Accounting Office in the accounts of accountable officers (only the General Accounting Office has authority to compromise such debts); or

(b) Where there is an indication of fraud, the presentation of a false claim or misrepresentation by the debtor or any other party having an interest in the claim, or where the claim is based on conduct in violation of antitrust laws. (Only the Department of Justice has authority to compromise or terminate collection of these claims.)

§ 30.24 Inability to collect the full amount.

(a) The Secretary may compromise a debt if the full amount cannot be collected because the debtor—

(1) Is unable to pay the full amount within a reasonable time; or

(2) Refuses to pay the full amount and the Government is unable to enforce full collection within a reasonable time.

(b) *Ability to pay.* In determining a debtor's ability to pay, the Secretary may consider the age and health of the individual debtor; present and future income and assets; and the possibility of an improper transfer or concealment of assets by the debtor.

(c) *Amount of compromise.* The amount of compromise will reasonably relate to the amount recoverable by enforced action, considering such factors as State or Federal exemptions available to the debtor, and the price that collateral will bring at a forced sale.

(d) *Installments.* Compromises will be paid in one lump sum whenever possible. Payment by installments may be accepted on a case-by-case basis bearing in mind the conditions specified in § 30.20.

(e) *Credit information.* If reasonably up-to-date credit information to evaluate a compromise proposal is not available, the Secretary may obtain credit reports from credit reporting agencies or a statement from the debtor executed under penalty of perjury showing the debtor's assets and liabilities, income and expenses.

§ 30.25 Litigative probabilities.

The Secretary may compromise a debt if the Government's ability to prove its case in court for the full amount claimed is doubtful either because of the legal issues involved or a bona fide dispute as to the facts. The amount accepted in compromise in such cases should fairly reflect the probability of prevailing on the issues and the prospects for full or partial recovery of a judgment, paying due regard to the availability of evidence and witnesses, and related pragmatic considerations.

§ 30.26 Cost of collecting claim.

The Secretary may compromise a debt if the cost or deterrence value of collection do not justify the enforced collection of the full amount. The amount accepted in compromise in such cases may reflect an appropriate discount for the administrative and litigative costs of collection, taking into account the time which it will take to effect collection. Costs of collection may be a substantial factor in the settlement of small debts, but not normally in the settlement of large debts.

§ 30.27 Enforcement policy.

Statutory penalties, forfeitures, or debts established as an aid to enforcement and to compel compliance may be compromised if not prohibited by law and consistent with the agency's enforcement policy.

§ 30.28 Joint and several liability.

When two or more debtors are jointly and severally liable, a compromise with one debtor will not release the remaining debtors. The amount of a compromise with one debtor will not be considered a precedent or binding in determining the amount which will be required from other debtors jointly and severally liable on the debt.

§ 30.29 Further review of compromise offers.

A debtor's firm written offer of compromise for a substantial amount may be referred to the General Accounting Office or to the Department of Justice when the acceptability of the offer is in doubt. (See 30.36).

§ 30.30 Restriction.

The Secretary may not accept a percentage of a debtor's profits or stock in a debtor corporation in compromise of a debt.

Subpart D—Termination or Suspension of Collection Action

§ 30.31 Termination rule.

(a) The Secretary may terminate collection activity and write off a debt, including accrued interest, charges and penalties if the outstanding principal does not exceed $20,000 and:

(1) The Government cannot collect or enforce collection of any significant sum from the debtor, having due regard for the judicial remedies available to the Government, the debtor's ability to pay (see § 30.25(b)) and the exemptions available to the debtor under State and Federal law;

(2) The debtor cannot be located, there is no security remaining to be liquidated, the applicable statute of limitations has run, and the prospects of collecting by offset are too remote to justify retention of the claim;

(3) The cost of further collection action is likely to exceed the recoverable amount;

(4) The basis for the claim has proved to be unsupportable; or

(5) The evidence necessary to prove the claim cannot be produced or the necessary witnesses are unavailable.

(b) As required by section 61(a)(2) of the Internal Revenue Code, income arising from the discharge in whole or in part of a debt is to be included in the debtor's gross income for the year in which the debt is discharged. The Secretary will report to the Internal Revenue Service, using Form 1099G, any amount over $600 which becomes uncollectible because the applicable statute of limitations expires or because the Government agrees with the debtor to forgive or compromise a debt. An amount which is in dispute, which is discharged under Title 11 of the Bankruptcy Act or which arises out of an overpayment which was already taxed, will not be reported. See IRS Instructions for Form 1096 and Revenue Procedure 83–48 for further instructions.

§ 30.32 Exceptions.

(a) The Secretary may suspend, rather than terminate collection of a debt that arises out of its activities if the outstanding principal does not exceed $20,000 and the Government cannot collect or enforce collection of any significant sum from the debtor (*e.g.*, the debtor cannot be located or is financially unable to pay), but the prospects of future collection are promising enough to justify periodic review of the debt, and there is no statute of limitations problem. Interest will accrue under § 30.13(a).

(b) Where a significant enforcement policy is involved, the Secretary will, instead of terminating or suspending collection, refer debts to the Department of Justice for litigation.

Subpart E—Referrals to the Department of Justice or GAO

§ 30.33 Litigation.

(a) Debts over $600 that cannot be collected or otherwise disposed of by the Secretary or its agents will be referred to the appropriate United States Attorney (if the amount does not exceed $100,000) or the Civil Division of the Department of Justice (if the amount exceeds $100,000) for litigation. Each referral will include all pertinent information, as required by the Claims Collection Litigation Report, including:

(1) The most current address of the debtor or the name and address of the agent for a corporation upon whom service may be made;

(2) Reasonably current credit data in the form of a credit report or a financial statement showing reasonable prospects of enforcing collection from the debtor, having due regard for the exemptions available to the debtor under State and Federal law and the judicial remedies available to the Government; and

(3) A summary of prior collection efforts. Credit data may be omitted if a surety bond, insurance, or the sale of collateral will satisfy the claim in full; or

the debtor is in bankruptcy or receivership, or is a unit of State or local government.

(b) Debts of $600 or less, exclusive of interest and charges, may be referred for litigation if a significant enforcement policy is involved or the debtor is clearly able to pay and the Government can effectively enforce payment.

§ 30.34 Claims over $20,000.

The Secretary may compromise or suspend or terminate collection of debts where the outstanding principal exceeds $20,000 only with the approval of, or referral to, the appropriate United States Attorney (if the debt does not exceed $100,000) or the Department of Justice (if the debt exceeds $100,000).

§ 30.35 GAO exceptions.

The Secretary will refer to the General Accounting Office (GAO) debts arising from GAO audit exceptions.

[FR Doc. 87-112 Filed 1-2-87; 8:45 am]
BILLING CODE 4150-04-M

Family Support Administration

Office of Child Support Enforcement

45 CFR Parts 201 and 304

Grants to States for Public Assistance Programs and Federal Financial Participation

AGENCIES: Office of Family Assistance and Office of Child Support Enforcement, Family Support Administration, HHS.

ACTION: Final rule.

SUMMARY: The Department of Health and Human Services is revising its regulations governing grants to States for public assistance programs and Federal financial participation in the child support enforcement programs under the Social Security Act so that they may conform to the amendments to the Department's Claims Collections Regulations, 45 CFR Part 30, published in this same issue of the **Federal Register**. Section 201.66 governs the States' repayment by installments of debts or other amounts determined to be unallowable under Titles I, IV-A, X, XVI (ADDBD) or XIX of the Social Security Act. Paragraph (b)(8) of § 201.66 provides that the Department will not charge the States interest on repayments made under this section unless mandated by court order. Section 304.40 governs the States' repayment by installments of debts to the Department arising from audit disallowances under title IV-D of the Social Security Act. Paragraph (b)(8) of § 304.40 also provides that the Department will not charge the States interest on repayments made under this section unless mandated by court order. The Department is removing these provisions.

EFFECTIVE DATE: February 4, 1987.

FOR FURTHER INFORMATION CONTACT: Sandra H. Shapiro, (202) 475-0150.

SUPPLEMENTARY INFORMATION: By providing that States will not be charged interest on repayments to the Federal Government under 45 CFR 201.66 and 304.40, paragraph (b)(8) of each of these sections conflicts with the Department's policy regarding interest charges on outstanding debts, as set forth in amendments to 45 CFR Part 30.

Sections 201.66(b)(8) and 304.40(b)(2) bestow upon the affected debtors a benefit that will not be available to other debtors of this Department. Under the Department's Claims Collection Regulation at 45 CFR Part 30, all debtors will be required to pay interest on debts that are not paid promptly unless a statute provides otherwise, or certain other criteria specified in 45 Part 30.13 or 30.14 are present. A decision not to charge interest on debts that are repaid under 45 CFR 201.66 or 304.40 should be based on the same criteria. A blanket exemption is not justified. Paragraph (b)(8) of these regulations was not issued pursuant to a statute prohibiting the charging of interest on the covered debt.

Therefore, in the interest of fairness and consistency, we are removing paragraph (b)(8) of 45 CFR 201.66 and 304.40.

E.O. 12291

These are not "major rules" as defined Executive Order 12291, dated February 7, 1981.

Regulatory Flexibility Act

I certify that these regulations will not have a significant impact on a substantial number of small entities.

List of Subjects in 45 CFR Parts 201 and 304

Administrative practice and procedures, Claims, Public assistance.

Dated: July 11, 1986.

Otis R. Bowen,

Secretary.

PART 45—[AMENDED]

For the reasons set forth in the preamble, we hereby amend 45 CFR Parts 201 and 304 as follows:

1. The authority citation for Part 45 CFR Part 201 continues to read as follows:

Authority: Secs. 403 and 1102 of the Social Security Act, as amended; 49 Stat. 628, as amended; 49 Stat. 647, as amended; 42 U.S.C. 603, and 1302, and 1302.

§ 201.66 [Amended]

2. In § 201.66, paragraph (b)(8) is removed.

PART 304—[AMENDED]

3. The authority citation for Part 304 continues to read as follows:

Authority: 42 U.S.C. 651 through 655, 657, 1302, 1396(a)(25), 1396b(d)(2), 1396b(o), 1396b(p), 139k.

§ 304.40 [Amended]

4. In § 304.40, paragraph (b)(8) is removed.

[FR Doc. 87-113 Filed 1-2-87; 8:45 am]
BILLING CODE 4190-11-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 65

[CC Docket 86-127; FCC 86-514]

Common Carrier Services; Reporting Requirements for Interstate Rates of Return

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has established quarterly reporting requirements for certain telephone companies. Carriers are required to report interstate rates of return called for in Part 65 of our Rules. This rule was made to enable the Commission to implement its decision to enforce maximum rate of return prescriptions and to monitor the carrier's actual performance on an access element-by-element basis.

EFFECTIVE DATE: March 9, 1987.

FOR FURTHER INFORMATION CONTACT: Alan Feldman, Common Carrier Bureau, Industry Analysis Division, Washington, DC 20554, (202) 632-0745.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's report and order, CC Docket 86-127, adopted November 13, 1986, and released December 3, 1986.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors,

International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Summary of Report and Order

The Commission has established a quarterly and biennial report to enable it to enforce its maximum rates-of-return policy and improve its tariff review process.

On April 8, 1986, the Commission Proposed rules to established reports required to enforce maximum rate-of-return prescriptions. (In CC Docket 84–800, Phase I, the Commission had adopted refund mechanisms in the event AT&T or the exchange carriers earned above the prescribed rates of return.) The FCC also proposed establishing some interim quarterly reporting requirements for the local exchange carriers (LECs) so it could monitor their actual performance on an access element-by-element basis, as well as clarifying and setting time limits for rate-base and interperiod adjustments.

The FCC concluded that a biennial enforcement report (FCC Form 492), to be filed in conjunction with the newly established earnings review periods, as well as a quarterly report, would best serve its objectives.

For restitution purposes, the biennial report will be conclusively binding upon the National Exchange Carrier Association (NECA) and each exchange carrier that files its own access tariffs with the Commission. That report will contain the necessary rate of return computational detail for the FCC and the carriers to set in motion the refund process.

Each quarterly report will contain two parts: (1) Information on a cumulative basis for the entire monitoring period and (2) similar information for the most recent quarter. The original proposal was that the report for each quarter be updated as later, out-of-period adjustments were made. This would have required carriers to assign all out-of-period adjustments to specific quarters, a task not normally required for annual tariff filing purposes. The Commission, however, concluded it was not necessary to impose this burden on the carriers, even though the reports will be somewhat less valuable. However, the cumulative quarterly reports will reflect all adjustments and revisions and will represent the latest and best view of the entire earnings review period. The only report requiring updating will be the biennial enforcement report.

The Commission said it would require only detailed reporting of large adjustments—$1 million for common line revenues and $300,000 for switched traffic sensitive and special access.

NECA will be required to provide a quarterly report similar to the one for the LECs for the results of the pooled tariffs that it administers and AT&T must submit quarterly filings of individual category earnings based upon Interim Cost Allocation Manual procedures. The Chief, Common Carrier Bureau was delegated authority to specify the detailed reporting requirements for AT&T.

The FCC concluded that the filing of FCC Form 492 will be minimally burdensome and that it is necessary to implement its decision in CC Docket 84–800, Phase I, to enforce maximum rate of return prescriptions. The cumulative and quarterly reporting for an enforcement period will enable it to monitor carrier's actual performance at the level necessary to assist it in the tariff review process. This will provide an early warning system if rate adjustments become necessary.

The report contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to impose new or modified requirements of burdens upon the public. The Office of Management and Budget has approved the collection of information requirement contained in this rule. The OMB control number for this collection of information requirement is 3060–0355.

Ordering Clauses

Accordingly, it is hereby ordered, that Parts 1 and 65 of the Commission's Rules are amended as set forth, effective March 9, 1987.

It is further ordered, that the adjustments for zero cost sources of funds, discussed in paragraph 32, shall be included in the tariff filings for the 1987 access year.

It is further ordered, that this proceeding is terminated.

List of Subjects

47 CFR Part 1

Communications common carriers, Reporting requirements, Telephone, Rate of return.

47 CFR Part 65

Communications common carriers, Reporting requirements, Telephone, Rate of return.

William J. Tricarico,

Secretary.

Parts 1 and 65 of the Code of Federal Regulations are amended as follows:

PART 1—[AMENDED]

1. Authority citation for Part 1 continues to read:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303; Implement, 5 U.S.C. 552, unless otherwise noted.

2. Section 1.795 is added to Part 1, Subpart E, under the heading, "Financial and Accounting Reports and Requests" to read as follows:

§ 1.795 Reports regarding interstate rates of return.

Carriers shall file reports regarding interstate rates of return on FCC Form 492 as required by Part 65 of this chapter.

PART 65—[AMENDED]

3. Authority citation for Part 65 continues to read:

Authority: Secs. 4, 201, 202, 203, 205, 218, 403, 48 Stat., 1066, 1072, 1077, 1094, as amended, 47 U.S.C. 154, 201, 202, 203, 205, 218, 403.

4. A new Subpart E is added to Par 65 to read as follows:

Subpart E—Rate of Return Reports

Sec.
565.600 Rate of return reports.

Subpart E—Rate of Return Reports

§ 65.600 Rate of return reports.

(a) Subpart E shall apply to those interstate communications common carriers and exchange carriers that are so designated by Commission order.

(b) Each exchange carrier or group of carriers which has filed individual access tariffs during the preceding enforcement period shall file with the Commission, within three (3) months after the end of each calendar quarter, a quarterly rate of return monitoring report. Each report shall contain two parts. The first part shall contain rate of return information on a cumulative basis from the start of the enforcement period through the end of the quarter being reported. The second part shall contain similar information for the most recent quarter. The final quarterly monitoring report for the entire enforcement period shall be considered the enforcement period report. Reports shall be filed on the appropriate report form prescribed by the Commission (see § 1.795 of this chapter) and shall provide full and specific answers to all questions propounded and information requested in the currently effective report form. The number of copies to be filed shall be specified in the applicable report form. At least one copy of the report shall be signed on the signature page by th responsible officer. A copy of each report shall be retained in the principal office of the respondent and shall be filed in such manner as to be readily

available for reference and inspection. Final adjustments to the enforcement period report shall be made by September 30 of the year following the enforcement period to ensure that any refunds can be properly reflected in an annual access filing.

(c) Each designated interstate carrier shall file with the Commission, within three (3) months after the end of each calendar quarter, a quarterly fully distributed cost report based upon the Commission's Interim Cost Allocation Manual principles.

[FR Doc. 87-9 Filed 1-2-87; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 73

[MM Docket No. 86-14, RM-5132]

Radio Broadcasting Services; Ketchum, OK

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allocates Channel 298C2 to Ketchum, Oklahoma, as the community's first local FM service, at the request of PBL Broadcasting, Inc. The channel can be allocated in compliance with the Commission's minimum distance separation requirements with a site restriction of at least 14.3 kilometers (8.9 miles) northwest. The counterproposal filed by HCI Acquisition Corp. to allocate either Channel 250C2 or Channel 281A in lieu of Channel 298C2 at Ketchum is denied. With this action, this proceeding is terminated.

EFFECTIVE DATE: February 6, 1987. The period for filing applications for Channel 298C2 at Ketchum will open on February 9, 1987, and close on March 9, 1987.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86-14, adopted November 20, 1986, and released December 23, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. In § 73.202, paragraph (b), the table of allotments is amended by adding Ketchum, Oklahoma, Channel 298C2.

Ralph A. Haller,

Acting Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-15 Filed 1-2-87; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 73

[MM Docket No. 86-200; RM-5239]

Radio Broadcasting Services; Lone Grove, OK

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allocates Channel 294A to Lone Grove, Oklahoma, as the community's first local FM service, at the request of SSS Communications, Inc. The allotment requires a site restriction of at least 6.7 kilometers (4.2 miles) north. With this action, this proceeding is terminated.

DATES: Effective February 6, 1987. The window period for filing applications will open on February 9, 1987, and close on March 9, 1987.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86-200, adopted November 18, 1986 and released December 24, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. In § 73.202(b), the Table of FM Allotments is amended by adding Lone Grove, Oklahoma, Channel 294A.

Federal Communications Commission.

Mark N. Lipp,

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

[FR Doc. 87-14 Filed 1-2-87; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 73

[MM Docket No. 85-338]

Radio Broadcasting Services; Wurtsboro, NY and Woodstock, NY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action taken herein substitutes Channel 247A for Channel 261A at Wurtsboro, New York, and Channel 261A for Channel 272A at Woodstock, New York, on the Commission's own motion. The substitution of channels will permit a first FM service to commence at Wurtsboro. With this action, this proceeding is terminated.

EFFECTIVE DATE: February 9, 1987.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 85-338, adopted November 20, 1986 and released December 24, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. In § 73.202, paragraph (b), the table of allotments, the entry for Wurtsboro, NY is amended to add Channel 247A

and remove Channel 261A and the entry for Woodstock, NY is amended to add Channel 261A and remove Channel 272A.

Federal Communications Commission.

Ralph A. Haller,

Acting Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-13 Filed 1-2-87; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 73

[MM Docket No. 86-86; RM-5009]

Radio Broadcasting Services; Clinton, OK

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 238C2 for Channel 237A at Clinton, Oklahoma, and modifies the license of Station KCLI to operate on the higher powered channel, at the request of Media Max Broadcasting, Inc. This action could provide expanded radio service to Clinton and its environs. With this action, this proceeding is terminated.

EFFECTIVE DATE: February 6, 1987.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86-86, adopted November 18, 1986 and released December 24, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. In § 73.202, paragraph (b), the Table of FM Allotments for Clinton, Oklahoma is amended by adding 238C2, and removing Channel 237A.

Federal Communications Commission.

Mark N. Lipp,

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

[FR Doc. 87-16 Filed 1-2-87; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 73

[MM Docket No. 86-18; RM-4996]

Radio Broadcasting Services; Twentynine Palms, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 299A to Twentynine Palms, California as that community's second local FM service, in response to a petition filed by Wayne R. Stenz, d/b/a Westwind Radio Company. With this action, this proceeding is terminated.

DATES: Effective February 9, 1987; The window period for filing applications will open on February 10, 1987, and close on March 11, 1987.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of tbe Commission's Report and Order, MM Docket No. 86-18, adopted November 7, 1986 and released December 24, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. In § 73.202(b), the Table of FM Allotments, for Twentynine Palms, California is amended by adding Channel 299A.

Federal Communications Commission.

Ralph A. Haller,

Acting Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-12 Filed 1-2-87; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 73

[MM Docket No. 86-275, RM-5292]

Radio Broadcasting Services; Alva, OK

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 289C2 for Channel 232A at Alva, Oklahoma, at the request of Women, Handicapped Americans and Minorities for Better Broadcasting and modifies its permit for Station KTTL to specify the higher powered channel. The substitution of channels could provide Alva with its third local wide coverage area FM service. The channel can be allocated in compliance with the Commission's mileage separation requirements without the imposition of a site restriction. With this action, this proceeding is terminated.

DATE: Effective February 6, 1987.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86-275, adopted November 18, 1986 and released December 24, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. In § 73.202(b), the Table of FM Allotments for Oklahoma is amended by substituting Channel 289C2 for Channel 232A at Alva.

Federal Communications Commission.

Mark N. Lipp,

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

[FR Doc. 87-17 Filed 1-2-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 86-272, RM-5312]

Radio Broadcasting Services; Winner, SD

ACENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allocates Channel 253C1 to Winner, South Dakota, at the request of Tripp County Christian Radio, Inc., as the community's second local FM service. The channel can be allocated in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. With this action, this proceeding is terminated.

DATES: Effective February 9, 1987; the window period for filing applications will open on February 10, 1987, and close on March 11, 1987.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86-272, adopted November 18, 1986 and released December 24, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. In § 73.202(b), the Table of FM Allotments for South Dakota is amended by adding Channel 253C1 to the entry for Winner.

Federal Communications Commission.

Mark N. Lipp,

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

[FR Doc. 87-18 Filed 1-2-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 86-256; RM-5259; RM-5548]

Radio Broadcasting Services; Sioux Falls and Salem, SD

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allocates Channel 270C2 to Sioux Falls, South Dakota, at the request of Kirkwood Broadcasting, Inc. and Barbara Elkjer, as the community's sixth local FM service, and Channel 263C2 to Salem, South Dakota, at the request of McCook County Broadcasting Company, as its first local FM service. Channel 270C2 at Sioux Falls requires a site restriction of 25.9 kilometers northwest and Channel 250C2 at Salem requires a site restriction of 25.6 kilometers west. With this action, this proceeding is terminated.

DATES: Effective February 9, 1987; the window period for filing applications will open on February 10, 1987, and close on March 11, 1987.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86-256, adopted November 19, 1986 and released December 24, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. In § 73.202, paragraph (b), the Table of FM Allotments for South Dakota is amended by adding the community of Salem, Channel 263C2, and adding Channel 270C2 to the entry for Sioux Falls, South Dakota.

Federal Communications Commission.

Ralph A. Haller,

Acting Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-19 Filed 1-2-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 97

[PR Docket No. 85-196]

Maintenance of Amateur Operator Examination Question Pools by Volunteer-Examiner Coordinators

AGENCY: Federal Communications Commission.

ACTION: Public notice regarding examination questions.

SUMMARY: This document advises the public that Volunteer-Examiner Coordinators (VEC's) have agreed to maintain the existing examination questions, making only necessary changes. It is being issued so that VEC's will know that they are expected to honor the agreements concerning the use of the existing examination questions until January 30, 1988. The effect of this action is to assure uniformity in VEC-administered amateur examinations until a common question pool can be developed.

FOR FURTHER INFORMATION CONTACT: Maurice J. DePont, Private Radio Bureau, Washington, D.C 20554, (202) 632-4964.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Amateur Operator Examination Questions

December 19, 1986.

On August 4, 1986, the FCC adopted a Report and Order (FCC 86-343; 51 FR 30645, August 28, 1986) in PR Docket No. 85-196 transferring the responsibility for amateur operator examination questions to the Volunteer-examiner coordinators (VEC's). The effective date of that action is December 31, 1986, as announced in the FCC Public Notice of November 10, 1986 (51 FR 41630, November 18, 1986).

At the 1986 Conference of VEC's held in Washington, DC on August 8, 1986, the participants unanimously agreed to maintain the existing examination questions until January 30, 1988, without

change except for necessary typographical or grammatical corrections and for question revisions required by amendments to FCC Rules. The participants represented 45 of the 76 regional VEC's. Between May and October 1986, 21,706 persons were administered operator examinations under the VEC system. The VEC's represented at the Conference coordinated examination sessions where 93% of the examinations were administered.

In the interim, the VEC's will cooperate in developing a common pool of examination questions. They established a committee to coordinate and maintain the existing question pool. Representatives of the ARRL VEC, Sunnyvale ARC VEC and Western Carolina ARS VEC were named to serve on the committee.

We expect all VEC's to honor the argeements made at the 1986 Conference of VEC's concerning use of the existing examination questions for the period specified.

[FR Doc. 87-20 Filed 1-2-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 97

[PR Docket No. 86-63; FCC 86-429]

Amateur Radio Service; Examination Credit for Written Elements

AGENCY: Federal Communications Commission.

ACTION: Final rule; clarification.

SUMMARY: On November 25, 1986, the Commission published a final rule in this proceeding concerning the Amateur Radio Service and exam credits (51 FR 42576). This document clarifies the effective date of that action.

EFFECTIVE DATE: The rules changes appearing in the final rule will become effective upon OMB approval of the changes to FCC Form 610. A Public Notice will be published announcing the actual effective date upon such approval.

FOR FURTHER INFORMATION CONTACT: John Borkowski, (202) 632-4964.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-11 Filed 1-2-87; 8:45 am]

BILLING CODE 6712-01-M

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 525 and 552

[APD 2800.12 CHGE 38]

General Services Administration Acquisition Regulation; Restrictions on Procurement of Hand or Measuring Tools

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR), Chapter 5 is amended to incorporate the substance of Acquisition Circular AC-86-5 on restrictions on procurement of hand or measuring tools. AC-86-5 is cancelled. This change revises sections 525.105-70, 525.105-71, and 552.225-70 and 552.225-71 to reflect procurement restrictions in the current GSA and DOD Appropriation Act on the acquisition of hand or measuring tools. In addition, miscellaneous changes are made in sections 525.105-72, 525.108-70, 552.225-72, 552.225-73, and 552.225-74 to clarify the applicability and to delete repetitive language. The intended effect is to implement the appropriation restrictions and to provide guidance to GSA contracting activities.

EFFECTIVE DATE: December 18, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph DeStefano, Office of GSA Acquisition Policy and Regulations on (202) 523-4763.

SUPPLEMENTARY INFORMATION:

Background

On May 6, 1986, the General Services Administration (GSA) published in the **Federal Register** (51 FR 16692) Acquisition Circular AC-86-5, which temporarily amended sections 525.105-70, 525.105-71, and 552.225-71 of the GSAR and invited comments from interested parties. Comments received from the American Bar Association and various GSA offices have been reviewed, reconciled, and incorporated when appropriate in this final rule.

Impact

The Director, Office of Management and Budget (OMB) by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. The exemption applies to this rule. The General Services Administration certifies that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.) because it represents a continuation of existing policy. Therefore, no regulatory flexibility analysis has been prepared. The information collection requirements in the provision at GSAR 552.225-70 have been approved by OMB under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.) and assigned OMB control number 3090-0205.

List of Subjects in 48 CFR Parts 525 and 552

Government procurement.

1. The authority citation for 48 CFR Parts 525 and 552 continues to read as follows:

Authority: 40 U.S.C. 486(c).

PART 525—FOREIGN ACQUISITION

2. The table of contents for Part 525 is amended by revising the titles of sections 525.105-70 and 525.105-71 as set forth below:

Subpart 525.1—Buy American Act—Supplies

* * * * *

Sec.

525.105-70 Evaluating offers—Hand or measuring tools for other than the Department of Defense.

525.105-71 Procurement of hand or measuring tools for the Department of Defense.

* * * * *

3. Section 525.105-70 is amended by revising the section title and paragraphs (b), (c), and (d) to read as follows:

525.105-70 Evaluating offers—Hand or measuring tools for other than the Department of Defense.

(a) * * *

(b) *Solicitation provision.* The contracting officer shall insert the provision at GSAR 552.225-70, Buy America Act—Hand or Measuring Tools, in solicitations and contracts for the acquisition of hand or measuring tools for other than Department of Defense requirements.

(c) *GSA Appropriation Act restrictions.* The current GSA Appropriation Act places certain restrictions on the acquisition of hand or measuring tools by GSA. These restrictions require that the purchase of hand or measuring tools be from domestic sources or be made in accordance with procedures prescribed by DAR 6-104.4(b) of the Armed Services Procurement Regulation (ASPR) as such regulation existed on June 15, 1970, and further provides that a factor of 75 percent instead of 50 percent must be used for evaluating foreign

source end products in accordance with 6-104.4(b) of the ASPR.

(d) *Offer evaluation procedures.* Offers for hand or measuring tools must be evaluated in accordance with the following procedures which are adaptations of 6-104.4(b) of the ASPR.

(1) Offers must be evaluated to give preference to domestic end products. Contractors offering end products manufactured in Canada must be evaluated on the same basis as contractors offering domestic end products after applicable duty is included for evaluation purposes, whether or not a duty free entry certificate is issued.

(2) Each foreign offer must be adjusted for purposes of evaluation by either (i) excluding the duty from the foreign offer and adding 75 percent of the offer (exclusive of duty) to the remainder, or (ii) by adding to the foreign offer (inclusive of duty) a factor of 6 percent of that offer, whichever results in the greater evaluated price.

(3) A 12 percent factor must be used instead of the 6 percent factor, if (i) the firm submitting the low acceptable domestic offer is a small business or a labor surplus area concern, or both, and (ii) any contract award to a domestic concern which would result from applying the 12 percent factor, but which would not result from applying the 6 percent of 75 percent factor, would not exceed $100,000. If an award for more than $100,000 would be made to a domestic concern if the 12 percent factor is applied, but would not be made if the 6 percent or 75 percent factor is applied, the matter must be submitted to the head of the contracting activity for a decision as to whether the award to the small business or labor surplus area concern would involve unreasonable cost or inconsistency with the public interest.

(4) If the foregoing results in a tie between a foreign offer as evaluated and a domestic offer, award must be made on the domestic offer. When more than one line item is offered in response to a solicitation, the appropriate factor must be applied on an item-by-item basis, except that the factor may be applied to a specific group of items if the solicitation specifically designates that award may be made on a specific group of items.

4. Section 525.105-71 is revised to read as follows:

525.105-71 Procurement of hand or measuring tools for the Department of Defense.

(a) *DOD Appropriation Act restrictions.*

(1) The current DOD Appropriation Act places the following restrictions on DOD's acquisition of hand or measuring tools:

(i) Except for electric or air-motor driven hand tools, DOD is prohibited from acquiring hand or measuring tools that are not wholly produced or manufactured in the United States.

(ii) Electric or air-motor driven hand tools are of domestic origin if the cost of components produced or manufactured in the United States exceed 75 percent of the cost of all components in the end product.

(2) In accordance with 6-104.4(d)(3)(ii) of the Armed Services Procurement Regulation as it existed on June 15, 1970, GSA will apply the current DOD Appropriation Act restrictions in GSA procurements where such procurements satisfy requirements that include any DOD requirements. This determination must be made on a case-by-case basis when DOD is a user of the tools being procured and the tools are available from domestic sources. The basis for applying the DOD Appropriation Act restrictions to GSA procurements is:

(i) The current DOD Appropriation Act prohibits DOD's acquisition of foreign hand or measuring tools. This restriction also applies when DOD requisitions such items through the GSA stock program.

(ii) It is not feasible for GSA to maintain separate supply systems to satisfy the requirements of civilian and military agencies.

(iii) The current Gas Appropriation Act prescribes the use of the procedures in 6-104.4 of the ASPR, dated June 15, 1970. These procedures provide that offers may be rejected when it is considered necessary for reasons of national interest.

(3) Acquisitions of hand or measuring tools, pursuant to the current DOD Appropriation Act restrictions, meet the requirements for full and open competition in FAR Subpart 6.1 if all responsible sources offering domestic end products, as defined by the current DOD Appropriation Act restrictions, are permitted to submit offers. This does not preclude the use of small business and/or labor surplus set-asides under FAR 6.2.

(4) Acquisitions of hand or measuring tools pursuant to the DOD Appropriation Act restrictions without full and open competition (i.e., all otherwise responsible sources are not permitted to submit offers) must be made under the authorities in FAR Subpart 6.2 or 6.3 and comply with the respective requirements of these FAR subparts for determinations and findings or approved justifications.

(b) *Solicitation provision.* The contracting officer must insert the provision at GSAR 552.225-71, Notice of Procurement Restriction—Hand or Measuring Tools, in solicitations and contracts for the acquisition of hand or measuring tools when the GSA Tools Commodity Center Director makes a determination that it is in the national interest to do so in accordance with GSAR 525.105-71.

5. Section 525.105-72 is amended by revising paragraphs (b) and (c) to read as folows:

525.105-72 Procurement of stainless steel flatware for the Department of Defense.

(a) * * *

(b) Since the following stock items are issued almost exclusively to DOD, only domestic source end products of these stainless steel flatware items may be procured. Also, nonstock items of stainless steel flatware purchased for DOD must be domestic source end products.

7340-00-060-6057	7340-00-241-8171
7340-00-205-3340	7340-00-559-8357
7340-00-205-3341	7340-00-688-1055
7340-00-241-8169	7340-00-721-6316
7340-00-241-8170	7340-00-721-6971

(c) *Solicitation provision.* The contracting officer shall insert the provision in GSAR 552.225-72, Offers Must Be For Domestic Source End Products, in solicitations and contracts for the acquisition of stainless steel flatware for the Department of Defense.

6. Section 525.108-70 is amended by revising the introductory material in paragraphs (a) and (b) and by revising paragraph (c) to read as follows:

525.108-70 Determination of nonavailability.

(a) Requests for determinations concerning nonavailability of domestic supplies (see FAR 25.102(a)(4), 25.202(a)(3), and 25.108) must be submitted to the head of the contracting activity or a designee with an appropriate statement of facts and a proposed determination. The statement of facts must include the following information:

* * * * *

(b) Findings and determination of nonavailability will normally be prepared in the format shown below:

* * * * *

(c) When it has been determined that the Buy American Act is not applicable to the purchase of the end product or to the components from which it is manufactured, the original of the determination must be made a part of the contract file. In addition, a statement substantially as set forth at GSAR

552.225–73 must be inserted in the applicable solicitation and contract.

PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

7. The table of contents for Part 552 is amended by revising the title of Section 552.225–70 as set forth below:

Subpart 552.2—Text of Provisions and Clauses

* * * * *

Sec.

552.225–70 Buy American Act—Hand or measuring tools.

* * * * *

8. Section 552.225–70 is revised to read as follows:

Item No.	Unit	(in dollars and cents)
_____	_____	_____
_____	_____	_____
_____	_____	_____

(End of Provision)

9. Section 552.225–71 is revised to read as follows:

552.225–71 Notice of Procurement Restriction—Hand of Measuring Tools.

As prescribed in GSAR 525.105–71(b), insert the following provision:

Notice of Procurement Restriction—Hand or Measuring Tools (Dec 1986)

(a) Awards under this solicitation will only be made to offerors that will furnish hand or measuring tools that are domestic end products. Pursuant to the requirements of the current Department of Defense Appropriations Act, GSA has determined, in accordance with section 6–104.4 of the Armed Services Procurement Regulation (6/15/70), that it is in the national interest to reject foreign products.

"Domestic end product," as used in this provision, means—

(1) Any hand or measuring tool, except for any electric or air-motor driven hand tool, wholly produced or manfactured, including all components, in the United States or its possessions; or,

(2) Any electric or air-motor driven hand tool if the cost of its components produced or manufactured in the United States exceeds 75 percent of the cost of all its components.

"Components," as used in this provision, means those articles, materials, and supplies incorporated directly into the hand or measuring tools.

(End of Clause)

(b) Tool kits or sets, being procured under this solicitation, will not be considered domestic end products if any individual tool classified in FSC Group 51 or 52 and included in a tool kit or set is not a domestic end product as defined in paragraph (a) of this provision. The restrictions of this clause do not apply to individual hand or measuring tools that are contained in the tool kit or set but are not classified in FSC Group 51 or 52.

552.225–70 Buy American Act—Hand or Measuring Tools.

As prescribed in GSAR 525.105–70(b), insert the following provision:

Buy American Act—Hand or Measuring Tools (Dec 1986)

Offers submitted in response to this solicitation offering domestic source end products will be evaluated against offers of other end products by adding a factor of 75 percent to the latter, exclusive of import duties. Each offer of a foreign source end product must state below or on an attachment to the offer the amount of duty included in each offered price. Failure to furnish duty information will result in use of the offered price (inclusive of any unspecified duty) of the item when adding the "Buy American" differential.

10. Section 552.225–72 is revised to read as follows:

552.225–72 Offers Must Be For Domestic Source End Products.

As prescribed in GSAR 5.105–72(c) insert the following provision:

Offers Must Be For Domestic Source End Products (Dec 1986)

In accordance with the current Appropriation Act for the Department of Defense, *award will be made for domestic source end products only.* Offers of foreign source end products will not be considered for award.

(End of Provision)

11. Section 552.225–73 is amended by revising the introductory paragraph to read as follows:

552.225–73 Determination of Nonavailability of Domestic Supplies.

As prescribed in GSAR 525.108–70(c), insert the following statement:

* * * * *

12. Section 552.225–74 is amended by revising the introductory text to read as follows:

552.225–74 Eligible Products from Non-Designated Countries.

As prescribed in GSAR 525.407, insert the following provision:

* * * * *

Dated: December 18, 1986.

Patricia A. Szero,

Associate Administrator for Acquisition Policy.

[FR Doc. 87–92 Filed 1–2–87; 8:45 am]

BILLING CODE 6820–61–M

VETERANS ADMINISTRATION

48 CFR Parts 810, 836, and 852

Acquisition Regulations

AGENCY: Veterans Administration.

ACTION: Interim Final Regulation.

SUMMARY: The Veterans Administration (VA) is issuing an interim final regulation to the Veterans Administration Acquisition Regulation (VAAR) to provide agency guidance on the use of specifications, standards, and other purchase descriptions in the acquisition process. The regulation is being published as an interim final regulation in order to supplement Federal Acquisition Regulation (FAR) 10.004(b)(2) and (3) to provide required detailed agency procedures, guidance and necessary clauses for VA contracting officers' use.

DATES:

Effective date: The interim final regulation is effective December 24, 1986.

Comment date: Written comments should be submitted no later than February 5, 1987 for consideration in the final regulations.

ADDRESS: Interested persons are invited to submit written comments, suggestions or objections to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection only at the Veterans Services Unit in room 132 at the above address between the hours of 8 a.m. to 4:30 p.m. Monday through Friday (except holidays) until February 16, 1987.

FOR FURTHER INFORMATION CONTACT: Marsha J. Grogan, Policy Division, Office of Procurement and Supply, Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420 (202) 233–3784.

SUPPLEMENTARY INFORMATION:

I. Background

When the FAR was issued, it contained a new part (Part 10) dedicated to the use of specifications. Part 10 does not provide detailed guidance in the use of proprietary or "brand name or equal" purchase descriptions, and although

VAAR does permit "brand name or equal" purchase descriptions (810.005), it does not provide sufficient guidance to contracting activities. Therefore, section 801.005 is being removed and new VAAR language is being added to give appropriate direction for agency acquisition involving proprietary or "brand name or equal" purchase description.

FAR 10.004(b)(2) and (3) requires agencies to provide procedures and guidance on use of proprietary or "brand name or equal" purchase descriptions. Part 810 is expanded to provide definitions of brand name products and salient characteristics to provide agency guidance in the selection, justification, and approval of purchase descriptions. Explicit instructions for bid evaluation and award is given to contracting officers when solicitations specify "brand name or equal" purchase description. A new section 836.202 on construction specifications is added to require compliance with Part 810. A new clause has been prescribed, Restriction on Submission and Use of Equal Products, for use when it is determined that the Material and Workmanship Clause will not apply because only one product will meet the Government's minimum needs and submissions of equal products will not be allowed.

II. Executive Order 12291

This interim final regulation has been reviewed in conjunction with Executive Order 12291, Federal Regulation, and has been determined not to be a "major rule" as defined therein.

III. Regulatory Flexibility Act (RFA)

Because this interim final rule does not come within the term "rule" as defined in the RFA (5 U.S.C. 601(2)), it is not subject to the requirements of that act. In any case, this change will not have a significant impact on a substantial number of small entities because the provisions implement the requirements of the FAR. The provisions are primarily internal procedures which will not impact the private sector.

IV. Paperwork Reduction Act

This interim final rule requires no additional information collection or recordkeeping requirements upon the public.

List of Subjects in 48 CFR Parts 810, 836 and 852:

Government procurement.

Approved: December 24, 1986.

Thomas K. Turnage,

Administrator.

In 48 CFR Chapter 8, Parts 810, 836, and 852 are amended as follows:

PART 810—SPECIFICATIONS, STANDARDS AND PURCHASE ORDER DESCRIPTIONS

1. The authority citation for Part 810 continues to read as follows:

Authority: 38 U.S.C. 210 and 40 U.S.C. 486(c).

2. Section 810.001 is added to read as follows:

810.001 Definitions.

(a) "Brand name product" means a commercial product described by brand name and make or model number or other appropriate nomenclature by which such product is offered for sale to the public by the particular manufacturer, producer or distributor.

(b) "Salient characteristics" are those particular characteristics that specifically describe the essential physical and functional features of the material or service required. They are those essential physical or functional features which are identified in the specifications as a mandatory requirement which a proposed "equal" product or material must possess in order for the bid to be considered responsive. Bidders must furnish all descriptive literature and bid samples required by the solicitation to establish such "equality".

3. Section 810.004 is added to read as follows:

810.004 Selecting specifications or descriptions for use.

(a) Specifications shall be written in accordance with FAR 10.002 unless otherwise justified by the specification writer and approved by the contracting officer as described in paragraph (b) of this section. The contract file shall be documented accordingly.

(b) When it is determined that a particular physical or functional characteristic of only one product will meet the minimum requirements of the Veterans Administration (see FAR 10.004(b)(2)) or that a "brand name or equal" purchase description will be used (see FAR 10.004(b)(3)), the specification writer, whether agency personnel, architect-engineer, or consultant with which the Veterans Administration has contracted, shall separately identify the item(s) to the contracting officer and provide a full written justification of the reason the particular characteristic is essential to the Government's requirements or why the "brand name or equal" purchase description is necessary. The contracting officer shall make the final determination whether specifications in FAR 10.004(b)(2) and (3), will be included in the solicitation.

(c) Purchase descriptions which contain references to one or more brand name products may be used only when authorized by FAR 10.004(b) and 10.006(a) and in accordance with 810.004–70, 810.004–71, and 810.004–72. In addition, purchase descriptions which contain references to one or more brand name products shall be followed by the words "or equal," except when the acquisition is fully justified under FAR 6.3 and VAAR 806.3. Acceptable brand name products should be listed in the solicitation. Where a "brand name or equal" purchase description is used, prospective contractors must be given the opportunity to offer products other than those specifically referenced by brand name if such other products are determined by the Government to fully meet the salient characteristics listed in the invitation. The contract file will be documented in accordance with paragraph (b) of this section, justifying the need for use of a brand name or equal description.

(d) "Brand name or equal" purchase descriptions shall set forth those salient physical, functional, or other characteristics of the referenced products which are essential to the minimum needs of the Government. For example, when interchangeability of parts is required, such requirement should be specified. Purchase descriptions shall contain the following information to the extent available, and include such other information as is necessary to describe the item required:

(1) Complete common generic identification of the item required;

(2) Applicable model, make or catalog number for each brand name product referenced, and identity of the commerical catalog in which is appears; and

(3) Name of manufacturer, producer or distributor of each brand name product referenced (and address if not well known).

(e) When necessary to describe adequately the item required, an applicable commercial catalog description or pertinent extract may be used if such description is identified in the solicitation as being that of the particular named manufacturer, producer or distributor. The contracting officer will insure that a copy of any catalogs referenced (except parts catalogs) is available on request for review by bidders at the purchasing office.

(f) Except as noted in paragraph (c) of this section, purchase descriptions shall not include either minimum or maximum restrictive dimensions, weights, materials or other salient characteristics

which are unique to a brand name product or which would tend to eliminate competition or other products which are only marginally outside the restrictions, unless such restrictions are determined in writing by the user to be essential to the Government's requirements, the brand name of the product is included in the purchase description and all other determinations required by 810.004 have been made.

4. Sections 810.004–70, 810.004–71, and 810.004–72 are added to read as follows:

810.004–70 Sealed bidding.

(a) When any purchase description, including a "brand name or equal" purchase description, is used in a solicitation for a supply contract to describe required items of mechanical equipment, the solicitation will include the clauses in 852.210–70 (Service Data Manual) and in 852.210–71 (Guarantee).

(b) Solicitations using "brand name or equal" purchase descriptions will contain the "brand name or equal" provision in 852.210–77.

(c) Except as provided in 810.004–70(d), when a "brand name or equal" purchase description is included in an invitation for bids, the following shall be inserted after each item so described in the solicitation, for completion by the bidder:

Bidding on:
Manufacturer name _____
Brand _____
No. _____

(d) When component parts of an end item are described in the solicitation by a "brand name or equal" purchase description and the contracting officer determines that the clause in 810.004–70(b) is inapplicable to such component parts, the requirements of 810.004–70(c) shall not apply with respect to such component parts. In such cases, if the clause is included in the solicitation for other reasons, a statement substantially as follows also shall be included:

The clause entitled "Brand Name or Equal" does not apply to the following component parts: (list the component parts to which the clause does not apply).

In the alternative, if the contracting officer determines that the clause in 810.004–70(c) shall apply to only certain such component parts, the requirements of 810.004–70(b) shall apply to such component parts and a statement substantially as follows also shall be included:

The clause entitled "Brand Name or Equal" applies to the following component parts: (list the component parts to which the clause applies).

(e) When a solicitation contains "brand name or equal" purchase descriptions, bidders who offer brand name products, including component parts, referenced in such descriptions shall not be required to furnish bid samples of the referenced brand name products. However, solicitations may require the submission of bid samples in the case of bidders offering "or equal" products. The bidder must still furnish all descriptive literature in accordance with and for the purposes set forth in the "Brand Name of Equal" clause, 852.210–77(c) (1) and (2), even though bid samples may not be required.

810.004–71 Bid evaluation and award.

(a) Bids offering products which differ from brand name products referenced in a "brand name or equal" purchase description shall be considered for award when the contracting officer determines in accordance with the terms of the clause at 852.210–77 that the offered products are clearly identified in the bids and are equal in all material respects to the products specified.

(b) Award documents shall identify, or incorporate by reference, an identification of the specific products which the contractor is to furnish. Such identification shall include any brand name and make or model number, descriptive material, and any modifications of brand name products specified in the bid. Included in this requirement are those instances when the descriptions of the end items contain "brand name or equal" purchase descriptions of component parts or of accessories related to the end item, and the clause at 852.210–77 was applicable to such component parts or accessories (see 810.004–70(e)).

810.004–72 Procedure for negotiated procurements.

(a) The policies and procedures prescribed in 810.004–70 and 810.004–71 should be used as a guide in developing adequate purchase descriptions for negotiated procurements.

(b) The clause at 852.210–77 may be adapted for use in negotiated procurements. If use of the clause is not practicable (as may be the case in unusual and compelling urgency purchases), suppliers shall be suitably informed that proposals offering products different from the products referenced by brand name will be considered if the contracting officer determines that such offered products are equal in all material respects to the products referenced.

810.005 [Removed]

5. Section 810.005 is removed.

PART 836—CONSTRUCTION AND ARCHITECT—ENGINEER CONTRACTS

1. The authority citation for Part 836 continues to read as follows:

Authority: 38 U.S.C. 210 and 40 U.S.C. 486(c).

2. Section 836.202 is added to read as follows:

836.202 Specifications.

The procedures described in Part 810 shall be applicable to construction specifications.

(a) Construction specifications which use "brand name or equal" purchase descriptions shall conform to the requirements of 810.004.

(b) If it is determined that only one percent will meet the Government's minimum needs and the Veterans Administration will not allow the submission of "equal" products, the bidders must be placed upon notice that the "brand name or equal" provisions of the "Material and Workmanship" clause found at FAR 52.236–5 and any other provision which may authorize the submission of an "equal" product, will not apply. In order to properly alert bidders to this requirement, the clause found at 852.236–90, "Restriction on Submission and Use of Equal Products," shall be included in the solicitation.

3. The heading for Subpart 836.3 is revised to read as follows:

Subpart 836.3—Special Aspects of Sealed Bidding in Construction Contracting

4. Section 836.606–72 is revised to read as follows:

836.606–72 Contract price.

Where negotiations with the top-rated firm are unsuccessful, the contracting officer will terminate the negotiations and undertake negotiations with the firm next in order of preference after authorization by the Director, Office of Facilities or the station Director. Recommendation for award of the contract at the negotiated fee, will be submitted with a copy of the negotiation memorandum prepared in accordance with FAR 15.808 and, whenever a field pricing report has been received, to the Director, Office of Facilities, or the station Director, as appropriate.

PART 852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

1. The authority citation for Part 852 continues to read as follows:

Authority: 38 U.S.C. 210 and 50 U.S.C. 486(c).

2. Section 852.236–90 is added to read as follows:

852.236–90 Restriction on submission and use of equal products.

As prescribed in 836.202(b), the following clause shall be included in the solicitation if it is determined that only one product will meet the Government's minimum needs and the Veterans Administration will not allow the submission of "equal" products:

Restriction on Submission and Use of Equal Products (November 1986)

Notwithstanding the "Material and Workmanship" clause of this contract, FAR 52.236–5(a), nor any other contractual provision, "equal" products will not be considered by the Veterans Administration and may not be used.

(End of clause)

[FR Doc. 87–45 Filed 1–2–87; 8:45 am]

BILLING CODE 8320–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Giant Kangaroo Rat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines endangered status for the giant kangaroo rat, a mammal of south-central California. The historic range of this species has been substantially reduced by agricultural development and other land-modifying actions. Extant populations consist of small, widely scattered colonies that are highly vulnerable to single catastrophic events. The species is jeopardized by the conversion of remaining habitat, other human-induced actions that are occurring within or adjacent to population sites, and natural factors such as predation. This rule implements the protection provided by the Endangered Species Act of 1973, as amended, for the giant kangaroo rat.

DATES: The effective date of this rule is January 5, 1987.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Lloyd 500 Building, 500 NE. Multnomah Street, Suite 1692, Portland, Oregon 97232.

FOR FURTHER INFORMATION CONTACT: Mr. Wayne S. White, Chief, Division of Endangered Species, at the above address (503/231–6131 or FTS 429–6131).

SUPPLEMENTARY INFORMATION:

Background

Kangaroo rats (genus *Dipodomys*) are mammals specialized for rapid travel by hopping on their elongated hind legs and for transportation of food in their external cheek pouches. Primarily inhabiting relatively dry, open country of western North America, they construct burrows for shelter and often for food storage. The giant kangaroo rat (*Dipodomys ingens*), found only in south-central California, was described by Merriam (1904) from specimens collected southeast of Simmler, San Luis Obispo County. With a weight of 4.6 to 6.4 ounces (131 to 180 grams), it is the heaviest of all kangaroo rats. Total length is 12.2 to 13.7 inches (311 to 348 millimeters), tail length is 6.2 to 7.8 inches (157 to 198 millimeters), and hind foot length is 1.8 to 2.2 inches (46 to 55 millimeters). Other distinguishing features include the presence of five toes on each hind foot (some other kangaroo rats have only four), short ears and tail in relation to head and body length, and a broad width across the maxillary processes of the zygomatic arches of the skull (Hall 1981). The general coloration is brown above and white below.

The preferred habitat of the giant kangaroo rat is native annual grassland with sparse vegetation, good drainage, fine sandy-loam soils, and a slope of less than 10 percent (Grinnell 1932, Williams 1980). The annual precipitation is typically 5 inches (127 millimeters) or less. As an adaptation to the sparse rainfall and vegetation, the species makes extensive caches of plant seeds just below the surface of the soil during the spring (Shaw 1934). A variety of seeds and their sprouts are harvested during the summer and stored in burrows dug by the animals. The burrows are shallow, approximately 1 foot (300 millimeters) deep, but generally still at a depth greater than that reached by the sparse rainfall (Grinnell 1932). If rains did penetrate into the burrows, winter food supplies would likely spoil. In a recent study of movements, Braun (1985) found that individuals of *D. ingens* typically foraged above ground for less than 20 minutes per night, and within an area of less than a third of an acre (1,200 square meters).

The original distribution of the giant kanagroo rat is known to have extended from southern Merced County, through the San Joaquin Valley, to southwestern Kern County and northern Santa Barbara County (Hall 1981). Recent status surveys (Williams 1980, 1985) indicate that substantial populations survive in only a few areas at the southern edge of the original range. A principal factor in the decline of the giant kangaroo rat has been the conversion of native grassland to agricultural production. Remaining populations are susceptible to becoming genetically isolated because of habitat fragmentation. They may also be jeopardized by application of rodenticides used to control "target" species such as the California ground squirrel (*Spermophilus beecheyi*), and by recreational activities, other human-induced activity, and predation.

In the **Federal Register** of December 30, 1982 (47 FR 58454), the Service included the giant kangaroo rat in category 1 of the Review of Vertebrate Wildlife. Category 1 indicates taxa for which the Service now has substantial information to support listing as endangered or threatened. In the **Federal Register** of August 13, 1985 (50 FR 32585), the Service proposed the giant kangaroo rat as an endangered species. This final rule places the species under the protection of the Endangered Species Act of 1973, as amended.

Summary of Comments and Recommendations

In the proposed rule of August 13, 1985 (50 FR 32585), and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. Appropriate State and Federal agencies, county governments, biologists, and other interested parties were contacted and requested to comment. Newspaper notices inviting public comment were published in the *Hanford Sentinel* (September 17, 1985), *Turlock Journal* (September 19, 1985), *Fresno Bee* and *Bakersfield Californian* (September 20, 1985), *Los Angeles Times* (September 22, 1985), and *Daily Midway Driller* (September 23, 1985). A public hearing was requested by the California Department of Food and Agriculture (CDFA) on September 27, 1985. The hearing was held in Bakersfield on December 16, 1985. A notice of the hearing and of the reopening of the public comment period was published in the **Federal Register** on November 26, 1985 (50 FR 48617). The comment period closed December 31, 1985. During both comment periods, 21 written and 11 oral comments were received. Multiple comments (whether written or oral) by the same individual were regarded as one. Five comments favored listing, 11

opposed listing, and 9 expressed no opinion regarding listing. Federal agencies provided no additional biological data on the status of this species, but either indicated that Federal listing would not significantly increase workload requirements, or expressed concern relating to specific projects within the geographic range of the species. Responding Federal agencies were the U.S. Army Corps of Engineers and the Bureau of Reclamation. One State agency, the California Department of Fish and Game (CDFG), supported the proposal, but provided no additional data.

Many of the respondents questioned the accuracy of the Service's data on the status of the giant kangaroo rat, or expressed concern on specific language in the text of the proposed rule. The Service received comments in these categories from four State and three county agencies, four agricultural and pest control agencies and specialists, an oil and gas development interest, and three concerned individuals. Comments have been grouped into several categories depending on content. These comments, and the Service response to each, are listed below.

Comment 1. There is a lack of supportive evidence that rodenticides are contributing to the endangerment of the giant kangaroo rat. No giant kangaroo rats have been documented ever as being killed during rodenticide programs.

Service Response. The Service acknowledges that evidence linking rodenticide application to declines or extirpation of giant kangaroo rat colonies is only circumstantial. However, the Service maintains that such rodenticide-related declines or extirpations of specific colonies may have occurred because the duration of time between ingestion of treated grain baits and death is sufficiently long to allow kangaroo rats to seek refuge underground in burrows after onset of poisoning symptoms. Opportunity of encountering poisoned giant kangaroo rats on the surface is correspondingly low. Application of compound 1080 during 1985 in southeastern San Luis Obispo County may have been undertaken without awareness of specific giant kangaroo rat colony locations. At least twice, application of this rodenticide overlapped a giant kangaroo rat colony site (Dr. Daniel F. Williams, California State University, Stanislaus, pers. comm., August 4, 1985). Although information supplied by Richard Greek, San Luis Obispo County Agricultural Commissioner (pers. comm., December 26, 1985) shows that this overlap was not extensive, field examinations of colonies adjacent to the rodenticide application area documented recent population declines ranging between 50 and 100 percent (Williams, pers. comm., October 1, 1985). Circumstantial evidence (proximity to known rodenticide application area, lack of surface disturbance to colony site, extirpation apparently coinciding with approximate dates of rodenticide use, and lack of other rodent sign in area) suggests that rodenticide use may have been a causative factor in some of these apparent declines (Williams, pers. comm., October 1, 1985). The Service acknowledges, however, that rodenticide poisoning may have been a factor contributing to population declines in only a small percentage of the historic giant kangaroo rat colonies.

Comment 2. The use of the word "indiscriminate," when addressing effects of rodenticides on the giant kangaroo rat, is misleading and inappropriate.

Service Response. The word "indiscriminate" in the proposed rule text was used to infer application of rodenticides, within the geographic range of *D. ingens*, utilizing accepted dosages and techniques of application without awareness of locations of giant kangaroo rat colonies. The failure to provide various county vertebrate pest control agencies with specific giant kangaroo rat colony locations until after publication of the proposed rule contributed to this lack of awareness.

Comment 3. Federal listing of the giant kangaroo rat would lead to increased restriction or even elimination of the use of certain rodenticides in areas where giant kangaroo rats are present; large agricultural areas would become out-of-bounds for rodent-control operations.

Service Response. The biology of the giant kangaroo rat, and information available on distribution of current population sites and rodenticide treatment areas for the California ground squirrel, indicate that restrictions over large areas within the historic geographic range of the giant kangaroo rat are not needed to ensure its protection. Restrictions on rodenticide use, imposed for the endangered Morro Bay kangaroo rat (*Dipodomys heermanni morroensis*), are not applicable to the giant kangaroo rat. The former species, confined to a very limited area in San Luis Obispo County, could become extinct from even a single treatment of rodenticides. The giant kangaroo rat, however, occurs as small, disjunct, widely separated populations spread over a much larger geographic area. According to information received during the public comment process, a significant portion of the range of the giant kangaroo rat does not overlap with rodent-control areas. In areas where overlap does occur, the Service is willing to work closely with respective State and county governments to ensure protection of extant giant kangaroo rat colonies without significantly disrupting California ground squirrel control operations. While this process may restrict application of rodenticides on a site-specific basis, fears regarding large-scale disruption of such programs are unwarranted.

Comment 4. Federal listing of the giant kangaroo rat may curtail rodent-control programs along State and Federal water projects.

Service Response. Listing this species will have no effect on present operations. A prior survey of the State Water Project (Jones and Stokes Associates 1981) did not document the occurrence of any giant kangaroo rats. The Service is not aware of any colonies adjacent to water developments within the geographic range of this species.

Comment 5. Efforts need to be principally focused towards protection of remaining habitats.

Service Response. The Service concurs that protection of remaining habitat for the giant kangaroo rat is a principal management tool that may be applied for long-term perpetuation of this species. Specific measures to be applied to this end will be addressed during development and implementation of a Recovery Plan for this species.

Comment 6. No data are available showing that energy production (i.e., petroleum development) contributes to the decline of the giant kangaroo rat. Federal listing consideration should be deferred until appropriate analysis of these effects is undertaken.

Service Response. Petroleum development activities are land-modifying actions that result in habitat loss, and disruption and mortality to local wildlife populations. These effects may include: (1) Loss of food and cover through removal of vegetation; (2) destruction of burrow systems and other places of refuge and concealment; (3) direct mortality of small mammals by crushing, entrapment, or oil spillage; (4) displacement of some animals to adjacent areas already at carrying capacity; and (5) increased mortality on-site due to increased equipment and vehicle use within the project area. Mortality of giant kangaroo rats has been recently documented from spillage of oil in the Buena Vista Valley. Fourteen giant kangaroo rats were found dead in a drainage contaminated by oil

(Chuck Harris and Thomas O'Farrell, EG&G Energy Measurements Group, Santa Barbara Operations, Goleta, California, pers. comm., March 5 and April 18, 1986). Based on information supplied during the comment period, potential for occurrence of the giant kangaroo rat in many oilfields appears to be low (Williams, pers. comm., December 26, 1985). While the Service agrees that detailed studies on the effects of oil and gas extraction activities on this species are warranted, direct evidence of mortality from these activities has already been documented.

Comment 7. Existing State regulations adequately protect the giant kangaroo rat. Federal listing is therefore inappropriate for this species.

Service Response. The Act provides for consideration of existing regulatory mechanisms in determining appropriate classification of species as endangered or threatened. However, joint efforts undertaken by the State and counties for the protection of the giant kangaroo rat since its State listing as endangered in 1980 have not been successful in securing extant habitats or arresting declines in remaining colonies from a variety of causes (i.e., recreational use, mining, and livestock production). Although specific reasons for the loss or decline in many giant kangaroo rat colonies is not known, the status of the species has continued to deteriorate since State listing.

Comment 8. Designation of critical habitat for the giant kangaroo rat is appropriate at this time.

Service Response. Concerns originally provided in the proposed rule relating to designation of critical habitat for the giant kangaroo rat remain valid. At some future point, if critical habitat is recommended for this species, comments and opinions will be solicited from all interested parties prior to any final determination.

Comment 9. Predation and/or disease may be significant impacts on the giant kangaroo rat and were not adequately addressed in the proposed rule. Many sites now occupied this species show signs of visits by predators, such as the badger and kit fox.

Service Response. Text in the final rule has been revised to more accurately reflect these issues. Although extent of predation on the giant kangaroo rat is unknown, the small size, low population numbers, and high degree of isolation of local populations of this species make them highly vulnerable to extirpation from single catastrophic events (Williams, pers. comm., October 1, 1985). Although kangaroo rats are preyed on by the kit fox, the latter species also utilizes a wide array of other prey, including the California ground squirrel (O'Farrell 1983, Balestreri 1981). No information is available on the susceptibility of the giant kangaroo rat to plague.

Comment 10. Interested parties, such as private landowners and leaseholders, were not provided an opportunity to comment prior to publication of the proposed rule in the **Federal Register.** Regulations pertaining to listing provisions of the Endangered Species Act require the Service to consult with affected States, interested organizations, and other Federal agencies.

Service Response. The Service did attempt to solicit both agency and individual comments on the proposed listing of the giant kangaroo rat. As part of this process, notification was specifically forwarded to elected officials; Federal, State, and county agencies; and individuals with specific knowledge of this species. The publication of the proposed rule in the **Federal Register,** the opening of public comment periods, the public hearing, and advertisement in several newspapers soliciting comment were also part of this process. Regulations pertaining to listing procedures, however, do not specify contacting all potentially interested landowners and leaseholders prior to publication of a proposed rule.

Comment 11. Significant data are lacking relative to present range and status of the giant kangaroo rat. Information in the proposed rule on these topics was incorrectly presented.

Service Response. Text changes in the final rule have been made to accommodate these concerns to the extent appropriate. The Service notes that information provided during the comment period indicates that the extent of overlap between the species' range and rodenticide application areas is not extensive, and that projections in remaining habitats indicate a downward trend for future agricultural development. The Service recognizes that little life history information is available concerning cyclic population fluctuations that may result from natural factors such as disease or predation. Nonetheless, available information indicates that many populations of the giant kangaroo rat in Fresno, Kern, and San Luis Obispo Counties have been extirpated or have experienced recent precipitous declines (Williams 1985; and pers. comm., December 26, 1985). This trend, if left unchecked, could result in a significant loss of remaining colony sites within a short period of time. Although the cause of these declines is not clearly understood in many instances, the overall trend in the status of this species is dramatic and negative.

The Service's original description of the extent of the historic range of the species was based on the estimate provided by Williams (1980). A subsequent estimate of historic range was substantially higher (Robert Harrison, Western Oil and Gas Assoc., pers. comm., December 12, 1985). This estimate, however, did not exclude several locality records with voucher specimens that had been mislabeled or incorrectly identified (Williams, pers. comm., December 26, 1985). The Service acknowledges that estimates of original geographic range are gross. While estimates of historic range lost to land-modifying actions may vary, it is evident that a significant proportion has been lost. Comments relating to a comparison between historic range and current habitat have been made in the text. Comparison between historic and extant occupied habitat is difficult for any given species for several reasons: (1) Usually few early data on distribution and extent of habitat are available prior to onset of surface-modifying actions; (2) the species is generally not distributed uniformly, even when habitat exists; and (3) acquisition of range-wide data is usually difficult or impossible due to land access, availability of funding, and manpower constraints. Data available to the Service for the giant kangaroo rat show a downward, rapid decline in extant colony sites irrespective of percentage of overall habitat loss (Williams 1980, 1985; and pers. comm., October 1, 1985, December 26, 1985). Although additional giant kangaroo rat colonies likely will be discovered during future inventories, the Service concludes, based on current data, that information documenting current condition of known colony sites accurately represents the current status of the species as a whole. Should future studies locate additional, significant, viable giant kangaroo rat colonies, the Service will reassess the status of this species at that time.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that the giant kangaroo rat should be classified as an endangered species. Procedures found at Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR Part 424) promulgated to implement the listing provisions of the Act were followed. A species may be determined to be an endangered or threatened

species due to one or more of the five factors described in Section 4(a)(1). These factors and their application to the giant kangaroo rat (*Dipodomys ingens*) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Recent surveys by Dr. Daniel F. Williams of California State University, Stanislaus (1980, 1985; and pers. comm., October 1, 1985, December 16, 1985, December 26, 1985), and Dr. Thomas O'Farrell of EG&G Energy Measurements Group, Santa Barbara Operations, Goleta, California (pers. comm., July 26, 1983), indicate that habitat loss has been a major factor in the decline of the giant kangaroo rat. Most optimal habitats, situated on the floor of the San Joaquin Valley, have been lost to agricultural development. These habitats supported population densities of nearly 21 kangaroo rats per acre (52 per hectare). Estimates of historic geographical range of this species vary between 1,300,000 acres (527,600 hectares) (Williams 1980) and 2,500,000 acres (1,000,000 hectares) (Harrison, pers. comm., December 12, 1985) in southern Merced, eastern San Benito, western Fresno, southwestern Kings, eastern San Luis Obispo, western Kern, and northern Santa Barbara Counties.

During the 20th Century, conversion of native habitat to crop production resulted in a precipitous drop in the numbers and distribution of the giant kangaroo rat. The species cannot survive where the processes of cultivation destroy its burrows and food caches. As recently as the late 1950s, population densities remained high over substantial areas, but major water diversion projects in the late 1960s and 1970s stimulated the agricultural conversion of many of these areas. Agricultural production, most notably dryfarming, is still occurring near remaining giant kangaroo rat populations in western Kern and southeastern San Luis Obispo Counties. However, cultivated land has declined in recent years, with no current signs that this trend will reverse in the near future (Greek, pers. comm., December 16, 1985). Additional habitat may also have been lost to urbanization.

Several human-induced factors other than agricultural production have been noted as impacting the giant kangaroo rat and its habitat. These include collapse of kangaroo rat burrows and obliteration of a colony from mining activity, extirpation of a large colony from construction of a rifle range, trampling of and precipitous declines in a population from camping activities, collapse of kangaroo rat burrows and declines in two colonies where concentrated livestock use has occurred, partial destruction of a large colony from road widening, construction of several structures along the edge of a colony, and direct impacts to extant colonies from off-road vehicle use (Williams; and 1985 pers. comm., October 1, 1985, December 26, 1985). Although the extent of effects of oil and gas development on the species is not known, intensive development, requiring almost complete alteration of native habitats and recontouring of soil surface profiles, could adversely affect this species by direct and indirect means.

In 1980, colonies consisted of widely scattered small populations within a total area of less than 76,800 acres (31,000 hectares); subsequent surveys of these areas indicate that extant habitat has been reduced by at least 50 percent (Williams, pers. comm., December 26, 1985). The giant kangaroo rat apparently has been completely exterminated in Merced County, and only a few small, isolated colonies survive in San Benito, Fresno, and Kings Counties. The last relatively large blocks of suitable habitat are at the southern edge of the historic range of the species, in the upper Buena Vista Valley of western Kern County, the Elkhorn and Carrizo Plains of eastern San Luis Obispo County, and the Cuyama Valley of northern Santa Barbara County. Surveys made in 1985 have documented precipitous declines in populations present on the Carrizo and Elkhorn Plains while the current status of the Cuyama Valley population is not known (Williams, pers. comm., December 26, 1985).

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Not applicable to this species.

C. *Disease or predation.* Many extant colonies are small in population size and vulnerable to single catastrophic events (Williams, pers. comm., October 1, 1985). A recent survey of several colonies provided widespread evidence of carnivore disturbance of giant kangaroo rat burrow systems. As a result, Williams (pers. comm., October 1, 1985) concluded that predation could be a factor in the decline or even extirpation of small, isolated populations. The nature of these colonies also suggests a high vulnerability to extirpation via disease, athough this has not been documented as a cause of decline.

D. *The inadequacy of existing regulatory mechanisms.* The California State Fish and Game Commission listed the giant kangaroo rat as endangered in 1980. State law regulates and prohibits taking. Efforts for the protection of this species since its State listing have failed to curtail habitat loss, secure high density population sites, or arrest declines and extirpation of remaining colonies from a variety of causes. A joint program in effect between the CDFG, the CDFA, and various county agencies, designed to protect the giant kangaroo rat, has been ineffective in reducing declines of this species.

E. *Other natural or manmade factors affecting its continued existence.* Many populations of the giant kangaroo rat have recently been extirpated or have exhibited severe population declines without any visible on-site disturbance (Williams 1985; and pers. comm., October 1, 1985). Although the specific causes of these downward trends may not be understood, and may warrant additional investigation, the overall trend in the status of this species is characterized by dramatic declines in numbers and distribution. Based on comparison of historic giant kangaroo rat colony sites between 1980 and 1985, Williams (pers. comm., December 26, 1985) estimated that more than half of the populations extant in 1980 had been extirpated, and that those remaining have all declined in density. Rodent control programs and the use of rodenticides for "target" species, such as the California ground squirrel, may have eliminated or reduced some colonies of the giant kangaroo rat (Williams 1980, 1985; and pers. comm., August 4, 1985). Remaining populations are located in marginal habitats where probability for extirpation is high and potential for dispersal and recolonization to adjacent, previously occupied areas is remote (Williams, pers. comm., December 26, 1985). Braun (1985) reported that whereas *D. ingens* once occupied large tracts of land, to the total exclusion of other rodent species, in her study area it shared its habitat with at least six other rodents; this and most other areas still used by *D. ingens* are not likely prime habitat for it.

The Service has carefully assessed the best scientific information available regarding the past, present, and future threats faced by this species in determining to make this rule final. Based on this evaluation, the preferred action is to list the giant kangaroo rat as endangered. The species is currently faced with a multiplicity of problems resulting in recent precipitous declines of extant populations and habitats. This trend, if left unchecked, could result in extinction. A decision to take no action or to determine only threatened status would not accurately express this situation. Critical habitat designation is

not included in this rule for the reasons discussed below.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time a species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for the giant kangaroo rat at this time. As discussed under factors "D" and "E" in the "Summary of Factors Affecting the Species," the giant kangaroo rat is threatened by taking, the prevention of which is difficult to enforce. During the public hearing of December 16, 1985, it was brought out that several persons had expressed the desire to eliminate by poisoning the populations of the giant kangaroo rat on the Elkhorn Plain. These populations are the most significant that still survive. Publication of precise critical habitat descriptions and maps could make these and other populations even more vulnerable. Such published descriptions and maps are not necessary to protect the habitat of the giant kangaroo rat, as that will be addressed through the recovery process and Section 7 consultation (see following section).

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, county, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking and harm are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402 (see revision at 51 FR 19926; June 3, 1986). Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service.

Known Federal activities that may affect the giant kangaroo rat are rodent control operations, the issuance of leases for grazing and other agricultural purposes on Bureau of Land Management (BLM) holdings, sanctioned use of motorized vehicles off-road within giant kangaroo rat habitat, and the issuance of leases subsequent to oil or natural gas exploration and development on both BLM and Department of Energy (DOE) lands. Portions of the range of the giant kangaroo rat in the Buena Vista Valley are within the Elk Hills Naval Petroleum Reserve (NPR–1) and the Buena Vista Naval Petroleum Reserve (NPR–2) where possible exploration and development may occur. Actions that may affect the giant kangaroo rat in these areas may also affect the San Joaquin kit fox (*Vulpes macrotis mutica*) and blunt-nosed leopard lizard (*Gambeli silus*), which are currently classified as endangered pursuant to the Act. No major conflicts are known or expected at this time. The Service will work with BLM and DOE to attempt to accommodate both the listed species and oil and gas exploration and development. The involved Federal agencies are already consulting with the Service, and additional impacts due to this listing are expected to be minimal.

The Act and implementing regulations found at 50 CFR 17.21 set forth series of general prohibitions and exceptions that apply to all endangered wildlife. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any listed species. It also is illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. Certain exceptions apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered wildlife species under certain circumstances. Regulations governing permits are at 50 CFR 17.22 and 17.23. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, and/or for incidental take in connection with otherwise lawful activities. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship that would be suffered if such relief were not available.

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to Section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

Balestreri, A.N. 1981. Status of the San Joaquin kit fox at Camp Roberts, California. Rept. prepared for the Dept. of the Army under Contract No. DAKF03–81–M–C736.

Braun, S.E. 1985. Home range and activity patterns of the giant kangaroo rat, *Dipodomys ingens*. J. Mamm. 66:1–12.

Grinnell, J. 1922. A geographical study of the kangaroo rats of California. Univ. California Publ. Zool. 24:1–124.

Grinnell, J. 1932. Habitat relations of the giant kangaroo rat. J. Mamm. 13:305–320.

Hall, E.R. 1981. The Mammals of North America. John Wiley and Sons, Inc., New York, 2 vols.

Jones and Stokes Associates. 1981. Rare and endangered wildlife survey within the California Aqueduct right-of-way, mile post 155.64 to mile post 293.45. Prepared for State of California, The Resources Agency, Dept. of Water Resources, Sacramento, California, 27 pp.

Merriam, C.H. 1904. New and little known kangaroo rats of the genus *Perodipus*. Proc. Biol. Soc. Washington 17:139–145.

O'Farrell, T.P. 1983. The San Joaquin kit fox recovery plan. Prepared for the U.S. Fish and Wildlife Service under interagency contract with the U.S. Dept. of Energy, 84 pp.

Shaw, W.T. 1934. The ability of the giant kangaroo rat as a harvester and storer of seeds. J. Mamm. 15:275–286.

Williams, D.F. 1980. Distribution and population status of the San Joaquin antelope squirrel and giant kangaroo rat. California Dept. Fish and Game, Nongame Wildl. Investig. Rept., EW4, 45 pp.

Williams, D.F. 1985. Plant productivity in a desert ecosystem dominated by giant kangaroo rats. Report prepared under Memorandum of Understanding between the California Dept. of Fish and Game and California State University, Stanislaus, 9 pp.

Author

The primary author of this final rule is Mr. Ted Rado, U.S. Fish and Wildlife Service, Sacramento Endangered Species Office, 2800 Cottage Way, Room E–1823, Sacramento, California 95825 (916/978–4866 or FTS 460–4866).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Regulation Promulgation

PART 17—[AMENDED]

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, is amended as set forth below:

1. The authority citation for Part 17 continues to read as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 94–359, 90 Stat. 911; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. Amend § 17.11(h) by adding the following, in alphabetical order under MAMMALS, to the List of Endangered and Threatened Wildlife:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
MAMMALS							
*	*	*	*	*	*		
Rat, giant kangaoo	*Dipodomys ingens*	U.S.A. (CA)	Entire	E	250	NA	NA
*	*	*	*	*	*		

Dated: December 2, 1986.

P. Daniel Smith,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 87–62 Filed 1–2–87; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 642

[Docket No. 61233–6233]

Coastal Migratory Pelagic Resources of the Gulf of Mexico and the South Atlantic

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

ACTION: Emergency interim rule.

SUMMARY: The Secretary of Commerce issues an emergency rule amending the regulations for the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and the South Atlantic (FMP). This rule provides for measures applicable to Spanish mackerel including (1) commercial quotas for the Gulf of Mexico and the South Atlantic and (2) bag limits for recreational fishermen. The intended effect of this rule is to protect the depleted Spanish mackerel resource.

EFFECTIVE DATES: This rule is effective from January 1, 1987, through March 31, 1987.

ADDRESS: Copies of documents supporting this action may be obtained from and comments may be sent to Donald W. Geagan, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Donald W. Geagan, 813–893–3722.

SUPPLEMENTARY INFORMATION: Spanish mackerel is managed under the FMP and its implementing regulations at 50 CFR Part 642 under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). Amendment 1 to the FMP was prepared jointly by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and implemented September 22, 1985 (50 FR 34840, August 28, 1985).

Amendment 1 set the maximum sustainable yield (MSY) and the total allowable catch (TAC) for Spanish mackerel at 27 million pounds for all user groups based on the then best available scientific evidence and established a framework mechanism for timely adjustments to both MSY and TAC to respond to changes in the condition of the stock. As a means of monitoring the condition of the stock, the amendment provided for annual reassessments of the stock by a scientific assessment group appointed by the Councils.

The Stock Assessment Panel (Panel) concluded at its March 5–6, 1986, meeting that Spanish mackerel landings have declined in both the Gulf of Mexico and the Atlantic Ocean. In addition, the average size of fish appears to have declined, especially in the Atlantic Ocean. The stock assessment also indicated that the MSY should be in the range of 15.7 to 19.7 million pounds with the best estimate at 18.0 million pounds (down from the 27-million-pound estimate from the previous assessment). The Panel recommended that TAC be set within an acceptable biological catch range of 3.7 to 4.5 million pounds to prevent overfishing and to rapidly rebuild the stock. The recommended reduction in TAC would reduce recent catches by about one-half.

The Councils have accepted the results of the stock assessment and are proceeding as rapidly as possible with Amendment 2 to the FMP which will reduce TAC for Spanish mackerel, divide the stock between the Gulf of Mexico and Atlantic, and provide for allocations between recreational and commercial users of this resource. However, the fishing year for Spanish mackerel as specified in Amendment 1 begins January 1, during the principal harvest season for Spanish mackerel in Florida. The winter season in South Florida alone accounts for over 90 percent of all U.S. commercial landings. The commercial sector in South Florida could take the entire reduced TAC in about two months, thus resulting in a closure of the fishery for the remainder of the year or until Amendment 2 is implemented. Such a closure would adversely impact users of the resource in other geographic areas. Management measures contained in Amendment 2 are designed to address this problem but cannot be implemented before summer 1987, well after the principal harvest season for Spanish mackerel in Florida has ended. The Councils are unable to respond to this problem under the framework measure at § 642.27, since user-group allocations have not been established in the FMP. The Councils therefore requested that the Secretary of Commerce implement an emergency rule beginning January 1, 1987, to establish in the exclusive economic zone (EEZ) off Florida a bag limit of four fish per person per trip for recreational fishermen and a commercial quota of 3.716 million pounds divided into three geographic areas. Also, due to the seasonal nature of the winter fishery, catches sold after November 1, 1986, will

be counted toward the 1987 quota. This will result in an estimated 40 to 45 percent reduction in catch for each user group.

The Secretary has concurred with the Councils' request by implementing this emergency rule. However, it differs from the Councils' recommendation in that this rule applies throughout the range of the Spanish mackerel resource, not just off Florida. This will protect the resource and treat fishermen of all States equally should environmental conditions allow Spanish mackerel to occur in waters off other States during the emergency period. This rule, establishing a bag limit and commercial quotas, is therefore implemented under section 305(e)(2)(B) of the Magnuson Act to prevent further stress on the resource by fishing at an unacceptable level (i.e., the level set in Amendment 1), while still allowing the recreational and commercial fisheries to operate.

Classification

The Assistant Administrator for Fisheries, NOAA, has determined that this rule is necessary to respond to an emergency situation and is consistent with the Magnuson Act and other applicable law.

The Assistant Administrator also finds for good cause (i.e., to prevent further depletion of the Spanish mackerel stocks) that the reasons justifying promulgation of this rule on an emergency basis also make it impracticable and contrary to the public interest to provide prior notice and opportunity for public comment upon this rule, or to delay for 30 days its effective date, under the provision of section 553(b) and (d) of the Administrative Procedure Act.

The Assistant Administrator has determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management programs of Alabama, Florida, Louisiana, Mississippi, North Carolina, and South Carolina. Georgia and Texas do not have approved coastal zone management programs. This determination has been submitted for review by the responsible State agencies under section 307 of the Coastal Zone Management Act.

This emergency rule is exempt from the normal review procedures of Executive Order 12291 as provided in section 8(a)(1) of that order. This rule is being reported to the Director of the Office of Management and Budget, with an explanation of why it is not possible to follow the procedures of that order.

The Councils prepared an environmental assessment (EA) for this action and concluded that there will be no significant impact on the human environment. A copy of the EA is available from the address above.

This rule does not contain a collection-of-information requirement and therefore is not subject to the provisions of the Paperwork Reduction Act.

This rule is exempt from the procedures of the Regulatory Flexibility Act because the rule is issued without opportunity for prior public comments.

List of Subjects in 50 CFR Part 642

Fisheries, Fishing.

Dated: December 30, 1986.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

For reasons set forth in the preamble, 50 CFR Part 642 is amended as follows:

PART 642—COASTAL MIGRATORY PELAGIC RESOURCES OF THE GULF OF MEXICO AND THE SOUTH ATLANTIC

1. The authority citation for Part 642 continues to read as follows:

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

2. Section 642.2 is amended by inserting in alphabetical order the definitions for "Commercial Spanish mackerel fisherman" and "Exclusive economic zone (EEZ)" to be effective January 1, 1987, through March 31, 1987, to read as follows:

§642.2 Definitions.

* * * * *

Commercial Spanish mackerel fisherman means a person who sells, trades, or barters any part of his catch of Spanish mackerel and who derived at least 10 percent of his or her earned income from commercial fishing, including the sale of seafood products, during the preceding calendar year (January 1 to December 31).

* * * * *

Exclusive economic zone (EEZ) means the area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal States to a line on which each point is 200 nautical miles from the baseline from which the territorial sea of the United States is measured.

* * * * *

3. Section 642.7 is amended by suspending paragraph (a)(20) from January 1, 1987, through March 31, 1987, and adding new paragraphs (a)(31) and (32) to be effective from January 1, 1987, through March 31, 1987, to read as follows:

§ 642.7 Prohibitions.

(a) * * *

(31) Purchase, sell, barter, trade or accept in trade, Spanish mackerel harvested in the EEZ from a specific commercial quota zone as those zones are described in § 642.21(h) after the quota from that commercial zone has been reached and closure as specified in § 642.22(a) has been invoked;

(32) Have in possession Spanish mackerel in or from the EEZ in excess of the bag limit specified in § 642.28(g) except as provided for under § 642.21(g).

4. Section 642.21 is amended by suspending paragraphs (d) and (e) from January 1, 1987, through March 31, 1987, and adding new paragraphs (g) and (h) to be effective from January 1, 1987, through March 31, 1987, to read as follows:

§ 642.21 Quotas.

* * * * *

(g) *Commercial quotas for Spanish mackerel.*

Commercial Spanish mackerel fishermen fishing during the period January 1, 1987, through March 31, 1987, are subject to the following commercial quotas:

(1) The commercial quota for Spanish mackerel in the Gulf of Mexico is 1.847 million pounds divided as follows:

(i) 1.501 million pounds for the eastern zone; and

(ii) 0.346 million pounds for the western zone (see paragraph (h) of this section and Figure 4 for description of quota zones).

(2) The commercial quota for Spanish mackerel in the Atlantic is 1.869 million pounds.

(3) A fish is counted against the commercial quota when it is first sold.

(4) All Spanish mackerel sold after November 1, 1986, will be counted toward the 1987 commercial quota.

(h) *Geographical boundaries and quota zones for Spanish mackerel.*

The boundary separating the areas for the Gulf of Mexico and Atlantic commercial quotas of Spanish mackerel is a line extending directly east of the Dade/Monroe County, Florida boundary (25°25.4′ N. latitude) to the seaward boundary of the EEZ (Point A). The boundary separating the eastern and western zones for the Spanish mackerel commercial quotas in the Gulf of Mexico is a line extending southwest from the Dixie/Taylor County, Florida boundary (29°40.1′ N. latitude, 83°24.5′ W. longitude) to Point B (26°30.0′ N. latitude, 86°36.0′ W. longitude). (Figure 4.)

5. Section 642.28 is amended by adding new paragraphs (g), (h), (i), and (j) to be effective January 1, 1987,

through March 31, 1987, to read as follows:

§ 642.28 Bag and possession limits.

* * * * *

(g) *Spanish mackerel bag limit.* All persons who fish for Spanish mackerel in the EEZ in the Gulf of Mexico and South Atlantic other than commercial Spanish mackerel fishermen, are limited to possessing four (4) Spanish mackerel per person per trip. Commercial Spanish mackerel fishermen are subject to the bag limit in each commercial quota zone for which closure, as specified in § 642.22, has been invoked.

(h) *Sale of recreational catch.* Recreational fishermen may sell their catch of Spanish mackerel taken under the bag limit in paragraph (g) of this section until the commercial quota zone wherein such fish are sold, as described in § 642.21(g), is closed under § 642.22(a). Spanish mackerel sold by recreational fishermen are counted against the commercial quota in § 642.21(g) applicable to the area where they are sold.

(i) *Combination of limits.* Persons who fish for Spanish mackerel in the EEZ may not combine the bag and possession limits applicable in the EEZ with any bag or possession limits applicable to State waters.

(j) *Responsibility of operator.* The operator of a vessel that fishes for Spanish mackerel in the EEZ is responsible for the cumulative bag limit, based on the number of persons aboard, applicable to that vessel.

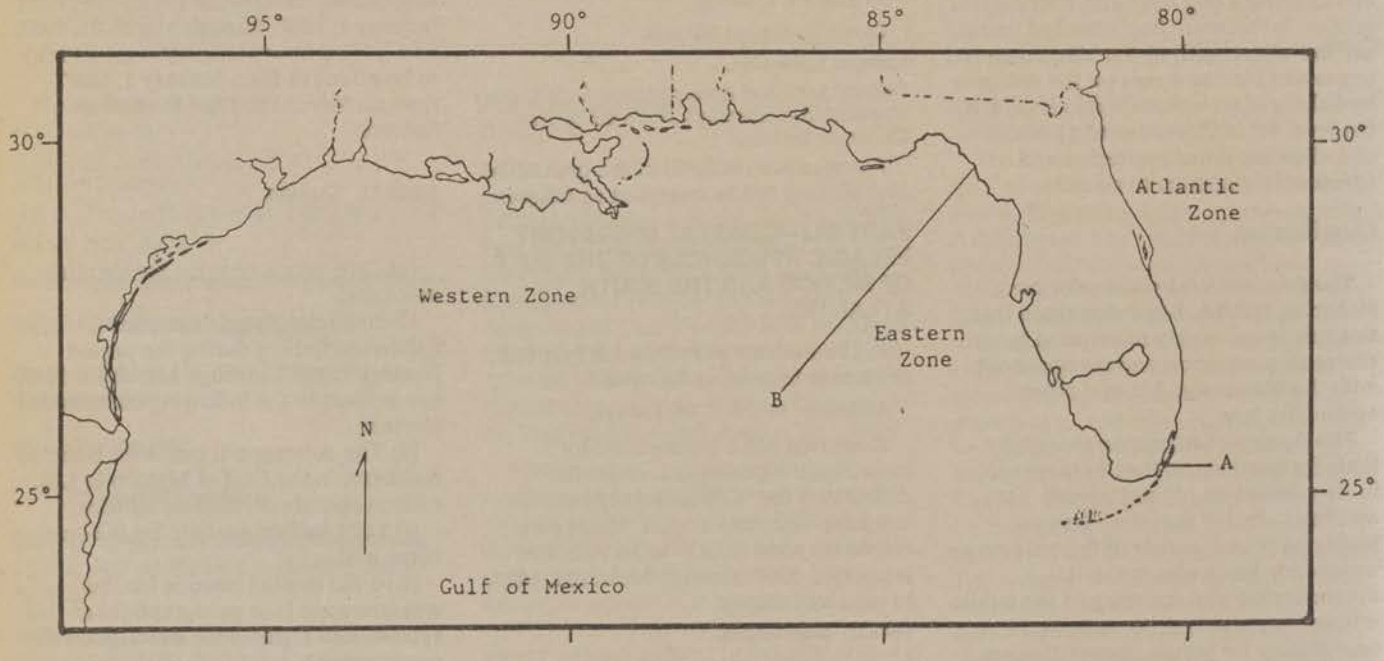


Figure 4. Zones for Spanish mackerel commercial quotas.

[FR Doc. 86-29525 Filed 12-30-86; 5:02 p.m.
BILLING 3510-22-M

Proposed Rules

Federal Register
Vol. 52, No. 2
Monday, January 5, 1987

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 85-361]

Pink Bollworm Quarantine

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the list of regulated articles under the pink bollworm quarantine and regulations by removing restrictions on the interstate movement of:

(a) Cottonseed hulls,

(b) Cotton lint, linters, and lint cleaner waste from upland cotton (short staple) varieties,

(c) Cotton waste produced at cotton textile mills,

(d) Used bagging and other used wrappers for cotton.

Further, this document proposes to combine present § 301.52(b), "Quarantine restrictions on interstate movement of specified regulated articles", and present § 301.52-2b, "Exemptions and interpretation", as a means of simplifying and increasing clarity of the regulations.

DATE: Written comments concerning this proposal must be received on or before March 6, 1987.

ADDRESS: Written comments should be submitted to Steven R. Poore, Acting Assistant Director, Regulatory Coordination, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Comments should indicate that they are in response to Docket No. 85-361. Written comments received may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Mike Shannon, Field Operations Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 663, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8295.

SUPPLEMENTARY INFORMATION:

Background

This document proposes to amend the "Pink Bollworm" regulations (contained in 7 CFR 301.52 *et seq.*, and referred to below as the regulations). Section 301.52 quarantines States of the United States infested with pink bollworm and restricts the interstate movement of certain articles for the purpose of preventing artificial spread of pink bollworm.

Regulated Articles

This document proposes to relieve unnecessary restrictions on the interstate movement of certain articles by removing them from the list of regulated articles contained in the regulations. Articles listed as regulated either are hosts of the pink bollworm or are capable of harboring the pink bollworm. Therefore, interstate movement of said articles could result in the spread of the pink bollworm.

Field studies have revealed that pink bollworms are destroyed by the commercial processes applied in the production or separation of certain articles presently regulated by § 301.52-2. These studies, plus the inspection experiences reported by Federal and State plant protection officials, resulted in the conclusion that continued regulation of the interstate movement of the following articles would be unnecessary:

1. *Cottonseed hulls.* Cottonseed—which remains as a regulated article under this proposal—is either the seed alone or the seed with hull attached. The hull is regarded as a separate article only after separation from the cottonseed during processing. No pink bollworm survived this procedure when cottonseed from heavily infested cotton was processed to separate hulls and seeds during a field test conducted by the United States Department of Agriculture's Agricultural Research Service (ARS). The results of this research have been reported in ARS Production Research Report No. 26.[1]

2. *Cotton lint, linters, and lint cleaner waste from upland cotton varieties.* ARS research reported in ARS Production Research Report No. 26 [1] also provided evidence that there is no survival of pink bollworm in first or second cut cotton linters or linter cleaner trash produced from upland cotton varieties. ARS Production Research Report No. 73 [1] describes the results of a test on survival of pink bollworm in upland cotton variety lint as follows:

"The 90 pounds of lint collected before it passed through the lint cleaner contained 5 live pink bollworm—all from the hand picked cotton of which only 1 survived the period from adult emergence. No live worms were found in 100 pounds of lint examined after it passed through the cleaners. This 100 pounds of lint represented seed cotton that contained an estimated 28,000 live worms before ginning."

3. *Cotton waste produced at cotton textile mills.* This article is the after-processing waste from cotton lint. Since the removal of lint from upland cotton varieties is being proposed (see No. 2, above), there would be no need to regulate waste from said lint.

4. *Used bagging and other used wrappers for cotton.* Bagging and cotton wrappers are also made from lint and need not be placed under regulation if lint is to be exempted from certification and treatment requirements.

Simplification and Clarity

At present, regulated articles whose movements are prohibited or restricted are listed in § 301.52(b). Elsewhere in the regulations, under present § 301.52-2b, conditions are specified under which many of these same articles are exempted from movement restrictions. This separation of inter-related movement restrictions and exemptions could confuse readers of the regulations and result in unintentional violations.

This document proposes to combine the two present sections as a means of simplifying the regulations, increasing reader understanding, and improving compliance. The newly unified material would be substituted for present § 301.52(b). Present § 301.52-b would be deleted.

[1] A copy of this research may be obtained by writing Steven R. Poore, Acting Assistant Director, Regulatory Coordination, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

Miscellaneous

This document would also make certain nonsubstantive changes in the regulations for the purpose of clarity.

Executive Order 12291 and Regulatory Flexibility Act

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

The articles this document proposes to remove from the pink bollworm regulated articles list are routinely subjected to milling processes that kill any infesting pink bollworms, thereby meeting the requirements of current § 301.52–4(a)(4) for interstate movement certification. The primary effect of this proposal would, therefore, be internal by relieving inspectors of the requirement for performing unnecessary inspections and certifications.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would 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 pests, Plants (agriculture), Quarantine, Transportation, Pink Bollworm.

PART 301—DOMESTIC QUARANTINE NOTICES

Accordingly, it is proposed to amend 7 CFR Part 301 as follows:

1. The authority citation for Part 301 would continue to read as follows:

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

2. Section 301.52(b) would be revised and a new footnote 1 would be added to read as follows:

§ 301.52 Quarantine; restriction on interstate movement of specified regulated articles.

* * * * *

(b) *Regulated articles.*

(1) Cotton and wild cotton, including all parts of such plants.

(2) Seed cotton.

(3) Cottonseed.

(4) American-Egyptian (long-staple) varieties of cotton lint, linters, and lint cleaner waste; except: [2]

(i) American-Egyptian cotton lint, linters, and lint cleaner waste compressed to a density of at least 22 pounds per cubic foot do not require a certificate or permit for interstate movement.

(ii) Trade samples of American-Egyptian cotton lint and linters.

(5) Cotton waste produced at cotton gins and cottonseed oil mills.

(6) Cotton gin trash.

(7) Used cotton harvesting equipment and used cotton ginning and used cotton oil mill equipment.

(8) Kenaf, including all parts of such plants.

(9) Nonedible okra, including plant parts.

(10) Edible okra, except canned or frozen okra, during the following periods:

(i) March 16 through December 31, if consigned to California.

(ii) May 16 through November 30, if moved interstate to:

(A) Any portion of Illinois, Kentucky, Missouri, or Virginia that is south of the 38th parallel; or

(B) Any destination in Alabama, Arizona, Arkansas, Florida, Georgia, Louisiana, Mississippi, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, or Texas.

(11) Any other product, article, or means of conveyance, of any character whatsoever, not covered by paragraphs (b) (1) through (10) of this section, when it is determined by an inspector that it presents a risk of spread of the pink bollworm and the person in possession thereof has actual notice that the product, article, or means of conveyance is subject to the restrictions of this subpart.

[2] The articles hereby exempted remain subject to applicable restrictions under other quarantines and must have not been exposed to pink bollworm infestation after ginning or compression are prescribed.

§ 301.52–2b [Removed]

3. Section 301.52–2b and footnote 2 in § 301.52–2b would both be removed.

§ 301.52–1 [Amended]

4. In § 301.52–1, footnote 1 and the reference thereto in paragraph (q) would be changed to footnote 2.

5. Paragraph (q) of § 301.52–1 would be amended by changing " 'Manual of Administratively Authorized Procedures To Be Used Under the Pink Bollworm Quarantine' and the 'Fumigation Procedures Manual' " to read the "Plant Protection and Quarantine Treatment Manual".

§ 301.52–2 [Amended]

6. In the heading for § 301.52–2, "and articles which are exempt from certification and permit requirements" would be removed.

7. Paragraph (b) of § 301.52–2 would be removed.

§ 301.52–3 [Amended]

8. In § 301.52–3, paragraph (b)(1) would be removed and paragraphs (b)(2) through (b)(5) would be renumbered (b)(1) through (b)(4), respectively.

9. In paragraph (c) of § 301.52–3, the phrase "if the regulated articles are exempted under the provisions of § 301.52–2b or" would be removed.

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

W.F. Helms,

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

[FR Doc. 87–103 Filed 1–2–87; 8:45 am]

BILLING CODE 3410–34–M

---

7 CFR Part 318

[Docket No. 85–395]

Use of Irradiation as a Quarantine Treatment for Fresh Fruits of Papaya[1] From Hawaii

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Animal and Plant Health Inspection Service (APHIS) proposes to amend the Hawaiian fruits and vegetables quarantine and regulations by authorizing irradiation as a quarantine treatment for papayas intended for movement from the State of Hawaii to the rest of the United States and its territories. This proposed rule would expand the number of quarantine

[1] Carica papaya L., also known as papaw or pawpaw.

treatment methods available to Hawaiian papaya growers who ship their fruit to the U.S. mainland and territories. APHIS has determined that treating papaya fruit with low dose gamma irradiation is an effective quarantine measure that will prevent introduction of the oriental fruit fly (*Dacus dorsalis* [Hendel]), Mediterranean fruit fly (*Ceratitis capitata* [Wiedemann]), and melon fly (*Dacus cucurbitae* [Coquillett]) into the continental United States and into uninfested off-shore areas of the United States. Under the proposed rule, gamma irradiation shall be applied such that the absorbed dose is no less than 15 kilorads (krads) [150 Gray (Gy)]) administered in a single treatment. The fruits shall be irradiated within APHIS approved shipping cartons. The U.S. Department of Agriculture has determined that the 15 krad dosage meets or exceeds the Probit 9 level of quarantine security, based on preventing the emergence of adults able to fly.

DATE: Written comments concerning this proposed rule must be received on or before March 6, 1987.

ADDRESS: Written comments should be submitted to Steven R. Poore, Acting Assistant Director, Regulatory Coordination, USDA, APHIS, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Comments should state that they are in response to Docket Number 85–395. Written comments received may be inspected at Room 728 of the Federal Building between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: James F. Fons, Acting Staff Officer, Technology Analysis and Development Staff, PPQ, APHIS, USDA, Room 671, Federal Building, Hyattsville, Maryland 20782, telephone (301) 436–8896.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration (FDA) issued an advance notice of proposed rulemaking (ANPR) in the **Federal Register** of March 27, 1981, 46 FR 18992. The ANPR announced the availability of a report outlining a course of action for assuring the safety of irradiated foods, and requested comments from the public. On February 14, 1984, FDA issued a proposed rule in the **Federal Register** (49 FR 5713) entitled "Irradiation in the Production, Processing and Handling of Food," which responded to comments from the public. On April 18, 1986, 51 FR 13376, FDA issued a final rule, incorporating changes into the proposal in response to public comments. Among other things, the final rule permits irradiation to inhibit the growth and maturation of fresh foods and to disinfest food of arthropod pests at doses not to exceed 100 kilorads (krads) (1 kilogray) (kGy).

Reason for Irradiating Hawaiian Papayas

Hawaii has three species of fruit flies (Diptera: Tephritidae) that are destructive pests of many fruits, including papayas, and are, therefore, of quarantine significance. These are the oriental fruit fly (*Dacus dorsalis* [Hendel]), Mediterranean fruit fly (*Ceratitis capitata* [Wiedemann]), and melon fly (*Dacus cucurbitae* [Coquillett]). These are sometimes referred to as the "Tri-fly complex."

Status of Quarantine Treatments for Papaya

In the past, the usual quarantine treatment for papayas was fumigation with ethylene dibromide (EDB), either alone or in combination with another process. The Environmental Protection Agency (EPA), however, recently banned most uses of this chemical, including quarantine treatment of papayas for domestic use, 49 FR 22082. EDB fumigation is now used domestically only as a quarantine treatment for papayas and other fruits for export with the knowledge and permission of the importing country. For shipments of papayas from Hawaii to the U.S. mainland and territories, the following quarantine treatment options are presently available: Vapor heat; "quick run-up" vapor heat (7 CFR 318.13–4b); and double hot water dip (7 CFR 318.13–4f). These treatments were reviewed in 49 FR 34195. Gamma irradiation for papayas is now proposed as another quarantine treatment option (7 CFR 318.13–4g), the protocol for which is set forth in this document.

Supporting Studies on Quality of Irradiated Papayas

Numerous studies [References 1–12] document that gamma irradiated papayas retain their high quality. Irradiation causes delayed senescence (aging) of the fruit, thus extending shelf life over that of untreated control fruits, or fruits treated with EDB fumigation or vapor heat [9]. Irradiated papayas maintain their content of vitamin C, Protein, and pectin [10]. Papayas will tolerate up to 100 krads of gamma irradiation, the dose at which surface scald begins to develop [2]. For maximum decay control, a hot water dip (49 °C. for 20 minutes) plus irradiation at 75 krads has been recommended [2, 11] which extends shelf life by 3 to 3½ days.

Supporting Studies on Efficacy of Treating Papayas with Irradiation

For the purpose of quarantine treatment, APHIS, Plant Protection and Quarantine (PPQ), will accept a Probit 9 level of security such that the treatment will prevent emergence of adult fruit flies (tri-fly complex) capable of flight. APHIS accepts the criterion of inability to fly instead of other more stringent standards such as the emergence of sterile adults or non-emergence of any adults. Few fruit flies irradiated as eggs or larvae survive to pupate, and any adult fly that emerges has crumpled wings. Such flies would be incapable of establishing an infestation, whether sterile or not.

There have been a number of studies on controlling the tri-fly complex in Hawaiian papayas with gamma irradiation [8, 11, 13, 14]. The Agricultural Research Service has found that an absorbed minimum dosage of 15 krads gives a Probit 9 level of quarantine security [3, 8]. Fifteen krads is well below the tolerance level of papayas [2]. An absorbed dose of 21 krads effectively prevents the development of eggs and larvae in papayas into adult flies [11, 13], though a very small number may become pupae [14].

Safeguard and Regulatory Protocol

For shipping papayas interstate from Hawaii, the irradiation treatment must be done in Hawaii. The proposed protocol is as follows:

(1) Treatment Facility. A facility to be approved must meet the following conditions:

(a) Be capable of administering a minimum absorbed ionizing radiation dose of 15 kilorads (150 Gray) to the papayas.[2]

(b) Be constructed so as to provide physically separate locations for treated and untreated fruit. Irradiation facilities are ordinarily constructed to provide sterile and non-sterile areas. This is to prevent comingling of treated and untreated material. This concept also applies to materials subjected to quarantine treatments. Therefore, commodities awaiting treatment must be separated from already treated commodities by a permanent physical barrier, such as a wall or a chain link fence six or more feet high to prevent transfer of cartons.

Additionally the facility must provide an automatic system, such as a conveyor system, to move the fruit

[2] The maximum absorbed ionizing radiation dose and the irradiation of food is regulated by the Food and Drug Administration under 21 CFR Part 179.

through the irradiation chamber. The automatic system must be fail-safe in the sense that once the commodity enters the irradiation chamber it will pass through at a predicted speed, cannot exit without receiving the required treatment, and cannot return to the incoming area.

(c) Have available for inspection by an inspector during normal business hours, treatment records or invoices for each treated lot. Inspecting treatment records or invoices is the only way to verify that a food has received the requisite dosage. This is necessary because no chemical or physical method now exists for testing how much radiation a food has received. A papaya irradiation processor shall maintain treatment records [3] for a period of time that exceeds the shelf life of the irradiated food product by 1 year. Treatment records shall include the lot identification, scheduled process, evidence of compliance with the scheduled process, ionizing energy source, source calibration, dosimetry, dose distribution in the product, and the date of irradiation. One year is believed to be a reasonable amount of time to keep records to allow monitoring of treatments and verifying any discrepancies which may be found or develop.

(d) (1) Complete a compliance agreement with APHIS, PPQ as outlined in paragraph § 318.13–4(d) of this subpart. The compliance agreement is required to ensure that treatments are applied in accordance with the proposed regulations. PPQ will monitor the treatment facility but will not necessarily be present during individual treatment procedures.

(2) Treatment monitoring. Inspectors need to be notified prior to each treatment. Irradiation treatments will be monitored periodically by inspectors to insure that they are operated in accordance with this subpart. The monitoring shall include examination of treatment records and unannounced visits.

(3) Packaging. To eliminate the risk of reinfestation papayas must be packaged in cartons approved by the Deputy Administrator. The cartons must have no openings which would allow the entry of fruit flies for oviposition and be sealed with a seal which would visually indicate if the carton had been opened. They may be constructed of any material which prevents the entry of fruit flies and prevents oviposition by fruit flies into the fruit in the carton. The carton which is presently used in Hawaii to ship treated papayas would be suitable for irradiation use. This carton is constructed of corrugated cardboard approximately 7 x 11 x 16 inches and is sealed with gummed paper or plastic tape.

(4) Dosage. Papayas must receive a minimum absorbed ionizing radiation dose of 15 kilorads (150 Gray).[2]

(5) Label dosimeter. An indicator (label dosimeter) which undergoes a physical or chemical change during irradiation must be permanently attached to each carton of papayas before treatment and remain attached while in interstate commerce. This indicator may be manufactured into the carton at the factory or may be attached before treatment in such a manner that the carton would be defaced should it be removed. The physical or chemical change must confirm that the minimum absorbed dose has been applied. The change may either be visible with the unaided eye or with the use of a portable scanning instrument.

(6) Treated Stamp. Each container of irradiated papayas must be identified with the stamped impression "Treated-USDA, APHIS". The impression must measure at least 1.5 x 2.5 inches. The impression shall he applied to each carton after treatment but before the carton leaves the irradiation facility. A readily visible stamp is required to indicate to the inspector that the article has been treated.

(7) Certification for Movement. Papayas treated in accordance with this subpart may be certified for movement from Hawaii in accordance with Part 318.13–4(b).

(8) Department not Responsible for Damage. This treatment is approved to assure quarantine security against the Tri-fly complex. From the literature available, papayas are believed tolerant to the treatment; however, the facility operator and shipper are responsible for determination of tolerance. Therefore, the Department of Agriculture and its inspectors assume no responsibility for any loss or damage resulting from any treatment prescribed or supervised.

The Nuclear Regulatory Commission is responsible to insure that irradiation facilities are constructed and operated in a safe manner.

The Food and Drug Administration is responsible to insure that irradiated foods are safe and wholesome for human consumption.

References

The sources referred to in this document are listed below.

[1] Akamine, E.K., and T. Goo. 1977. Respiration, ethylene production and shelf life extension in irradiated papaya fruit after storage under simulated shipping conditions. Tech. Bull., Hawaii Agric. Exp. Sta., No. 93, pp. 1–12.

[2] Akamine, E.K., and R.T.F. Wong 1966. Extending the shelf life of papayas with gamma irradiation. Hawaii Farm Sci., 15(1): pp. 4–6.

[3] Balock, J.W., A.K. Burditt, Jr., and L.D. Christenson. 1963. Effects of Gamma Radiation on Various Stages of Three Fruit Fly Species. J. Econ. Entomol. 56(1), pp. 42–46.

[4] Beyers, M., A.C. Thomas, and A.J. Tonder. 1979. Gamma irradiation of subtropical fruits. 1. Compositional tables of mango, papaya, strawberry and litchi fruits at the edible-ripe stage. J. Agric. and Food Chem. 27(1): pp. 37–42.

[5] Beyers, M., and A.C. Thomas. 1979. Gamma irradiation of subtropical fruits. 4. Changes in certain nutrients present in mangoes, papayas and litchies during canning, freezing and gamma irradiation. J. Agric. and Food Chem. 27(1): pp. 48–51.

[6] Blakesley, C.N., and J.G. Loots. 1979. Gamma irradiation of subtropical fruits. 2. Volatile components, lipids and amino acids of mango, papaya and strawberry pulp. J. Agric. and Food Chem. 27(1): pp. 42–48.

[7] Brodrick, H.T., A.C. Thomas., F. Visser, and M. Beyers. 1976. Studies on the use of gamma irradiation and hot water treatments for shelf life extension of papayas. Plant Disease Reporter 60(9): pp. 749–753.

[8] Burditt, A.K., Jr. 1981. Food irradiation as a quarantine treatment of fruits. International Atomic Energy Agency SR–60/08 Tech. Doc. 271 pp. 57–87.

[9] Dollar, A.M., M. Hanaoka, G.A. McClish, and J.H. Moy. 1971. Semi-commercial scale studies on irradiated papaya. International Atomic Energy Agency, Vienna, Austria, No. STI/PUB/299, pp. 137–156.

[10] Hilker, D.M., and R.L. Young. 1966. The effect of ionizing radiation on some nutritional and biochemical properties of papaya. Hawaii Farm Sci. 15(1): p. 9.

[11] Moy, J.H., E.K. Akamine, N. Wenkam, A.M. Dollar, M. Hanaoka, H.Y. Kao, W.L. Liu, and L.M. Revetti. (1973). Tolerance, quality and shelf-life of gamma-irradiated papaya grown in Hawaii, Taiwan and Venezuela. International Atomic Energy Agency, SM–166/38, STI/TUB/317 pp. 375–385.

[12] Moy, J.H., E. Ross, S.T. Hsia, and M. Sawato. 1971. Quality evaluation of gamma irradiated papaya in shipping studies. Food Irradiation (Saclay, France) 11(4): p. 14.

[13] Seo, S.T., R.M. Kobayashi, D.L. Chambers, A.M. Dollar, and M. Hanaoka. 1973. Hawaiian fruit flies in papaya, bell pepper, and eggplant: quarantine treatment with gamma irradiation. J. Econ. Entomol. 66(4): pp. 937–939.

[14] Steiner, L.F. 1966. Gamma irradiation for disinfestation of export fruits and vegetables. Hawaii Farm Sci. 15(1): pp. 11–12.

[15] Thomas, A.C., and M. Beyers. 1979. Gamma irradiation of subtropical fruits. 3. A comparison of the chemical changes occurring during normal ripening of mangoes and papayas with changes produced by gamma irradiation. J. Agric. and Food Chem. 27(1): pp. 157–163.

[3] This is the current requirement by the Food and Drug Administration for food irradiation processors under 21 CFR Part 179.

Executive Order 12291

Executive Order 12291 requires us to perform and publish a regulatory impact analysis for any major rule. A major rule is any regulation that is likely to result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Administrator has determined that this proposed rule meets none of the criteria for a major rule. This proposed rule would expand the number of quarantine treatment methods available to Hawaiian papaya growers who ship their fruit to the mainland United States. It would place no new restrictions on these growers.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601–602) requires us to prepare and publish an initial regulatory flexibility analysis for any proposed rule, unless the Administrator certifies that the rule will not have a significant economic impact on a substantial number of small entities. For purposes of the RFA, we treat Hawaiian papaya growers as small entities. As discussed above with reference to E.O. 12291, this proposed rule would expand the options available to growers who ship their fruit to the mainland U.S., while placing no new restrictions on these growers. Currently, there are two approved treatments available for Hawaiian papayas. These treatments are normally applied by the exporter or packer at his or her premises under compliance agreement or under PPQ supervision.

Because of the anticipated construction costs of an irradiation facility, as well as high operating costs, an independently operated facility is likely to be constructed. This facility could provide service to any or all papaya exporters. Also, because of the high costs of building and operating the facility, the final cost of treating the papayas will likely be higher than present treatments. We cannot determine with certainty whether the quality of the irradiated papaya or any increase in shelf life will offset the increased treatment costs. However, the double dip treatment and vapor heat treatment will continue to be approved for exporters who choose those options.

Therefore, the Administrator certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities. The Administrator has determined that this proposed rule meets none of the criteria for a major rule. This proposed rule would expand the number of quarantine treatment methods available to Hawaiian papaya growers who ship their fruit to the mainland U.S. It would place no new restrictions on these growers.

Paperwork Reduction Act

While this proposed rule would require records to be made available for inspection, this imposes no new recordkeeping requirements on papaya shippers who would use irradiation treatment. The FDA's final rule requires that records of irradiation treatments be kept and made available to FDA. This is necessary because no chemical or physical method now exists for assaying how much radiation a food has received. Examining treatment records is the only way to verify that a food has received the requisite dosage. In accordance with section 3507 of the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the information collection provisions that are included in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB). Written comments concerning any information collection provisions should be submitted to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. A duplicate copy of such comments should be submitted to Steven R. Poore, Acting Assistant Director, Regulatory Coordination, Animal and Plant Health Inspection Service, United States Department of Agriculture, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782.

National Environmental Policy Act

If this proposed rule is adopted, APHIS will complete an environmental assessment before issuing a final rule. If we find that an environmental impact statement is not required, the notice of availability of our finding of no significant impact and the evidence supporting that finding will be published in the **Federal Register.**

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 318

Agricultural commodities, Plant pests, Plants (agriculture), Quarantine, Hawaii, Papayas.

PART 318—HAWAIIAN AND TERRITORIAL QUARANTINE NOTICES

Accordingly, "Subpart—Hawaiian Fruits and Vegetables" quarantine and regulations in 7 CFR subpart 318.13 (7 CFR 318.13 *et seq.*) is proposed to be amended to read as follows:

1. The authority citation for Part 318 would be revised to read as follows:

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

2. A new § 318.13–4g would be added to read as follows:

§ 318.13–4g Administrative instructions approving an irradiation treatment as a condition for certification of papayas for movement from Hawaii.

(a) *Approved irradiation treatment.* The Deputy Administrator, Plant Protection and Quarantine, hereby approves irradiation, carried out in accordance with the provisions of this section, as a treatment for papayas. Papayas treated and handled as provided in this section may be certified for movement from Hawaii.

(b) *Conditions for certification.* Irradiated papayas may be certified for movement from Hawaii only if the following conditions are met:

(1) *Location.* The irradiation treatment must be carried out in Hawaii.

(2) *Approved facility.* The irradiation treatment facility and treatment protocol must be approved by Plant Protection and Quarantine. An approved facility must meet the following conditions:

(i) Be capable of administering a minimum absorbed ionizing radiation dose of 15 kilorads (150 Gray) to the papayas.[2]

(ii) Be constructed so as to provide physically separate locations for nontreated and treated fruit. The locations must be separated by a permanent physical barrier such as a wall or chain link fence six or more feet high to prevent transfer of cartons.

(iii) Make records as specified in this subpart available for inspection by an Inspector during normal business hours.

(iv) Complete a compliance agreement with APHIS, PPQ as outlined in paragraphs § 318.13–4(d) of this subpart.

(3) *Treatment monitoring.* Treatment must be made under the monitoring of an inspector. This monitoring shall include inspection of treatment records and unannounced inspectional visits to the facility by an inspector.

(4) *Packaging.* Papayas must be packaged in cartons approved by the Deputy Administrator. The cartons must have no openings which would allow the entry of fruit flies and be sealed with seals which would visually indicate if the cartons had been opened. They may be constructed of any material which prevents the entry of fruit flies and prevents oviposition by fruit flies into the fruit in the carton.

(5) *Dosage.* Papayas must receive a minimum absorbed ionizing radiation dose of 15 kilorads (150 Gray) [2]

(6) *Label dosimeter.* An indicator (label dosimeter) which undergoes a physical or chemical change during irradiation must be permanently attached to each carton of papaya before treatment and remain attached while in interstate commerce.

(7) *Treated Stamp.* Each container of irradiated papayas must be identified with the stamped impression "Treated-USDA, APHIS". The impression must measure at least 1.5 x 2.5 inches and be applied before the carton leaves the irradiation facility.

(8) *Certification for Movement.* Papayas treated in accordance with this subpart may be certified for movement from Hawaii in accordance with Part 318.13–4(b).

(9) *Records.* Records or invoices for each treated lot shall be made available for inspection by an inspector. A papaya irradiation processor shall maintain records as specified in this section for a period of time that exceeds the shelf life of the irradiated food product by 1 year, and shall make these records available for inspection by an inspector. Such records shall include the lot identification, scheduled process, evidence of compliance with the scheduled process, ionizing energy source, source calibration, dosimetry, dose distribution in the product, and the date of irradiation.

(10) *Department not Responsible for Damage.* This treatment is approved to assure quarantine security against the Tri-fly complex. From the literature available, papayas are believed tolerant to the treatment; however, the facility operator and shipper are responsible for determination of tolerance. The Department of Agriculture and its inspectors assume no responsibility for any loss or damage resulting from any treatment prescribed or supervised. Additionally, the Nuclear Regulatory Commission is responsible to insure that irradiation facilities are constructed and operated in a safe manner. Further, the Food and Drug Administration is responsible to insure that irradiated foods are safe and wholesome for human consumption.

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

W.F. Helms,

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

[FR Doc. 87–104 Filed 1–2–87; 8:45 am]

BILLING CODE 3410-34-M

Farmers Home Administration

7 CFR Part 1930

Management and Supervision of Multiple Family Housing Borrowers and Grant Recipients

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to revise its regulations to provide relief to rural rental housing projects that are experiencing high vacancy rates due to local rental market conditions. By allowing borrowers to reduce their "market" or maximum rents, to be comparable with those in the local market, FmHA hopes to avoid the failure of rural rental housing projects because of extreme unforeseen changes in a local economy. Currently, some existing and prospective tenants have not been willing to pay the full 30 percent of adjusted income or market rent because the rental rates would exceed those of other rental properties in the community.

DATES: Comments must be received on or before March 6, 1987.

ADDRESSES: Submit written comments in duplicate to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6348, South Agriculture Building, 14th and Independence Avenue SW., Washington, DC 20250. All written comments made pursuant to this notice will be available for public inspection during regular work hours at the above address.

The collection of information requirements contained in this rule have been submitted to OMB for review under section 3504(h) of the Paperwork Reduction Act of 1980. Submit comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Farmers Home Administration, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Laurence R. Anderson or Arlene Halfon, Senior Loan Officers, Multiple Family Housing Servicing and Property Management Division, Room 5321–S, Farmers Home Administration, USDA, 14th and Independence Avene SW., Washington, DC 20250, Telephone: (202) 382–1599.

SUPPLEMENTARY INFORMATION:

Classification

This action has been reviewed under USDA procedures established in Departmental Regulation 1512–1 whch implements Executive Order 12291, and has been determined "nonmajor." This action will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of enterprises based in the United States to compete with foreign based enterprises in domestic or export markets.

Environmental Impact Statement

This document has been reviewed according to 7 CFR Part 1940, Subpart G, "Environmental Program." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and, in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

Intergovernmental Review

This program/activity is listed in the catalog of Federal Domestic Assistance under numbers 10.405, 10.415 and 10.427 and is subject to the provisions of Executive Order 12372 which requires intergovernmental consulation with State and local officials (7 CFR Part 3015, Subpart V, 48 FR 29112, June 24, 1983).

Regulatory Flexibility Act

The Administrator, Farmers Home Administration, USDA, has determined that this action will not have a significant economic impact on a substantial number of small entities because it contains normal business recordkeeping requirements and minimal essential reporting requirements.

General Information

Background and Statutory Authority

The regulation, 7 CFR Part 1930 Subpart C, interprets the authority of the Housing Act of 1949 to establish ranges of rental rates to be paid by eligible tenants in rural rental housing projects. This revision would reduce the maximum rate in those projects experiencing distress from high vacancy due to the local market conditions.

List of Subjects in 7 CFR Part 1930

Accounting, Administrative practice and procedure, Grant programs—Housing and community development, Loan programs—Housing and community development, Low- and moderate-income housing—Rental, Reporting requirements.

Therefore, FmHA proposes to amend Chapter XVIII, Title 7, Code of Federal Regulations as follows:

PART 1930—GENERAL

1. The authority citation for Part 1930 continues to read as follows:

Authority: 42 USC 1480; 7 CFR 2.23; 7 CFR 2.70.

Subpart C—Management and Supervision of Multiple Family Housing Borrowers and Grant Recipients

2. Section 1930.138 is added to read as follows:

§ 1930.138 Supervisory actions for distressed projects.

Multiple Family Housing projects experiencing high vacancy rates which could lead to project failure can apply for a special servicing market rent change in accordance with paragraph IX of Exhibit C of this subpart.

3. Exhibit C is amended by redesignating current paragraph IX as paragraph X and adding a new paragraph IX to read as follows:

Exhibit C of Subpart C—Rent Changes

* * * * *

IX. Special Servicing Market Rent (SSMR) Change

When a Multiple Family Housing project is experiencing severe vacancies due to poor local market conditions, a special servicing market rent change may be implemented to attract and keep tenants who could pay more than basic rent. A SSMR addresses the situation where some existing and prospective tenants have not been willing to pay the full 30 percent of adjusted income or a market rent because the rental rates would exceed those of other rental properties in the community. This action may only be taken after supervisory efforts by FmHA and management efforts by the borrower have not produced an acceptable level of occupancy.

A. *Eligibility for SSMR.* Based on borrower documentation and FmHA servicing records the District Director will prepare a written recommendation for borrower eligibility for a SSMR.

1. Based on borrower documentation:

a. The vacancy rate was at least 25 percent for the most recent 6 month period.

b. Comparable market rent rates in the community are lower than the previously approved FmHA market rent rates.

c. The borrower has aggressively marketed the project including the following actions:

(i) Significant outreach efforts in the community, including (but not limited to) contacts listed in the Affirmative Fair Housing Marketing Plan (AFHMP).

(ii) Borrower had applied to FmHA to rent to ineligible tenants in accordance with paragraph VI B 6 of Exhibit B, of this subpart.

d. Borrower management practices encourage occupancy through good maintenance of buildings and grounds, and positive relations with tenants.

e. The borrower has provided a signed statement of willingness to forego, without provision to recoup, the return on initial investment while receiving a SSMR.

2. Based on District Office servicing actions and documentation:

a. The project has been operational for at least 24 months, or a National Office exception to this requirement has been obtained.

b. No remaining 2 percent initial operating capital is available and reserve account balances do not exceed required levels minus authorized withdrawals.

c. The District Director has reviewed and discussed with the borrower the feasibility of using borrower contributed funds, including advances, in accordance with paragraph XII C, Exhibit B of this subpart.

B. *Approval of SSMR.* 1. The State Director may approve the use of an SSMR when the conditions listed above in paragraph IX A are met.

2. While a SSMR is in effect, no new FmHA MFH project may be obligated for the same market area.

C. *Implementing a SSMR.* 1. After the use of a SSMR has been approved by the State Director, the District Director will establish a SSMR rate with the borrower.

a. The SSMR will be obtained by adjusting Item 3, "FmHA Payment (Principal and Interest) Including Overage," on column 4 of Form FmHA 1930–7, "Statement of Budget and Cash Flow," to reflect a payment to FmHA amortized at an interest rate which is less than the full note rate on the borrower's promissory note. The interest rate chosen may never be less than 2 percent.

b. The interest rate of the SSMR budget will be set at a level that will make project market rents comparable with community rental rates.

2. A change in rental rates to a SSMR or a decrease in SSMR rates will be accomplished in accordance with paragraph VI B of this exhibit.

D. *Increasing or cancelling a SSMR.* 1. A SSMR can be increased or decreased during an annual review when the local market conditions warrant.

2. A SSMR can be canceled during an annual review when the:

a. Vacancy rate drops below 10 percent.

b. Other conditions of paragraph IX A of this exhibit substantially change.

c. The borrower does not honor its commitments made in obtaining a SSMR.

3. Tenants that have received a SSMR reduced market rent may not have their tenant contributions increased by more than 10 percent/year due to changes in the SSMR.

4. A cancellation or increase in a SSMR will be accomplished in accordance with paragraph VI B of this exhibit.

* * * * *

Dated: November 26, 1986.

Vance L. Clark,

Administrator, Farmers Home Administration.

[FR Doc. 87–38 Filed 1–2–87; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 86–AEA–5]

Proposed Alteration of Transition Area, Culpeper, VA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the existing transition area at Culpeper, VA. A new NDB–A instrument approach procedure has been developed to the Culpeper County, T.I. Martin Field Airport. The proposed alteration of the transition area is to provide additional protected airspace for aircraft departing/arriving under Instrument Flight Rules (IFR).

DATE: Comments must be received on or before February 6, 1987.

ADDRESSES: Send comments on the proposal in triplicate to: Glenn A. Bales, Manager, Airspace and Planning Branch, AEA-530, Federal Aviation Administration, Docket 86-AEA-5, Fitzgerald Federal Building (formerly Federal Building), John F. Kennedy International Airport, Jamaica, NY 11430.

The official dockets may be examined in the Office of Regional Counsel, Federal Aviation Administration, Fitzgerald Federal Building (formerly Federal Building), John F. Kennedy International Airport, Jamaica, NY 11430.

An informal docket may also examined during normal business hours in the Airspace and Planning Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Fitzgerald Federal Building, J.F.K. International Airport, Jamaica NY 11430; Telephone: (718) 917-1228.

FOR FURTHER INFORMATION CONTACT: Glenn A. Bales, Airspace and Planning Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Fitzgerald Federal Building, J.F.K. International Airport, Jamaica, NY 11430; Telephone: (718) 917-1228.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 86-AEA-5." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in the notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of the Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of Regional Counsel, AEA-7, Federal Aviation Administration, Fitzgerald Federal Building (formerly Federal Building), John F. Kennedy International Airport, Jamaica, NY 11430. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the existing transition area at Culpeper, VA. A new NDB-A instrument approach procedure has been developed to the Culpeper County, T.I. Martin Field Airport. The proposed alteration of the transition area is to provide protected airspace for aircraft departing/arriving under Instrument Flight Rules (IFR). Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7460.6 dated January 2, 1986.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Transition area.

PART 71—[AMENDED]

The Proposed Amendment

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

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

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

§ 71.181 [Amended]

2. 71.181 is amended as follows:

Culpeper, VA [Revised]

That airspace extending upward from 700 feet above the surface within an arc of a 6.5 mile radius, centered on the Culpeper County, T.I. Martin Field (lat. 38°31'20" N, long. 77°51'40" W) and within 2.5 miles each side of the Casanova VORTAC 178° radial extending from the 6.5 mile radius arc to the VORTAC, and within 3 NM each side of the 025° bearing to the NDB extending from the 6.5 arc to 8.5 miles southwest of the RBN, excluding the portion that coincides with the Midland, VA, transition area.

Issued in Jamaica, NY, on December 18, 1986.

Edmund Spring,

Manager, Air Traffic Division.

[FR Doc. 87-4 Filed 1-2-87; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

23 CFR Part 658

[FWHA Docket No. 87-1]

Truck Size and Weight; Reasonable Access

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: Public comments and information are requested by the FHWA on a petition to amend the existing Federal regulation governing reasonable access by commercial vehicles with lengths and widths authorized by the Surface Transportation Assistance Act of 1982 (STAA). The petitioner also requested the issuance of an interim rule to revise the current FHWA policy by providing a single definition of reasonable access.

DATE: Comments on this docket must be received on or before May 5, 1987.

ADDRESS: Submit written comments, preferably in triplicate, to FHWA Docket No. 87-1, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street, SW., Washington, D.C. 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, except legal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Philip W. Blow, Office of Motor Carrier Information and Analysis (202) 366–4036, Mr. Kevin E. Heanue, Office of Planning (202) 366–2951 or Mr. David C. Oliver, Office of the Chief Counsel (202) 366–1354, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION: On June 5, 1984, the FHWA issued a final rule in the **Federal Register** (23 CFR 658; or 49 FR 23302) implementing the major size and weight provisions of the Surface Transportation Assistance Act (STAA) of 1982, Pub. L. 97–424, 96 Stat. 2097. The reasonable access provisions of the STAA of 1982 (Sections 133(b) and 412) were implemented by section 658.19 of the June 5 rule (23 CFR 658.19). These access provisions require the States to allow vehicles with the dimensions and weight limits authorized by the STAA reasonable access between the National Network and terminals and facilities for food, fuel, repairs, and rest.

Further, for vehicles of household goods carriers and truck tractors with a single 28-foot long (28½-foot long if grandfathered) and up to a 102-inch width semitrailer combinations, reasonable access must be afforded from the Network to points of loading and unloading (see section 106 of Pub. L. 98–554, 98 Stat. 2832).

The National Network consists of the Interstate System and those Federal-aid primary routes designated by the Secretary of Transportation identified under each State in 23 CFR 658, Appendix A.

Docket comments on reasonable access received prior to the June 5, 1984, rule generally concerned two issues. The first was whether the States of the FHWA should define "reasonable access." The FHWA's analysis of the docket comments at that time had not revealed evidence that the States would not provide reasonable access. The second issue was whether or not FHWA should define "terminal." The FHWA concluded that the wide variation in local conditions would make any single Federal definition inappropriate under specific local conditions.

Instead of defining reasonable access and terminal, the FHWA published a listing of State requirements and indicated its intention to allow the States to provide for access as long as the basic intent of the law was not violated. The final rule reflected this policy. The FHWA announced it would monitor the States' reasonable access policies and practices, and reevaluate its position, if necessary, and indicated that it would seek injunctive relief in those cases in which it has determined a State's action with respect to access to be unreasonable and in violation of the STAA.

Petition

The National Industrial Transportation League (NITLeague), an organization of shippers and shipper groups, has petitioned the FHWA to adopt an interim rule that would amend the current Federal requirements for reasonable access (23 CFR 658.19) and institute a rulemaking proceeding to determine whether the interim rule should be made final.

The NITLeague petition proposes that FHWA adopt an interim rule which would do two things. First, this proposed rule would prohibit States from denying access except for (1) posted routes from which large commercial vehicles generally are excluded and which, for 102-inch wide vehicles, have lanes generally or substantially under 10 feet wide and (2) posted routes for which a safer alternate route exists, considering any extra distance. Second, it would define the word "terminal" as any industrial, commercial, or job site location used for origination or termination.

The FHWA does not at this time have an adequate factual basis for adopting the interim rule proposed by the NITLeague. Therefore, FHWA denies that part of the petition of the NITLeague which requests immediate adoption of that proposed interim rule. However, FHWA takes notice that the restrictions imposed by the States and their political subdivisions on access to the National Network by what the petitioner defines as "STAA vehicles" are many and varied, and recognizes that the petition raises the substantial issue of whether the existing rule should be changed, and if so, how. Therefore, by issuance of this advance notice of proposed rulemaking, FHWA grants that part of the NITLeague petition which requests the institution of a rulemaking proceeding.

Accordingly, FHWA solicits comments from interested persons on the question of whether its existing rule at 23 CFR 658.19 should be revised, and if so, how. Interested persons may wish to comment on, but are not restricted to, the following specific issues:

1. Are the statutory terms "reasonable access" and "terminal" susceptible of workable definition, and if so, by whom should they be defined, FHWA or the States? What showing of reasonableness of the definitions should FHWA require? How would single national definitions of the terms affect safety, enforcement, transportation costs and productivity?

2. Can "terminal" be defined in a manner, as for example by a formula using factors such as tonnage, operations, and demograhics, so as to fairly reflect the differing circumstances of States and localities?

3. If FHWA were to alter its existing policy on "reasonable access" should the States be permitted to impose access restrictions on all STAA-dimensioned vehicles on the grounds that some of such vehicles may generate safety, congestion, or other problems? If it is not, may rational divisions be made among vehicle types?

4. Are the access restriction measures now employed in some States or localities, such as fixed mileage distances, fixed hours of operation, and special permits, factually supportable (e.g., with safety and traffic data)? If so, how? If not, with what reasonable and practical measures might they be replaced?

The FHWA is also particularly interested in accident experience since the passage of the STAA of 1982 in those States allowing commercial vehicles widespread access. To the extent possible, the accident data should include normalizing data such as the number of all accidents or motor carrier vehicle miles of travel versus total vehicle miles of travel. Any geometric or other engineering data that would indicate the creation of safety problems under unrestricted or less restricted access provisions are also specifically being sought.

Those desiring to comment on this ANPRM are asked to submit their views in writing to the docket. The docket comments will be available for public inspection before and after the closing date at the above address. All comments received before the closing date will be considered before further rulemaking action is undertaken. A copy of the NIT League petition is available for inspection and copying in the FHWA Docket Room or may be obtained by contacting the Docket Room Clerk at (202) 366–1383.

Twenty-four companies and motor carrier associations have already written to the FHWA in support of this petition. These comments and the petition itself have been placed in the docket open by this ANPRM.

Regulatory Impact

The FHWA has determined, at this time, that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under the regulatory policies and procedures of the Department of Transportation. This determination will be reevaluated and a draft regulatory evaluation will be prepared, if necessary, based on the information received in response to this notice.

Based upon the information available to FHWA at this time, the action taken in this advance notice of proposed rulemaking will not have a significant economic impact on a substantial number of small entities.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultations on Federal programs and activities apply to this program.)

(23 U.S.C. 315; 49 U.S.C. 2311(d); 49 CFR 1.48)

List of Subjects in 23 CFR Part 658

Grant programs—transportation, Highways and roads, Motor carriers—size and weight.

Issued on: December 18, 1986.

Robert E. Harris,

Deputy Federal Highway Administrator, Federal Highway Administration.

[FR Doc. 87–83 Filed 1–2–87; 8:45 am]

BILLING CODE 4910-22-M

VETERANS ADMINISTRATION

38 CFR Part 13

Apportionment of Benefits to Dependents; Payment of Cost of Veteran's Maintenance in Institution; Recommendation for Payment

AGENCY: Veterans Administration.

ACTION: Proposed regulations.

SUMMARY: The Veterans Administration (VA) proposes to amend fiduciary activities regulations as a result of amendments to 38 U.S.C. 3203(b)(1)(A) contained in Pub. L. 98–543, the Veterans Improvements Act of 1984, to implement recommendations contained in an unpublished opinion of the VA General Counsel and as part of an ongoing technical review. These proposed amendments will delete reference to mental disability as a sole criterion for VA ratings of incompetency; clarify and identify the circumstances under which the Veterans Services Officer (VSO) may recommend an apportionment to dependents of incompetent veterans; and add a paragraph to reemphasize a State Veterans' Home Director's right to continue to receive care and maintenance payments under 38 U.S.C. 641. Other changes are being made to provide clarity of intent and for administrative purposes only, e.g. § 13.74 is amended by substituting the word "institutionalized" whenever the work "hospitalized" appears to parallel the broader interpretation that has been given to the application of 38 U.S.C. 3203(b)(1)(A).

DATES: Comments must be received on or before February 5, 1987. These regulation amendments will be effective 30 days after final approval.

ADDRESSES: Interested persons are invited to submit written comments, suggestions or objections regarding this proposal to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420. All written comments received will be available for public inspection only in room 132, Veterans Service Unit, at the above address only between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays) until February 16, 1987.

FOR FURTHER INFORMATION CONTACT: William Saliski (202) 233–3644.

SUPPLEMENTARY INFORMATION: The proposed amendment to § 13.70 is intended to clarify the Veterans Services Officer's (VSO) role in making recommendations for apportionments to dependents of incompetent beneficiaries. Various interpretations have been given to the existing regulation, some of which were very narrowly constructed. In more than one instance potentially harmful delays in granting the apportionment occurred because the VSO's authority to make a recommendation was not clear enough. The VSO, through personal contacts conducted by VA field examiners, is required to regularly assess the needs of the dependents of incompetent veterans who are not living with the veterans. Through fulfillment of these responsibilities, the VSO is in an excellent position to determine the actual needs of the dependents and make recommendations accordingly in a timely manner.

The proposed amendment to § 13.71 is the result of an unpublished VA General Counsel's Opinion. The administrator of a State institution had reservations about signing the agreement for institutional award payments. This administrator was concerned that by signing the agreement called for under § 13.71, the institution might be waiving all rights to claim payments under 38 U.S.C. 641. The proposed amendment adds a new paragraph which confirms the State's right to claim the cited payments, and adds the further stipulation that such payments, in addition to monies received for care and maintenance under institutional or care and maintenance awards, may not exceed the total cost of a veteran's care at the institution incurring such payment.

Section 13.71 is based on the provision of 38 U.S.C. 3203(b)(1)(A); however, where the law refers to more than one type of institutional care, the regulation is applicable only to hospitalization. This would seem to preclude application of the regulation when the veterans are in State-run nursing homes or other institutions operated by the United States or a political subdivision. The VA, therefore, proposes to expand the scope of the regulation by using the generic terms of "institution" and "institutionalization."

The amendments to §§ 13.70 and 13.71 will also remove the phrase "by reason of mental illness" as a condition for ratings of incompetency. Pub. L. 98–543, the Veterans Benefits Improvements Act, changed 38 U.S.C. 3202(b)(1)(A) to delete such language. This proposed change merely implements Pub. L. 98–543.

The Administrator hereby certifies that these proposed regulatory amendments do not have a significant economic impact on a substantial number of small entities as these are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. Therefore, pursuant to 5 U.S.C. 605(b), these proposed regulations are exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for the certification is that these proposed regulations impose no regulatory burdens on small entities, and only claimants for VA benefits and their dependents will be directly affected.

In accordance with Executive Order 12291, Federal Regulation, the VA has determined that these proposed regulations are non-major for the following reasons:

(1) They will not have an effect on the economy of $100 million or more.

(2) They will not cause a major increase in costs or prices.

(3) They will not have significant 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.

There is no Catalog of Federal Domestic Assistance Program number.

List of Subjects in 38 CFR Part 13

Surety bonds, Trusts and trustees, Veterans.

Approved: December 10, 1986.

By direction of the Administrator.

Thomas E. Harvey,

Deputy Administrator.

38 CFR Part 13, Fiduciary Activities, is proposed to be amended as follows:

1. Section 13.70 is revised to read as follows:

§ 13.70 Apportionment of benefits to dependents.

(a) *General.* When compensation, pension or emergency officers' retirement pay is payable in behalf of a veteran who is incompetent or under other legal disability by court action, the Veterans Services Officer may recommend such apportionment to or in behalf of the veterans' spouse, child or dependent parent as may be necessary to provide for their needs.

(b) *Incompetent veteran being furnished hospital treatment or instutitional or domiciliary care by United States or political subdivision thereof.* When payment of compensation, pension or emergency officer's retirement pay, in behalf of a veteran rated incompetent by the VA who has no spouse or child and is being furnished hospital treatment or instutitional or domiciliary care by the United States or a political subdivision thereof, has been stopped because the veteran's estate equals or or exceeds $1,500, the Veterans Services Officer may recommend the payment of so much of the benefit otherwise payable as is necessary to provide for the needs of a dependent parent(s). (See §§ 13.74(b) and 13.108(b).) (38 U.S.C. 3203(b)(2))

(c) *Dependent parents.* When the compensation of a veteran paid to the veteran's fiduciary includes an additional amount for a dependent parent(s) and the fiduciary neglects or refuses to make an equivalent contribution for their support, the Veterans Services Officer may recommend the apportionment to the parent(s) of the additional amount.

(d) *Payments withheld because of fiduciary's failure to properly administer veteran's estate.* When payments of compensation, pension or emergency officers' retirement pay in behalf of a veteran have been stopped because of the fiduciary's failure or inability to properly account or otherwise administer the estate, the Veterans Services Officer may recommend the apportionment to the veteran's spouse, child or dependent parent of any benefit not paid under an institutional award or to a custodian-in-fact.

2. In § 13.71 paragraph (a)(3) is redesignated paragraph (4) and a new paragraph (3) is added and paragraph (b) is revised to read as follows:

§ 13.71 Payment of cost of veteran's maintenance in institutuion.

(a)* * *

(3) The signing of an agreement as provided in paragraph (a)(2) of this section does not waive an institution's right to claim per diem payments under 38 U.S.C. 641.

* * * * *

(b) *By care and maintenance award.* When payment of compensation, pension or emergency officers' retirement pay in behalf of a veteran rated incompetent by the VA, who has no spouse or child and is being furnished hospital, institutional or domiciliary care by a political subdivision of the United States, has been stopped because the veteran's estate has reached $1,500, the Veterans Services Officer may certify to the Adjudication Division the amount to be released to the responsible official to pay for the cost of the veteran's current care and maintenance. The amounts paid in such cases shall not exceed the amount of the benefit otherwise payable less any amounts apportioned to dependent parents and in no event exceed the amount which the Veteran Services Officer shall determine to be the proper charge as fixed by statute or administrative regulation. (See §§ 13.74(b) and 13.108(b).) (38 U.S.C. 3203(b))

§ 13.73 [Amended]

3. In § 13.74 paragraph (a) remove the words "38 U.S.C. 3203(b)(1)" and add, in their place, the words "38 U.S.C. 3203(b)(1)(A)".

4. In § 13.74 paragraphs (b) and (c) remove the words "hospital" and "hospitalized" and add, in their place, the words "institutional" and "institutionalized" respectively.

[FR Doc. 87–44 Filed 1–2–87; 8:45 am]

BILLING CODE 8320–01–M

POSTAL SERVICE

39 CFR Part 960

Implementation of the Equal Access to Justice Act Amendments

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: In 1981, the Postal Service adopted regulations implementing the Equal Access to Justice Act, codified as Part 960 of Title 39, CFR. Last year, the Equal Access to Justice Act, which provides for the payment of attorney fees and other expenses to individuals and small businesses that prevail against the Federal Government in certain administrative and court proceedings, was reauthorized and amended by Congress, with an effective date of August 5, 1985, retroactive to October 1, 1984. The present proposed amendments of the regulations are necessary to implement the Act as amended. These proposed rules generally follow the model rules adopted by the Administrative Conference of the United States, with conforming changes.

DATE: Comments must be received on or before February 4, 1987.

ADDRESS: Written comments should be mailed or delivered to the Assistant General Counsel, Legislative Division, Law Department, U.S. Postal Service, 475 L'Enfant Plaza, West SW., Washington, DC 20260–1114. Copies of all written comments will be available for inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in Room 6123, at the above address.

FOR FURTHER INFORMATION CONTACT: Neva R. Watson, (202) 268–2963.

SUPPLEMENTARY INFORMATION: On May 6, 1986, the Chairman of the Administrative Conference published in the **Federal Register** (51 FR 16659) revised model rules for Federal agency implementation of the Equal Access to Justice Act (the Act), as reauthorized and amended. (Pub. L. 99–80, 99 Stat. 183) The regulations proposed by the Postal Service in this document follow generally the revised model rules of the Administrative Conference. The major substantive change made by the amendents to the Act was to provide specifically that proceedings under the Contract Disputes Act of 1978 conducted by an agency Board of Contract Appeals are covered proceedings.

The changes suggested in this proposed rule are substantially similar to those made by the revised model rules, which were adopted following public notice and comment. The only major difference between the rules proposed here and the revised model rules is that parties appearing *pro se* in postal proceedings would not be able to recover attorney fees, whereas the Administrative Conference suggests that the question of attorney fees for *pro se* litigants be handled on a case-by-case

basis. We believe that if the question of attorney fees for *pro se* litigants in postal proceedings were to be decided on a case-by-case basis, few such *pro se* litigants would be successful. The traditional rule in cases involving other statutes that provide for the payment of attorney fees by the Federal government is that, absent specific statutory authorization, attorney fees are not awarded to *pro se* litigants.

Amendments are proposed to the regulations as follows:

(1) The authority citation would be shortened.

(2) Section 960.1 would be amended to refer to the Postal Service's "position" rather than its "position in the proceeding." This revision reflects the change made in the amendments to the Act that the agency position that must be substantially justified is not limited to the litigation position alone.

(3) Section 960.2 would be amended to reflect the revised time period for when the Act applies.

(4) Section 960.3(a) would be amended to provide that proceedings before the Postal Service's Board of Contract Appeals (the Board) are covered by the Act.

(5) Section 960.4 would be amended to reflect the increased eligibility limits for individuals from $1 million to $2 million and for small businesses from, $5 million to $7 million. It also clarifies that a unit of local government is a covered party. It also is amended to provide that in cases before the Board, eligibility is determined as of the date the appeal is filed, rather than the claim.

(6) Section 960.5(a) would be amended to provide explicitly that the position of the agency for fee award purposes includes in addition to the position taken by the agency in the adversary adjudication, the action or failure to act by the agency upon which the adversary adjudication is based. Section 960.5(a) would be amended further to eliminate the provision that the Postal Service may show its position is substantially justified by demonstrating that it is "reasonable in law and fact."

(7) Section 960.6 would be amended to provide that parties appearing *pro se* in postal proceedings cannot recover attorney fees.

(8) Section 960.8 would be amended to provide that in Equal Access to Justice Act proceedings before the Board, the panel that renders the decision in the underlying appeal is authorized to take final action on matters pertaining to the Act.

(9) Section 960.9(b) would be amended to reflect the increased eligibility limits for individuals from $1 million to $2 million and for small businesses from $5 million to $7 million.

(10) Section 960.11(a) would be amended to provide that in fee cases the Board may require an applicant to submit to an audit by the Postal Service of its claimed fees and expenses. A new section, § 960.11(b), would be added to clarify that in cases where a party has prevailed in only a portion of a case the application for fees must be limited to the fees and expenses allocable only to that part of the case in which the applicant prevailed.

(11) Section 960.12 would be amended to provide that in Board cases the final disposition of the case occurs when entitlement and quantum (the amount of damages) have been decided. In bifurcated proceedings, when the issue of quantum is remanded to the parties, the final disposition is when the parties execute an agreement on quantum; or in cases where the parties do not execute an agreement on quantum and resubmit the quantum issue to the Board, when the Board issues its decision.

(12) Section 960.18(a) would be amended to reflect that the determination of whether the position of the Postal Service is substantially justified is to be determined on the basis of the administrative record of the underlying adjudication, without discovery or evidentiary proceedings, to reflect the new statutory provision regarding this matter.

(13) Section 960.19 would be amended by adding a new paragraph (b) to make it clear that, where possible, the judge or panel of the Board that decided the contract appeal will issue the Equal Access to Justice Act decision on the fee award.

(14) Section 960.20 would be amended by adding a new paragraph (b) to provide that in Board proceedings, either party may seek reconsideration of the decision on the fee application only in accordance with the Board rules for seeking reconsideration of contract dispute decisions.

(15) Section 960.21 would be amended to state specifically that there is a 30 day deadline for seeking judicial review of final Postal Service decisions on fee awards.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. of 553 (b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed amendments of Part 960 of Title 39, Code of Federal Regulations:

List of Subjects in 39 CFR Part 960

Administrative practice and procedure, Equal access to justice, Postal Service.

PART 960—RULES RELATIVE TO IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN POSTAL SERVICE PROCEEDINGS

1. The authority citation for Part 960 is revised to read as follows:

Authority: 5 U.S.C. 504(c)(1); 38 U.S.C. 204, 401 (2).

§ 960.1 [Amended]

2. In § 960.1, in the second sentence, remove the words "in the proceeding".

3. Section 960.2 is revised to read as follows:

§ 960.2 When the Act applies.

The Act applies to any adversary adjudication pending or commenced before the Postal Service on or after August 5, 1985. It also applies to any adversary adjudication commenced on or after October 1, 1984, and finally disposed of before August 5, 1985, provided that an application for fees and expenses, as described in subpart B of these rules, has been filed with the Postal Service within 30 days after August 5, 1985, and to any adversary adjudication pending on or commenced on or after October 1, 1981, in which an application for fees and other expenses was timely filed and was dismissed for lack of jurisdiction.

4. In § 960.3 paragraph (a) is revised to read as follows:

§ 960.3 Proceedings covered.

(a) The Act applies to adversary adjudications conducted by the Postal Service. These are:

(1) Adjudications under 5 U.S.C. 554 in which the position of the Postal Service is presented by an attorney or other representative who enters an appearance and participates in the proceeding (for the Postal Service, the types of proceedings generally covered are proceedings relative to false representation and cease and desist orders and mailability under chapter 30 of title 39, U.S.C., with the exception of proceedings under 39 U.S.C. 3008); and

(2) Appeals of decisions of contracting officers made pursuant to section 6 of the Contract Disputes Act of 1978 (41 U.S.C. 605) before the Postal Service Board of Contract Appeals as provided in section 8 of that Act. (41 U.S.C. 607)

* * * * *

5. In § 960.4, paragraphs (b)(1), (b)(2), (b)(5), and (c) are revised and the

introductory text of paragraph (b) is republished to read as follows:

§ 960.4 Eligibility of applicants.

* * * * *

(b) The types of eligible applicants are as follows:

(1) An individual with a net worth of not more than $2 million;

(2) The sole owner of an unincorporated business who has a net worth of not more than $7 million, including both personal and business interests, and not more than 500 employees;

* * * * *

(5) Any other partnership, corporation, association, unit of local government, or organization with a net worth of not more than $7 million and not more than 500 employees.

(c) For the purpose of eligibility, the net worth and number of employees of an applicant shall be determined as of the date the proceeding was initiated, which in proceedings before the Board of Contract Appeals is the date the applicant files its appeal to the Board.

* * * * *

6. In § 960.5 paragraph (a) is revised to read as follows:

§ 960.5 Standard for awards.

(a) A prevailing applicant may receive an award for fees and expenses incurred in connection with a proceeding, including expenses and fees incurred in filing for an award under the Act, or in a significant and discrete substantive portion of the proceeding, unless the position of the agency over which the appliant has prevailed was substantially justified. The position of the agency includes in addition to the position taken by the agency in the adversary adjudication, the action or failure to act by the agency upon which the adversary adjudication is based. The burden of proof that an award should not be made to an eligible prevailing applicant is on Postal Service counsel.

(b) * * *

7. In § 960.6, paragraph (a) is amended by adding the following sentence at the end thereof:

§ 960.6 Allowable fees and expenses.

(a) * * * Attorney fees may not be recovered by parties appearing *pro se* in postal proceedings.

* * * * *

8. Section 960.8 is revised to read as follows:

§ 960.8 Official authorized to take final action under the Act.

The Postal Service official who renders the final agency decision in a proceeding under § 952.26 or § 953.15 of this chapter, or the panel that renders the decision in an appeal before the Board of Contract Appeals under Part 955 procedures, as the case may be, is authorized to take final action on matters pertaining to the Equal Access to Justice Act as applied to the proceeding.

9. In § 960.9, the introductory text of paragraph (b) is revised to read as follows:

§ 960.9 Contents of application.

* * * * *

(b) The application shall also include a statement that the applicant's net worth does not exceed $2 million (if an individual) or $7 million (for all other applicants, including their affiliates.) However, an applicant may omit this statement if:

* * * * *

10. Section 960.11 is amended by adding an "(a)" at the beginning thereof, adding a sentence at the end thereof, and adding new paragraph (b) reading as follows:

§ 960.11 Documentation of fees and expenses.

(a) * * * In addition, the Board of Contract Appeals may require an applicant to submit to an audit by the Postal Service of its claimed fees and expenses.

(b) Where the case has been sustained in part and denied in part or where the applicant has prevailed in only a significant and discrete substantive portion of the case, the application must be limited to fees and expenses allocable to the portion of the case as to which the applicant was the prevailing party.

11. In § 960.12, republish for convenience of the reader the introductory text of paragraph (c); remove the word "or" at the end of paragraphs (c)(3) and (c)(4); remove the period at the end of paragraph (c)(5) and add ";or" in lieu thereof; and add new paragraph (c)(6) reading as follows:

§ 960.12 When an application may be filed.

* * * * *

(c) For purposes of this rule, final disposition means the later of

* * * * *

(6) in proceedings before the Board of Contract Appeals, the Board of Contract Appeals decision on quantum. When the Board decides only entitlement and remands the issue of quantum to the parties, the final disposition occurs when the parties execute an agreement on quantum, or if the parties cannot agree on quantum and resubmit the quantum dispute to the Board, when the Board issues a decision on quantum.

12. In § 960.18, paragraph (a) is amended by adding a sentence at the end thereof as follows:

§ 960.18 Further proceedings.

(a) * * * Whether or not the position of the agency was substantially justified shall be determined on the basis of the entire administrative record that is made in the adversary adjudication for which fees and other expenses are sought.

* * * * *

13. Section 960.19 is amended by adding an "(a)" at the beginning thereof and adding a new paragraph (b) reading as follows:

§ 960.19 Decision.

* * * * *

(b) The Board of Contract Appeals shall issue its decision on the application as promptly as possible after completion of proceedings on the application. Whenever possible, the decision shall be made by the same Administrative Judge or panel that decided the contract appeal for which fees are sought. The decision shall be in the format described in paragraph (a) above.

14. Section 960.20 is amended by adding an "(a)" at the beginning thereof and by adding a new paragraph (b) reading as follows:

§ 960.20 Further Postal Service review.

* * * * *

(b) In Board of Contract Appeals proceedings, either party may seek reconsideration of the decision on the fee application in accordance with 39 CFR 955.30.

15. Section 960.21 is revised to read as follows:

§ 960.21 Judicial review.

A party other than the Postal Service may, within 30 days after a determination on the award is made, appeal the determination to the court of the United States having jurisdiction to review the merits of the underlying decision of the agency adversary adjudication in accordance with 5 U.S.C. 504(c)(2).

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 87-72 Filed 1-2-87; 8:45 am]

BILLING CODE 7710-12-M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

43 CFR Part 426

Acreage Limitation: Reclamation Rules and Regulations

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of extension of comment period on proposed rules on acreage limitation.

SUMMARY: This notice extends the comment period on the acreage limitation proposed rules 51 FR 40741, November 7, 1986 from January 6 to February 5, 1987. The extended period will allow all interested parties sufficient time to review and provide comments on the published proposed rules and regulations. All comments received during the extended period will be considered before revisions are made to the proposed rules.

DATE: Comments are due on or before February 5, 1987.

ADDRESS: Written comments on the proposed rules should be submitted to: Phillip T. Doe, Chief, Acreage Limitation Branch, Bureau of Reclamation, E&R Center, D–410, P.O. Box 25007, Denver, Colorado 80225, telephone (303) 236–8065.

FOR FURTHER INFORMATION CONTACT: Phillip T. Doe (303) 236–8065.

SUPPLEMENTARY INFORMATION: The Bureau of Reclamation published proposed rules and regulations on acreage limitation in the **Federal Register** on November 7, 1986, to implement section 203(b) of the Reclamation Reform Act of 1982 (96 Stat. 1263) and for other reasons. The Bureau of Reclamation has conducted 15 public hearings throughout the West and in Washington, DC, to receive testimony on its proposed rules.

Dated: December 29, 1986.

C. Dale Duvall,

Commissionor—Bureau of Reclamation.

[FR Doc. 87–42 Filed 1–2–87; 8:45 am]

BILLING CODE 4310–09–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 6

Privacy Act of 1974; Exempt Systems of Records

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: This notice of proposed rulemaking will exempt certain existing and proposed systems of records from certain requirements of the Privacy Act pursuant to 5 U.S.C. 552a(k).

DATE: Interested parties may submit written comments on or before February 4, 1987.

ADDRESSES: Address comments to the Rules Docket Clerk, Federal Emergency Management Agency, 500 C Street SW., Room 840, Washington, DC 20472. Comments received will be available for public inspection at the above address from 8:30 a.m. to 3:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Linda M. Keener, FOIA/Privacy Specialist (202) 646–3840.

SUPPLEMENTARY INFORMATION: The Director, FEMA, has determined that portions of an existing system of records entitled, FEMA/SEC–1, Security Management Information System is exempt from certain provisions of the Privacy Act pursuant to 5 U.S.C. 552a(k)(1). To the extent that this system contains information which is classified pursuant to Executive Order 12356 or any subsequent Executive orders and which is required to be kept secret in the interest of national defense or foreign policy, such information would be exempted from subsections (c)(3) and (d) pursuant to 5 U.S.C. 552a(k)(1).

FEMA/SEC–1, Security Management Information Systems, also contains investigatory materials compiled solely for the purposes of determining suitability for access to classified information. To the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence, such information will be required to be exempted from subsections (c)(3) and (d) pursuant to 5 U.S.C. 552a (k)(5) to honor such a promise.

During litigation or investigations, it is possible that certain records from other FEMA systems of records which are currently exempted or proposed for exemption under this notice pursuant to 5 U.S.C. 552a(k) may be necessary and relevant to the litigation or investigation and included in these systems of records. To the extent that this occurs, the Director, FEMA, has determined that the systems of records entitled, FEMA/GC–1, Claims (litigation), FEMA/GC–2, FEMA Enforcement (Compliance), FEMA/IG–1, General Investigative Files, would also be exempted from subsections (c)(3) and (d) pursuant to 5 U.S.C. 552a(k)(1) and (k)(5) to protect such records.

Administrative changes to the internal identification numbers of two existing systems of records currently exempted under certain requirements of subsection (k)(2) are being made. FEMA/IG–2, General Investigative Files is being changed to FEMA/IG–1, General Investigative Files. Also, FEMA/EO–1, Equal Employment Opportunity complaints of discrimination files, is being changed to FEMA/PER–2, Equal Ejmployment Opportunity Complaints of Discrimination Files, to reflect a change in the office location of the system as a result of an internal realignment of functions.

The publication of these new exemptions are made in accordance with the requirements of 5 U.S.C. 553 of the Administrative Procedure Act.

List of Subjects in 44 CFR Part 6

Privacy Act

Accordingly, for reasons set out in the preamble it is proposed to amend 44 CFR Part 6, Subpart G—Exempt Systems of Records, as follows:

PART 6—[AMENDED]

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

Authority: 5 U.S.C. 552a; Reorganization Plan No. 3 of 1978; and E.O. 12127.

2. Section 6.87 is amended by revising paragraphs (a), (b)(1) and adding new paragraphs (c) to read as follows:

§ 6.87 Specific exemptions.

(a) *Exempt under 5 U.S.C. 552a(k)(1).* The Director, Federal Emergency Management Agency has determined that certain systems of records may be exempt from the requirements of (c)(3) and (d) pursuant to 5 U.S.C. 552a(k)(1) to the extent that the system contains any information properly classified under Executive Order 12356 or any subsequent Executive order and which are required to be kept secret in the interest of national defense or foreign policy. To the extent that this occurs, such records in the following systems would be exempt:

Claims (litigation) (FEMA/GC–1—Limited Access

FEMA Enforcement (Compliance) (FEMA/GC–2)—Limited Access

General Investigative Files (FEMA/IG–1)—Limited Access

Security Management Information System (FEMA/SEC–1)—Limited Access

(b) * * *

(1) *Exempt systems.* The following systems of records, which contain information of the type described in 5 U.S.C. 552a(9)(2), shall be exempt from the provisions of 5 U.S.C. 552a(k)(2) listed in paragraph (b) of this section.

Claims (litigation) (FEMA/GC–1)—Limited Access
FEMA Enforcement (Compliance) (FEMA/GC–2)—Limited Access
General Investigative Files (FEMA/IG–1)—Limited Access
Equal Employment Opportunity Complaints of Discrimination Files (FEMA/PAR–2)—Limited Access

* * * * *

(c) *Exempt under 5 U.S.C. 552a(k)(5).* The Director, Federal Emergency Management Agency has determined that certain systems of records are exempt from the requirements of (c)(3) and (d) of 5 U.S.C. 552a.

(1) *Exempt systems.* The following systems of records, which contain information of the type described in 5 U.S.C. 552a(k)(5), shall be exempted from the provisions of 5 U.S.C. 552a listed in paragraph (c) of this section.

Claims (litigation) (FEMA/GC–1)—Limited Access
FEMA Enforcement (Compliance) (FEMA/GC–2)—Limited Access
General Investigative Files (FEMA/IG–2)—Limited Access
Security Management Information Systems (FEMA/SEC–1)—Limited Access

(2) *Reasons for exemptions.* All information about individuals in these records that meet the criteria stated in 5 U.S.C. 552a(k)(5) is exempt from the requirements of 5 U.S.C. 552a (c)(3) and (d). These provisions of the Privacy Act relate to making accountings of disclosure available to the subject and access to and amendment of records. These exemptions are claimed because the system of records entitled, FEMA/SEC–1, Security Management Information System, contains investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for access to classified information or classified Federal contracts, but only to the extent that the disclosure would reveal the identity of a source who furnished information to the Government under an express promise or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence. During the ligitation process and investigations, it is possible that certain records from the system of records entitled, FEMA/SEC–1, Security Management System may be necessary and relevant to the litigation or investigation and included in these systems of records. To the extent that this occurs, the Director, FEMA, has determined that the records would also be exempted from subsections (c)(3) and (d) pursuant to 5 U.S.C. 552a(k)(5) to protect such records. A determination will be made at the time of the request for a record concerning whether specific information would reveal the identity of a source. This exemption is required in order to protect the confidentiality of the sources of informaiton compiled for the purpose of determining access to classified information. This confidentiality helps maintain the Government's continued access to information from persons who would otherwise refuse to give it.

Dated: December 23, 1986.

Julius W. Becton, Jr.,

Director.

[FR Doc. 87–34 Filed 1–2–87; 8:45 am]

BILLING CODE 6718–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 86–442, RM–4999, 5069, 5199, 5397, 5497, 5498, 5420]

Radio Broadcasting Services; Brenham, Round Rock, Austin, Caldwell, TX et al.

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on seven mutually exclusive petitions for the state of Texas proposing to substitute Channel 291C2 for Channel 292A at Brenham; allot Channel 290C2 or 290C1 to Round Rock; allot Channel 290C1 to Austin; allot Channel 290A to Caldwell; substitute Channel 290C1 for 292A at Belton; and/or allot Channel 290C1 to West Lake Hills.

DATES: Comments must be filed on or before January 22, 1987, and reply comments on or before February 6, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows:

Tom S. Whitehead, President, Box 1280, Brenham, TX 77833, (Petitioner for Brenham, TX)
James Duff McClish, Sr., 1205 Magnolia St., Lockhart, TX 78644, (Petitioner for Round Rock, TX)
Don Werlinger, Werlinger Communication Co., 602 Stueve Lane, Lockhart, TX 78644, (Consultant to McClish)
Round Rock Radio Group, MBank Tower, Suite 1960, 221 W. Sixth Street, Austin, TX 78701, (Petitioner for Round Rock, TX)
Barbara M. Barron, Esquire, 602 Brown Building, 708 Colorado, Austin, TX 78701, (Counsel to Round Rock Group)
Eric Fishman, Esquire, Sullivan & Worcester, 1025 Connecticut Ave. NW., Suite 806, Washington, DC 20036, (Counsel for Grass Roots Radio)
Roy F. Perkins, Jr., Esquire, 1400 20th Street NW., Washington, DC 20036, (Counsel to Call FM Radio)
Call FM Radio, c/o Mr. Gene Randel, P.O. Box 627, Caldwell, TX 77836, (Petitioner for Caldwell, TX)
Alvin O. Kriegel, Jr., P.O. Box 3501, Beaumont, TX 77704, (Petitioner for West Lake Hills, TX)
Lawrence Bernstein, Esquire, Mahler & Frantz, 1818 N Street NW., Suite 200, Washington, DC 20036, (Counsel to Heart of TX Communications, Ltd.).

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 86–442, adopted November 3, 1986, and released December 3, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

The seven mutually exclusive petitions were filed by: (1) Tom S. Whitehead, Inc., ("Whitehead") licensee of Station KWHI(FM), Channel 292A, Brenham, Texas, seeking the substitution of Class C2 Channel 291 for Channel 292A and modification of its license to specify operation on Channel 291C2, as that community's first wide coverage area FM station (RM–4999). A site restriction of 17.4 kilometers (10.8 miles) west of the community is required. (2) James Duff McClish, Sr., ("McClish") requesting the allotment of Channel 290C2 to Round Rock, Texas as that community's first FM service (RM–5069). Channel 290C2 required a site restriction of 17.9 kilometers (11.1 miles) west of the community. (3) Grass Roots Radio ("Grass Roots") requesting the allotment of Channel 290C1 to Austin, Texas, as the community's sixth FM

service (RM–5199). Channel 290C1 can be allotted to Austin in compliance with the Commission's minimum distance separation requirements. However, with a site restriction of 44.9 kilometers (27.9 miles) west of the community it is possible to accommodate both the Austin and Brenham proposals. (4) Call FM Radio ("Call FM") seeking the allotment of Channel 290A to Caldwell, Texas, as that community's first FM service (RM–5397). A site restriction of 11.7 kilometers (7.3 miles) northwest of the city is required. (5) Heart of Texas Communications, Ltd., ("Heart") licensee of Station KTQN–FM, Channel 292A, Belton, Texas, seeking the substitution of Channel 290C1 for Channel 292A and modification of its license to specify operation on the new channel, as that community's first wide area coverage FM station. In order to accomplish the substitution at Belton, the substitution of Channel 282A for Channel 288A at Killeen, Texas (RM–5497) is required. Also Station KISJ–FM, Channel 281, Brownwood, Texas must be reclassified as a Class C1 facility. The proposed allotment requires a site restriction of 32.9 kilometers (20.4 miles) south of the community. (6) Round Rock Radio Group ("R R Radio") looking toward the allotment of Channel 290C1 to Round Rock, Texas, as that community's first FM service (RM–5498). Channel 290C1 requires a site restriction of 20.8 kilometers (12.9 miles) southwest of the community. It is possible to accommodate this request and the Brenham proposal with a site restriction of 47.0 kilometers (29.2 miles) west of Round Rock. (7) Alvin O. Kriegel, Jr., ("Kriegel") requesting the allotment of Channel 290C1 to West Lake Hills, Texas, as that community's first FM service (RM–5420).

We have identified seven (7) options for comments, *Option I* could provide a sixth FM service to Austin. *Option II* and *Option IV* could provide Brenham with a first wide area coverage FM service and a first FM service to Round Rock. *Option III* a sixth FM service to Austin and Brenham with its first wide area coverage FM service. *Option V* could provide Caldwell with its first FM Service. *Option VI* could provide a first FM service to West Lake Hills. Under *Option VIII* Belton could receive its first wide area coverage FM station.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding. Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no loger subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.231 for rules governing permissible *ex parte* contact. For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Bradley P. Holmes,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87–33 Filed 1–2–87; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Determination of Endangered Status for the Hualapai Vole

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to determine endangered status for the Hualapai vole (*Microtus mexicanus hualpaiensis*), a small mammal found in northwestern Arizona. It evidently is very rare, and occupies small patches of suitable habitat that are jeopardized by livestock grazing, human recreational activity, and other problems. This proposal, if made final, will implement the protection provided by the Endangered Species Act of 1973, as amended, for the Hualapia vole. The Service seeks data and comments from the public on this proposal.

DATES: Comments from all interested parties must be received by March 6, 1987. Public hearing requests must be received by February 19, 1987.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the Service's Regional Office of Endangered Species, 500 Gold Avenue SW., Room 4000, Albuquerque, New Mexico.

FOR FURTHER INFORMATION CONTACT: Alisa M. Shull, Endangered Species Biologist, at the above address (505/766–3972 or FTS 474–3972).

SUPPLEMENTARY INFORMATION:

Background

The Mexican vole (*Microtus mexicanus*) occurs in Mexico and the southwestern United States; there are 12 subspecies (Hall 1981). It is a small, cinnamon-brown, mouse-size mammal with a short tail and long fur that nearly covers its small, round ears. There are three subspecies in Arizona, including the Hualapai vole (*M. m. hualpaiensis*), which is the subject of this proposal. The Hualapai vole is distinguished from *M.m. mogollonensis*, found to the east, by paler color of the dorsum, a shorter body, a shorter and broader skull, and a longer hind foot. It is distinguished from *M. m. navaho*, found to the northeast, by generally larger size, a longer and broader skull, and a longer tail, body, and hind foot (Spicer *et al.* 1985). Five adult specimens averaged 4¼ inches (107.0 millimeters) in head and body length, and 1¼ inches (30.2 millimeters) in tail length (Hoffmeister, In Press).

Goldman (1983) described *M. m. hualpaiensis* on the basis of 4 specimens collected near the summit of Hualapai Peak in northwestern Arizona on October 1, 1923. Including these 4, a total of 15 individuals of the subspecies are now known to have been captured in the Hualapai Mountains. Nine of these are now preserved specimens. The 15 individuals were found in seven isolated localities over a period of 61 years from 1923 through 1984.

Six voles, that might possibly represent *M. m. hualpaiensis*, have been collected from outside the Hualapai Mountains. Four were collected in 1981 in the Music Mountains, about 50 miles (80 kilometers) north of Hualapai Peak, but have not yet been subjected to taxonomic evaluation (Spicer *et al.* 1985). The population represented is small, and its habitat is isolated, restricted, and subject to the same degradation as habitat in the Hualapai Mountains. Hoffmeister (In Press) tentatively (pending a larger sample size) reassigned two specimens collected in Pospect Valley in 1913, and previously classified as *M. m. mogollonenis*, to *M. m. hualpaiensis*. Prospect Valley is almost 90 miles (145 kilometers) northeast of the Hualapais. Reassignment was based on body and skull measurements that are closer to *M. m. hualpaiensis* than to the geographically closer *M. m. navaho*. Hoffmeister did suggest, however, that a larger sample from Prospect Valley might indicate that the two specimens ". . . are referable to *M. m. navaho* to which on a geographical basis they would seem referable." Due to the

taxonomic uncertaintly surrounding these two specimens and their disjunct geographic distribution, their classification as *M. m. hualpaiensis* is tenuous. Even if the specimens are *M. m. hualpaiensis*, over 73 years have passed without additional records from that locality, and any represented population may no longer be extant. The Service will continue to investigate the possibility of additional specimens and localities. If the Music Mountains voles and/or the Prospect Valley voles are determined to be *M. m. hualpaiensis* they would be covered by this proposal and any final rule determining endangered status for the subspecies.

The lands where *M. m. hualpaiensis* or its sign have been found consist of both publicly and privately owned areas. The Hualapai Mountains locations include Mohave County Parks land, Sante Fe Pacific Railroad Company land, and other publicly or privately owned land. Except for the Mohave County Parks land, the sites are managed as part of larger grazing allotments by the Bureau of Land Management (BLM). That agency is giving consideration to the welfare of the vole, and is attempting to acquire one of the key sites in the Hualapai Mountains that is now privately owned. The sites in the Music Mountains are already owned and managed by the BLM.

In the Hualapai Mountains, *M. m. hualpaiensis* has been found between about 5,397 and 8,400 feet (1,645 and 2,560 meters) in elevation. This vole is primarily associated with conifer forest and occurs in moist areas with good grass cover along permanent or semipermanent waters (such as springs and seeps). The populations of *Microtus* in the Hualapai Mountains and the Music Mountains are disjunct relicts from Pleistocene times. The Hualapi vole may have become isolated when North American glaciers were retreating and the climate was becoming warmer and drier (Spicer *et al.* 1985).

In its original Review of Vertebrate Wildlife, published in the **Federal Register** of December 30, 1982 (47 FR 58454–58460), the Service included the Hualapai vole in category 2, meaning that information then available indicated that a proposal to determine endangered or threatened status was possibly appropriate, but was not yet sufficiently substantial to support such a proposal. A subsequent Service-funded status survey (Spicer *et al.* 1985) gathered many new data, and its revised Vertebrate Review of September 18, 1985 (50 FR 37958–37967), the Service included the Hualapai vole in category 1, meaning that substantial information is on hand to support the biological appropriateness of proposing to list as endangered or threatened.

Summary of Factors Affecting the Species

Section 4 (a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR Part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal Lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to the Hualapai vole (*Microtus mexicanus hualpaiensis*) are as follows (information taken from Spicer *et al.* 1985, unless otherwise noted):

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The Hualapai vole is extremely rare and has among the most restricted habitats of any North American mannal. From 1923 to the present, only 15 specimens are known to have been captured in the Hualapai Mountains. These individuals were taken at 7 localities, and sign alone was found at 3 other sites in that area. In addition, as noted above 2, other specimens were collected in the Prospect Valley in 1913, but continued existence of any represented populations is doubtful, and 4 other specimens were taken in the Music Mountains in 1981, but their identity is uncertain. The recent Service-funded status survey investigated 59 potential sites, but found voles in only 12 places and sign alone in 1 other place. These last 3 sites were charcterized by isolated grass-forb vegetation in the immediate vicinity of open water or seeps, surrounded by drier, unsuitable habitat. Each site was only 3–5 yards (3–5 meters) across and 80–450 yards (75–400 meters) long. The total size of suitable vole habitat was estimated at about three-quarters of an acre (0.31 hectare), and this habitat was thought capable of supporting a minimum of 44 voles.

Even the few spots from which the Hualapai vole has been recorded are apparently not consistently or currently occupied. Past incompatible land management practices and periods of drought have combined to cause the deteriortion of most of the habitat of the vole. The present main threat to the habitat appears to be the elimination of the ground cover of grasses, sedges, rushes, and forbs around open water and seeps, primarily by grazing and heavy recreational use, including camping and off-road vehicle activity.

Except for the Mohave County Parks land, the sites, where the vole sign has been found are managed as part of larger grazing allotments by BLM. Creekbed habitats with their succulent green vegetation are more attractive to livestock than are the drier areas surrounding them. Livestock concentrates in these moist areas and greatly reduces, if not eliminates, ground cover by both grazing and trampling. In addition to causing the loss of food and cover, the reduction of green vegetation could have a negative effect on reproductive potential of the Hualapai vole by reducing breeding stimulus.

Human recreational users are also attracted to spring areas. Due to an increased demand for outdoor recreation, additional areas of the Hualapai Mountain Park will likely be opened up for public use. The Mohave County Parks Department is also exploring the possibility of developing a three-acre lake within historic vole habitat.

In addition, the soil on the slopes of the Hualapai Mountains is mostly shallow and subject to erosion. Locally, the erosional tendencies are exacerbated by the many years of heavy and poor land use (road construction, livestock, and recreation) that have contributed to reduced ground cover and concentration of runoff. Water development that pipes all available water to a downstream trough may also lead to the elimination of ground cover in stream bottoms.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* The Hualapai vole is neither sought for economic or sporting purposes nor persecuted as a pest or collected as a pet. However, because of the low number of animals, the easily accessible population areas, and the developing curiosity regarding the Hualapai vole, vandalism and taking could pose a threat. In addition, it is possible that an intensive snap trapping effort could eliminate a particular population.

C. *Disease or predation.* Nothing is known about disease or predation in Hualapai vole populations. However, species of *Microtus* are usually a fundamental part of the base of the food pyramid, and a variety of potential predators occur in the Hualapais. These predators include the coyote, gray fox, ringtail, raccoon, bobcat, striped skunk, hog-nosed skunk, red-tailed hawk, great horned owl, screech owl, spotted owl, gopher snake, Arizona black rattlesnake, black-tailed rattlesnake,

striped whipsnake, and Sonoran Mountain kingsnake. In addition, predation by domestic cats could be a potential threat in the northeastern part of Hualapai Mountain Park, where a residential area is expanding in and adjacent to potential vole habitat.

D. *The inadequacy of existing regulatory mechanisms.* The Hualapai vole is included in Group 2 of "Threatened Native Wildlife in Arizona." Group 2 contains species or subspecies whose continued presence in Arizona is in jeopardy because of substantial population decline (Arizona Game and Fish Commission 1982). However, this listing carries no enforcement authority and provides no protection for habitat. There are no statutes specifically authorizing State conservation of threatened or endangered species, but the State can control scientific and educational collecting, and can buy and manage land.

E. *Other natural or manmade factors affecting its continued existence.* The areas of habitat supporting the Hualapai vole are relatively small and isolated. This mammal is thus fragmented into tiny populations that are subject to inbreeding and reduced genetic viability. The populations may therefore be particularly vulnerable to artificial or natural disturbances in their habitat.

Drought is an additional threat to the Hualapai vole's habitat. The impacts of drought can include reduced water flow from springs and seeps, reduced new vegetative growth, and decreased ground cover, all of which can cause increased exposure of the soil and erosion. While drought is a natural phenomenon, the effects of drought are intensified by human-caused habitat degradation.

The decision to propose endangered status for the Hualapai vole was based on an assessment of the best available scientific information and of past, present, and probable future threats to the species. A decision to take no action would constitute failure to properly classify this vole pursuant to the Endangered Species Act and would exclude it from protection provided by the Act. A decision to propose only threatened status would not adequately reflect the very small population and habitat sizes of this vole, its history of rarity and vulnerability, and the multiplicity of problems that confront it. For the reasons given below, a critical habitat designation is not included in the proposal.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate any habitat of a species that is considered to be critical habitat at the time the species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for the Hualapai vole at this time. Because of the rarity of this animal, its easily accessible populations, and the developing curiosity regarding it, publication of critical habitat descriptions and maps could be detrimental. No benefit can be identified that would outweigh the threats of vandalism or taking that might result from such publication. BLM is aware of the locations of the vole's populations, has acknowledged the threats to these populations, and already is actively considering them during planning. Should the Service receive additional information that would warrant reconsideration of this decision, critical habitat could be proposed in the future.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking and harm are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402 (see revision at 51 FR 19926; June 3, 1986). Section 7(a)(4) requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species, the responsible Federal agency must enter into formal consultation with the Service.

The Hualapai vole is known to occur primarily on BLM lands. BLM is the surface managing agency and would be subject to Section 7 consultation if any of its actions may affect the vole. Such actions include maintenance of existing grazing leases and water rights and development. BLM would be required to consider protection of the vole's habitat while administering such leases, and to maintain habitat without violating individual water rights that may exist. As noted above under "Critical Habitat," BLM is aware of the situation and is giving consideration to the welfare of the vole.

Section 9 of the Act, and implementing regulations found at 50 CFR 17.21, set forth a series of general prohibitions and exceptions that apply to all endangered wildlife. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any listed species. It also is illegal to posess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. Certain exceptions apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered wildlife species under certain circumstances. Regulations governing permits are at 50 CFR 17.22 and 17.23. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, and/or for incidental take in connection with otherwise lawful activities. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship that would be suffered if such relief were not otherwise available.

Public Comments Solicited

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, comments and suggestions regarding any aspect of this proposal are hereby solicited from the public, concerned governmental agencies, the scientific community, industry, and other interested parties. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any

threat (or lack thereof) to the subject species;

(2) The location of any additional populations of this species and the reasons why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act;

(3) Additional information concerning the range and distribution of this species; and

(4) Current or planned activities in the involved area and their possible impacts on the subject species.

Final promulgation of the regulation on this species will take into consideration the comments and any additional information received by the Service, and such communications may lead to adoption of a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests must be made in writing and addressed to the Regional Director (see **ADDRESSES**).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined by the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

Arizona Game and Fish Commission. 1982. Threatened native wildlife in Arizona. Arizona Game and Fish Department publication, 12 pp.

Goldman, E.A. 1938. Three new races of *Microtus mexicanus*. Journal of Mammalogy, 19:493.

Hall, E.R. 1981. The mammals of North America. John Wiley and Sons, New York, 2 vols.

Hoffmeister, D.F. In Press. Mammals of Arizona. The University of Arizona Press, Tucson, Arizona.

Spicer, R.B., R.L. Glinski, and J.C. deVos, Jr. 1985. Status of the Hualapai vole *(Microtus mexicanus hualpaiensis* Goldman). Report to U.S. Fish and Wildlife Service, Office of Endangered Species, Albuquerque, New Mexico, 50 pp.

Author

The primary author of this proposed rule is Alisa M. Shull, Endangered Species Staff, U.S. Fish and Wildlife Service, Albuquerque, New Mexico 87103 (505/766–3972 or FTS 474–3972).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Proposed Regulation Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation for Part 17 continues to read as follows:

Authority: Pub. L. 93–205, 87 Stat. 884, Pub. L. 94–359, 90 Stat. 911; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. It is proposed to amend § 17.11(h) by adding the following, in alphabetical order under "Mammals," to the List of Endangered and Threatened Wildlife:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
MAMMALS							
*	*	*	*	*	*		
Vole, Hualapai	*Microtus mexicanus hualpaiensis*	U.S.A. (AZ)	Entire	E		NA	NA
*	*	*	*	*	*		

Dated: November 28, 1986.

P. Daniel Smith,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 87–63 Files 1–2–87; 8:45 am]

BILLING CODE 4310–55–M

50 CFR Part 23

Changes To Be Proposed in Appendices to the Endangered Species Convention

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Request for information.

SUMMARY: The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) regulates international trade in certain animal and plant species, which are listed in appendices to this treaty. The United States, as a Party to CITES, may propose amendments to the appendices for consideration by the other Parties.

This notice invites comments and informations from the public on species that have been identified as candidates for U.S. proposals to amend Appendix I or II at the next biennial meeting of Party nations. The meeting is now planned for July 1987 in Ottawa, Ontario, Canada.

DATE: The Service will consider all comments received by January 30, 1987, on proposals described in this notice.

ADDRESSES: Please send correspondence concerning this notice to the Office of Scientific Authority; Mail Stop: Room 527, Matomic Building; U.S. Fish and Wildlife Service; Department of the Interior; Washington, DC 20240. Background materials will be available for public inspection from 8:00 a.m. to 4:00 p.m., Monday through Friday, in Room 537, 1717 H Street NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dr. Charles W. Dane at the address given above, or telephone (202) 653–5948.

SUPPLEMENTARY INFORMATION: In its previous notice on this subject (51 FR 16082, April 30, 1986) the U.S. Fish and Wildlife Service (Service) requested information on plant or animal species that might lead it to prepare amendments to listings under CITES for consideration at the next regular meeting of the Conference of the Parties. That notice described the provisions of CITES for listing species in the appendices and set forth information requirements for proposals. The present notice responds to comments and information received, and describes tentative U.S. proposals for which the Service seeks additional comments and information.

1. Red-eared slider (*Trachemys* [=*Pseudemys*] *scripta elegans*)—The International Wildlife Coalition (IWC)

proposed that this subspecies be included on Appendix II of CITES. This turtle formerly was sold in vast numbers in pet and department stores in the United States. In 1975, the U.S. Food and Drug Administration banned sales of the turtles due to outbreaks of salmonella disease caused by the keeping of these turtles as pets.

Despite a considerable decline in commercial farming of this subspecies, export and sale to foreign countries is estimated to lie between three and five million individuals annually. The proposal from IWC indicates that 100,000 are removed annually from the wild to provide replenishment of breeding stock at breeding farms. The number removed from the wild is apparently based on a survey of four farms and an extrapolation based on the estimated number of farms.

This turtle has a wide range in the United States, occurring east of the Pecos and Canadian rivers of New Mexico through Texas and the south-eastern United States to the Florida panhandle and north to Oklahoma, parts of Kansas, Tennessee and Kentucky.

Little information is available on the size of populations, but the subspecies remains common throughout much of its range and is only throught to have decreased in some areas of the southeast (e.g. Louisiana).

Considerable support for this proposal has been received from environmental and humane groups and serveral individuals including professional zoologists. Although data are limited, information is presented to suggest that populations, at least locally, are threatened by trade in this subspecies.

The Service is contemplating a proposal to place this subspecies in Appendix II because there is a large international trade in this subspecies, and because continued trade and possible expansion of trade may ultimately threaten it in a significant portion of its range. The Service is especially interested in obtaining specific information on any documented population declines, on the number of farms, and on the actual take from the wild.

2. Fruit bats, *Pteropus* species—Fruit bats of the genus *Pteropus* are eaten in several locations throughout their geographic range, but particularly on the islands of Micronesia and Polynesia in the Pacific. At least one of these species, *P. mariannus*, which occurs in the Northern Mariana Islands, is reportedly in precipitous decline due to this traffic for consumption. About 400 pounds a month are imported into Guam and about one quarter to one half of this total into Saipan in the Commonwealth of the the Northern Marianas (Payne, N. 1986. The trade in Pacific Fruit Bats. *Traffic Bulletin* 8[2]:25–27). These islands, as well as American Samoa, are politically associated with the United States, but trade in these animals with other politically independent areas constitutes international trade. A total of 14,250 fruit bats from Palau, Western Samoa, Tonga, and Papua New Guinea were imported in 1984 to Guam, an area with a human population on the order of 100,000 (op. cit.). Currently, shipments of fruit bats from the Philippines are also entering Guam and dealers in Guam have expressed interest in obtaining *Pteropus* bats from other areas.

The taxonomic status of this group is unclear, and what is believed to be *Petropus mariannus* may contain up to six races according to some authorities, while other authorities treat these races as distinct species. These bats vary considerably in size, but are otherwise quite similar in appearance and relatively difficult to distinguish from one another.

Due to the decline of the Mariana fruit bat (*P. mariannus mariannus*) and the little Mariana fruit bat (*P. tokudae*), both taxa has been listed as Endangered under the Endangered Species Act of 1973 (49 FR 33885; August 27, 1984). It is proposed to list all subspecies of *P. mariannus* (i.e., *P. m. mariannus, P. m. loochooensis, P. m. paganensis, P. m. pelewensis, P. m. ualanus, P. m. ulthiensis* and *P. m. yapensis*) and *P. tokudae* in Appendix I of CITES.

Two species, *P. samoensis* and *P. tonganus*, imported into Guam from Tonga and Western Samoa, are exported in large numbers in international trade and are, therefore, proposed for Appendix II CITES listing.

Due to the difficulty in identifying species, especially when they are imported in frozen blocks, *P. insularis, P. molossinus, P. phaeocephalus*, and *P. pilosus* should be subject to regulation under Article II 2(b) of CITES in order that trade in specimens of *P. samoensis*, and *P. tonganus* can be brought under effective control.

The Service proposes to monitor the trade in *P. samoensis* and *P. tonganus* by analyzing the import permits that are required by the Guam Department of Agriculture. The Service is especially interested in obtaining specific information on population status and trends of any of these species, especially those considered for listing in Appendix I.

3. Trumpet pitcher plants, *Sarracenia* species and hybrids (Sarraceniaceae)—At present *S. alabamensis* subspecies *alabamensis, S. jonesii*, and *S. oreophila* are listed in Appendix I of CITES. TRAFFIC (U.S.A.) has compiled information that suggests the remaining taxa in the genus (seven species plus *S. alabamensis* subspecies *wherryi* and at least 20 natural hybrids) should be listed in Appendix II. The genus occurs primarily in the southeastern United States, with one species extending north along the eastern coastal plain and into eastern and western Canada. Reasons for listing the remaining taxa of *Sarracenia* are: (1) The great difficulty in identifying specimens (mainly traded as rhizomes), as well as, (2) possibilities of overcollection for international trade for horticulture, and perhaps, for pharmaceutical purposes; and (3) the vulnerability of some of these taxa to trade because of their limited overall distributions and/or localized occurrence in diminishing habitats. The Service particularly seeks information on international trade in the taxa and on their rarity at the state level.

Future Actions

The Service plans to publish a further **Federal Register** notice to announce its decisions on the species proposals discussed above. The U.S. proposals must be submitted to the CITES Secretary by February 12, 1987, for consideration at the next regular meeting of the Conference of the Parties. For species that occur outside the United States, the countries of origin will be contacted before a decision is made on submittal of a proposal by the United States.

Persons having current biological or trade information about these species are invited to contact the Service's Office of Scientific Authority at the above address.

This notice was prepared by Charles W. Dane, Chief, Office of Scientific Authority, under the authority of the Endangered Species Act of 1973, 16 U.S.C. 1531–43.

List of Subjects in 50 CFR Part 23

Endangered and threatened plants, Endangered and threatened wildlife, Exports, Fish, Imports, Marine mammals, Plants (agriculture), Treaties.

Dated: December 23, 1986.

Susan Recce,

Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 87–75 Filed 1–2–87; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 52, No. 2
Monday, January 5, 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

Office of the Secretary

Meat Import Limitations; First Quarterly Estimate

Public Law 88–482, enacted August 22, 1964, as amended by Pub. L. 96–177 (hereinafter referred to as the "Act"), provides for limiting the quantity of fresh, chilled, or frozen meat of cattle, sheep except lambs, and goats (TSUS 106.10, 106.22, and 106.25), and certain prepared or preserved beef and veal products (TSUS 107.55, 107.61, and 107.62) which may be imported into the United States in any calendar year. Such limitations are to be imposed when the Secretary of Agriculture estimates that imports of articles provided for in TSUS 106.10, 106.22, 106.25, 107.55 and 107.62 (hereinafter referred to as "meat articles"), in the absence of limitations under the Act during such calendar year, would equal or exceed 110 percent of the estimated aggregate quantity of meat articles prescribed for calendar year 1987 by subsection 2(c) as adjusted under subsection 2(d) of the Act.

In accordance with the requirements of the Act, I have made the following estimates:

1. The estimated aggregate quantity of meat articles prescribed by subsection 2(c) as adjusted by subsection 2(d) of the Act for calendar year 1987 is 1,309 million pounds.

2. The first quarterly estimate of the aggregate quantity of meat articles which would, in the absence of limitations under the Act, be imported during calendar year 1987 is 1,400 million pounds.

Done at Washington, DC this 30th day of December, 1986.

Richard E. Lyng,

Secretary.

[FR Doc. 87–32 Filed 1–2–87; 8:45 am]

BILLING CODE 3410-10-M

Commodity Credit Corporation

Milk Price Support Program Through September 30, 1987

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of milk price support level and Commodity Credit Corporation purchase prices.

SUMMARY: The level of price support for milk containing 3.67 percent milkfat shall be $11.35 per hundredweight for the period January 1, 1987, through September 30, 1987. The prices at which butter, cheese and nonfat dry milk will be purchased by the Commodity Credit Corporation (CCC) in order to support the price of milk at that level are set forth.

EFFECTIVE DATE: January 1, 1987.

FOR FURTHER INFORMATION CONTACT: Indulis Kancitis, Dairy Division, ASCS–USDA, 5741 South Building, P.O. Box 2415, Washington, DC 20013 (202) 447–3385.

The Final Regulatory Impact Analysis regarding the actions of this Notice of Determination is available from Charles N. Shaw, Dairy/Sweeteners Group, ASCS–USDA, P.O. Box 2415, Washington, DC 20013: (202) 447 7601.

SUPPLEMENTARY INFORMATION: This Notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation 1512–1 and has been classified as "major" since the provisions of this notice will have an effect on the economy exceeding $100 million.

The title and number of the Federal Assistance Program to which this notice applies are: Title—Commodity Loans and Purchases; Number—10.051 as found in the Catalog of Federal Domestic Assistance.

The Regulatory Flexibility Act is not applicable to this notice since CCC is not required to publish a notice of proposed rulemaking with respect to level of price support and prices paid to producers of milk. Section 102 of the Food Security Act of 1985 (Pub. L. 99–198) (the "1985 Act") requires that the provisions of section 201(d) of the Agricultural Act of 1949, as amended, (the "1949 Act") be implemented without regard to the provisions requiring notice and other public procedures for public participation in rulemaking as set forth in 5 U.S.C. 553.

This notice is not expected to have any significant impact on the quality of the human environment. In addition, this action will not adversely affect environmental factors such as water quality or air quality. Accordingly, neither an Environmental Assessment nor an Environmental Impact Statement is required.

This program/activity is not subject to the provisions of Executive Order No. 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

Section 201(d) of the 1949 Act provides that, effective for the period beginning January 1, 1987, and ending September 30, 1987, the price of milk shall be supported at a rate equal to $11.35 per hundredweight (cwt.) for milk containing 3.67 per centum milkfat. This is a reduction in the support price for milk which has been $11.60 per hundredweight for milk containing 3.67 milkfat since July 1, 1985.

CCC supports the price of milk through purchases of butter, cheese and nonfat dry milk. Section 103 of the 1985 Act prohibits taking the market value of whey into consideration in supporting the price of milk. therefore, the cheese prices set forth below do not take into account the market value of whey.

Determinations

(1) The level of support for the period January 1, 1987, through September 30, 1987, shall be $11.35 per hundredweight for milk containing 3.67 percent milkfat.

(2) The purchase of butter, cheese and nonfat dry milk produced on or after January 1, 1987, at the prices set forth below will support the price of milk at a rate equivalent to $11.35 per hundredweight for milk containing 3.67 per centum milkfat. Therefore, effective January 1, 1987, through September 30, 1987, CCC purchase prices for butter, cheese and nonfat dry milk shall be as follows:

[Dollars per pound]

	Products produced before Jan. 1, 1987, and graded and offered by Jan. 15, 1987	Products produced on or after Jan. 1, 1987, or not graded and offered by Jan. 15, 1987
Butter, 64- & 68-lb. blocks (U.S. Grade A or higher)	1.3975	1.3775
Nonfat dry milk (spray), 50-lb. bags (U.S. Extra Grade, but not more than 3.5 percent moisture):		
Nonfortified	0.8075	.7875
Fortified (Vitamins A and D)	0.8175	.7975
Cheddar cheese, standard moisture basis: [1] [2]		
40- & 60-pound blocks, U.S. Grade A or higher (No vat shall contain more than 38.5 percent moisture)	1.25	1.2250
500 lb. in fiber barrels, U.S. Extra Grade (No vat shall contain more than 36.5 percent moisture)	1.2075	1.1825

[1] The cheese price will be adjusted for moisture content, except that the price adjustment for cheese with a moisture content of less than 34 percent will not exceed that for cheese with a moisture content of 34 percent.

[2] The purchase prices for cheese produced after April 1, 1985, and before December 23, 1985, reflected a 10-cent per hundredweight value for the whey solids-not-fat obtained in the manufacture of cheese. The purchase prices for cheese produced on or after December 23, 1985, do not reflect any value for whey-solids-not fat.

(3) Further terms and conditions for CCC price-support purchases of butter, cheese, and nonfat dry milk will be set forth in CCC notices with respect to such purchases.

Authority: (Sec. 201(d) of the Agricultural Act of 1949, as amended, 63 Stat. 1042, as amended (7 U.S.C. 1446(d)); and secs. 4 and 5 of the Commodity Credit Corporation Charter Act, as amended, 62 Stat. 1070, as amended, 62 Stat. 1072 (15 U.S.C. 714b and 714c)).

Signed at Washington, DC on December 19, 1986.

Richard E. Lyng,

Secretary of Agriculture.

[FR Doc. 87-40 Filed 1-2-87; 8:45 am]

BILLING CODE 3410-05-M

Forest Service

Extension of the Public Review Period for the Draft Environmental Impact Statement and Proposed Land and Resource Management Plan for the Inyo National Forest Involving Portions of Mono, Inyo, Tulare, Madera, Fresno Counties, CA, and Esmeralda, Mineral Counties, NV

AGENCY: Forest Service, USDA.

ACTION: Notice of extension period and date for review of the Draft Environmental Impact Statement and Proposed Land and Resource Management Plan.

SUMMARY: In response to public request for more time to review the Draft Environmental Impact Statement and Proposed Land and Resource Management Plan for the Inyo National Forest, the review period is hereby extended for forty-five (45) days from January 29, 1987 to March 15, 1987. Send written comments on the planning documents to Forest Supervisor, Inyo National Forest, 873 North Main Street, Bishop, California 93514.

FOR FURTHER INFORMATION CONTACT: Sam Dennis at the above address, or by calling (619) 873-5841.

Dated: December 23, 1986.

Dennis W. Martin,

Forest Supervisor.

[FR Doc. 87-90 Filed 1-2-87; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

International Trade Administration

Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee; Partially Closed Meeting

A meeting of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee will be held January 27, 1987, at 9:30 a.m. at the Department of Commerce, Room 3708, 14th & Constitution Avenue, NW., Washington, DC 20230. The Committee advises the Office of Technology & Policy Analysis, Export Administration, with respect to technical questions which affect the level of export controls applicable to computer peripherals, components and related test equipment or technology.

General Session

1. Opening remarks by the Chairman.
2. Introduction of public attendees and invited guests.
3. Reports of the Subcommittees.
4. Discussion of:

a. Public rulemaking;

b. ECCN 1565 (graphic display equipment);

c. Technical data regulations (Section 379 of the EAR);

d. Strategic use of magnetic tape (including video and computer);

e. Cipher Data proposal concerning decontrol parameters for one half inch streamer tape drives;

f. When disc drives qualify for G-COM treatment and when they do not;

g. How we control disc drive systems embedded in unembargoed systems;

h. Recommendations concerning relaxation of export controls on commodities currently under control to the People's Republic of China—particularly ECCNs 1565 and 1572.

5. New Business.

Executive Session

6. Discussions of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The general session will be open to the public with a limited number of seats available. A Notice of Determination to close meetings or portions of meetings of the Committee to the public on the basis of 5 U.S.C. 552b(c)(1) was approved on January 10, 1986, in accordance with the Federal Advisory Committee Act. A copy of the Notice is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, (202) 377-4217. For further information or copies of the minutes contact Ruth Fitts at (202) 377-4959.

Dated: December 29, 1986.

Margaret A. Cornejo,

Director, Technical Support Staff, Office of Technology and Policy Analysis.

[FR Doc. 87-88 Filed 1-2-87; 8:45 am]

BILLING CODE 3510-DT-M

[A-570-007]

Barium Chloride From the People's Republic of China; Final Results of Antidumping Duty Administrative Review

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

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On November 13, 1986, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on barium chloride from the People's Republic of China. The review covers one manufacturer and/or exporter of this merchandise to the United States and the period October 1, 1984 through September 30, 1985.

We gave interested parties an opportunity to comment on the preliminary results. Based on our analysis of comments received, we have revised our preliminary results.

EFFECTIVE DATE: January 5, 1987.

FOR FURTHER INFORMATION CONTACT: Michael Rill or Maureen Flannery, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-5255/3601.

SUPPLEMENTARY INFORMATION:

Background

On November 13, 1986, the Department of Commerce ("The Department") Published in the **Federal Register** (51 FR 41141) the preliminary results of its administrative review of the antidumping duty order on barium chloride from the People's Republic of China (October 17, 1984, 49 FR 40635). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930 ("The Tariff Act").

Scope of the Review

Imports covered by the review are shipments of barium chloride, a chemical compound having the formula BaC12 or BaC12-2H2O. Barium chloride is currently classifiable under item 417.7000 of the Tariff Schedules of the United States Annotated ("TSUSA"). The review covers one manufacturer and/or exporter of Chinese barium chloride to the United States, China National Chemicals Import and Export Corporation ("SINOCHEM") and the period October 1, 1984 through September 30, 1985.

Analysis of Comments Received

We invited interested parties to comment on the preliminary results, as provided by § 353.53a(c) of the Commerce Regulations. At the request of the respondent, SINOCHEM, we held a public hearing on November 24, 1986.

Comment 1: SINOCHEM argues that the Department should not use the best information available for determining United States price for certain sales but should use the purchase price for all transactions under review. The petitioner, Chemical Products Corporation ("CPC"), agrees that purchase price should be used as long as the Department is satisfied that the purchaser is not related to the exporter.

Department's Position: We agree. At the time of the preliminary results, we were unable to determine that Shandong Enterprises, Ltd., a U.S. purchaser for certain sales, was not related to the exporter. SINOCHEM has since affirmed that Shandong is not a related firm. We are now satisfied that the prices submitted by SINOCHEM represent the prices to unrelated U.S. purchasers for all sales.

Comment 2: SINOCHEM argues that the Department should not use the average of prices of imports into the United States as the basis of foreign market value, because this method is different from that used in the original investigation of sales at less than fair value (LTFV). The Department should again use constructed value based on the Chinese factors of production.

SINOCHEM asserets that this change of method is neither equitable nor in conformance with the law and will have a serious adverse impact on trade. The change is inequitable, because SINOCHEM adjusted its prices upward after the publication of the order in a good faith effort to eliminate any dumping margin and because neither SINOCHEM nor the importers have any basis for predicting whether the Department will find dumping margins if the Department changes methodology from the LTFV investigation or a review to a subsequent review. The lack of consistency in the Department's method will result in a cutoff of trade between China and the United States. The method also is unlawful, because Congress did not mandate the use of average import prices as a basis for foreign market value.

CPC argues that there is no requirement in the law or the regulations for the department to use the same method in subsequent administrative reviews as that used in the LTFV investigation. The Department has discretion to select the appropriate methodology, and it acted reasonably in using import prices in this instance.

Furthermore, the statute gives no importer in any antidumping case the right to rely on a previous margin as being predictive of the results of a future review. Importers are not usually privy to prices in a foreign producer's home market and particularly not privy to a foreign producer's cost of production, either of which may serve as the basis of foreign market value in a case involving a non-state-controlled-economy country.

Department's Position: In antidumping proceedings involving state-controlled-economy countries, the choice of method and surrogate is an issue which is appropriately addressed in each administrative review in accordance with the law and our regulations. Neither the law nor the Commerce Regulations compel us to use precisely the same method of determining foreign market value as that used in the original investigation or a previous administrative review. If neither price nor constructed value information is available for such or similar merchandise produced in a non-state-controlled-economy country at a comparable stage of economic development, the Department has discretion to use either the constructed value based on factors of production or prices or constructed value from a noncomparable surrogate country.

We recognize that the difficulty in predicting which method and surrogate the Department will select is a shortcoming of section 773(c) of the Tariff Act and a source of uncertainty affecting trade relations. Beyond the original investigation, however, insofar as our choices conform to the preferences set forth in the Tariff Act and the Commerce Regulations, we try to minimize this uncertainty. If we determine that neither price nor constructed value information from a comparable surrogate is available for the purpose of a review, we are then disposed to use again a method and surrogate found to be suitable in a previous review unless circumstances warrant a change of method or we are persuaded a better surrogate exists.

In this review, in accordance with § 353.8 of the Commerce Regulations (19 CFR 353.8) we first attempted to obtain price or constructed value information from non-state-controlled-economy countries at a comparable stage of economic development. We received no responses. Lacking such information, for the preliminary results we relied on import prices to determine foreign market value in accordance with our

regulations. Section 773(c) of the Tariff Act provides that foreign market value may be based on prices at which such or similar merchandise of a non-state-controlled-economy country or countries is sold "to other countries, including the United States." Use of import prices, being prices of the merchandise sold to the United States, as well as the constructed value method using factors of production, is clearly provided for under the law.

Based on the comments received, however, we have determined that it is more equitable to base foreign market value on the Chinese factors of production, valuing those factors on the basis of publicly available price and cost information in a non-state-controlled-economy country whose level of economic development is comparable to that of the PRC. Accordingly, we valued PRC materials, labor, and energy on the basis of publicly available price and cost information from Thailand. Valuation of factory overhead was based on the experience of a chemical company in Thailand. We added amounts for general expenses and profit as required by section 773(e)(1)(B) of the Tariff Act and packing costs based on Thai costs.

In accordance with the recent decision of the Court of International Trade in *Chemical Products Corp. v. United States*, _CIT _, Slip Op. 86–115 (1986), we calculated a value for the calcium chloride input on the basis of the value of calcium chloride in Thailand rather than on the basis of the transportation cost of salt brine containing calcium chloride. Also in accordance with that decision, we did not allocate a portion of the factors of production to the coproduct hydrogen sulfide gas (HSG) on the basis of quantities produced. The Court ruled that the allocation must "reflect the difference in the value of the products." However, being unable to obtain a value for HSG in Thailand, we had no basis for allocating factors between the two products. Therefore, as the best information available, we allocated no portion of the factors of production to HSG.

Because the constructed value represents an ex-factory price, we have also deducted foreign inland freight from United States price. We calculated foreign inland freight on the basis of costs for similar modes and distance of transport in Thailand except that a Brazilian rate was used where an appropiate Thai rate was not available.

Comment 3: SINOCHEM argues that the Department should not use the average of prices from France, Italy, the Netherlands, and the United Kingdom as the basis of foreign market value, because these countries are not at a stage of economic development comparable to that of China. This is not in conformance with the law, because the Department must first attempt to calcuate constructed value based on costs in a country at a comparable stage of economic development before resorting to prices of imports from a noncomparable country. If the Department insists on using import statistics, it should use prices of imports from a country which is more comparable to the PRC than the countries used for the preliminary results. Brazilian imports, properly adjusted, could be used.

CPC contends that, having unsucessfully sought comparable surrogate countries, the Department had no choice but to use other countries, even though their economies might be at more advanced stages of development than that of China. The Department has resorted to such data in a number of other state-controlled-economy cases. CPC also contends that if the Department were to use prices of imports from a country with known export subsidies, there would have to be major adjustments for the distortive effect of these subsidies.

Department's Position: When neither price nor constructed value information for such or similar merchandise produced in a comparable non-state-controlled-economy country is available, § 353.8 of the Commerce Regulations provides that the Department may base foreign market value on either (1) prices or constructed value of such or similar merchandise produced in a noncomparable non-state-controlled-economy country, or (2) constructed value based on the valuation of the state-controlled-economy country's factors of production in a non-state-controlled-economy country determined to be comparable in economic development. In this review, we have chosen the latter method for the reasons discussed in response to comment 2.

Because of our decision to base foreign market value on Chinese factors of production, a discussion of appropriate import prices is irrelevant to these final results.

Comment 4: SINOCHEM suggests that if prices of imports must be used, then foreign market value should be 50 percent of the weighted-average price of such imports. Use of the full weighted-average price guarantees that half of the imports will be at less than foreign market value.

Department's Position: Because of our decision to base foreign market value on Chinese factors of production, a discussion of import prices is irrelevant to these final results.

Comment 5: SINOCHEM argues that the Department should not use the average of prices from France, Italy, the Netherlands, and the United Kingdom, as given in the United States import statistics, as the basis of foreign market value, because these countries either do not produce barium chloride or do not produce the same type of product, barium chloride dihydrate, as that exported by SINOCHEM. If the Department uses imports of anhydrous barium chloride, an adjustment for differences in merchandise should be made to foreign market value.

CPC contends that, given the difficulty of shipping anhydrous barium chloride by sea, it is likely that most of the imports reflected in the import statistics are of barium chloride dihydrate. CPC further contends that, in any case, anhydrous barium chloride is not significantly different from the dihydrate (crystalline) form, and if only price information for anhydrous barium chloride were available, the Department would be within its authority to use such prices.

Department's Position: Refer to the Department's response to comment 4.

Comment 6: SINOCHEM complains that the Department imposed a substantial burden on the company by arbitrarily setting November 24 as the date for a hearing, if requested, and then asking that SINOCHEM submit any request for a hearing by November 18, rather than within ten days of publication of the notice of preliminary results, as stated in that notice.

Department's Position: The notice of preliminary results set November 24 as the date for any hearing, because that was the last date the Department could conduct a hearing and still meet its regulatory responsibility to complete the administrative review by December 1. We erred in stating that the request for a hearing could be made within ten days of the date of publication of the preliminary results, since that would have allowed such a request to have been made as late as November 24, the same date as that of the hearing. Therefore, we contacted parties to the proceeding by the date of publication of the preliminary results to request earlier filing of any request for a hearing.

Final Results of the Review

As a result of the comments received, we have revised our preliminary results. We determine that a margin of 7.82 percent exists for SINOCHEM for the

period October 1, 1984 through September 30, 1985.

The Department will instruct the Customs Service to assess antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the precentage stated above. The Department will issue appraisement instructions directly to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based on the above margin shall be required for SINOCHEM. For any future entries of this merchandise for a new exporter, not covered in this review, whose first shipments occurred after September 30, 1985 and who is unrelated to the reviewed firm, a cash deposit of 7.82 percent shall be required. These deposit requirements are effective for all shipments of Chinese barium chloride entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of 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: December 30, 1986.

Gilbert B. Kaplan,

Deputy Assistance Secretary, Import Administration.

[FR Doc. 87-87 Filed 1-5-87; 8:45am]

BILLING CODE 3510-DS-M

[C-122-602]

Termination of Countervailing Duty Investigation; Certain Softwood Lumber Products From Canada

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: In a letter dated December 30, 1986, petitioner withdrew its countervailing duty petition filed on May 19, 1986, on certain softwood lumber products from Canada. Based on the withdrawal, we are terminating this investigation.

EFFECTIVE DATE: January 2, 1987.

FOR FURTHER INFORMATION CONTACT: Barbara Tillman or Gary Taverman of the Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377-2438 or 377-0161.

SUPPLEMENTARY INFORMATION:

Case History

On May 19, 1986, we received a petition in proper form from the Coalition for Fair Lumber Imports on behalf of the U.S. industry producing certain softwood lumber products. We found that the petition contained sufficient grounds upon which to initiate a countervailing duty investigation, and on June 5, 1986, we initiated an investigation (51 FR 21205, June 11, 1986).

On October 16, 1986, we issued our preliminary determination that benefits which constitute subsidies are being provided to the manufacturers, producers, or exporters in Canada of certain softwood lumber products (51 FR 37453, October 22, 1986).

Scope of Investigation

The products covered by this investigation are softwood lumber, rough, dressed, or worked (including softwood flooring classified as lumber), provided for under items 202.03 through 202.30, inclusive, of the *Tariff Schedules of the United States* (TSUS); softwood siding, not drilled or treated, provided for in items 202.47 through 202.50, inclusive; other softwood lumber and siding, provided for in items 202.52 and 202.54; and softwood flooring provided for in item 202.60 of the TSUS.

Withdrawal of Petition

In a letter dated December 30, 1986, petitioner notified the Department that it is withdrawing its May 19, 1986, petition. Under section 704(a) of the Act, as amended by section 604 of the Trade and Tariff Act of 1984, upon withdrawal of a petition, the administering authority may terminate an investigation after giving notice to all parties to the investigation and after assessing the public interest. We have determined that termination would be in the public interest. We have notified all parties to the investigation of petitioner's withdrawal and our intention to terminate. For these reasons, we are terminating our investigation.

We will instruct the U.S. Customs Service to terminate the suspension of liquidation on entries of the merchandise under investigation. Any cash deposit on entries of certain softwood lumber products from Canada pursuant to the preliminary affirmative determination shall be refunded and any bond shall be released.

This notice is published pursuant to section 704(a) of the Act [19 U.S.C. 1671c(a)].

Gibert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

December 30, 1986.

[FR Doc. 86-29528 Filed 12-31-86; 4:38 pm]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Marine Mammals; Issuance of Permit: Dr. Louis M. Herman (P166C)

On November 4, 1986, notice was published in the **Federal Register** (51 FR 40058) that an application had been filed by Dr. Louis M. Herman, University of Hawaii at Manoa, 1129 Ala Manoa Blvd., Honolulu, Hawaii 96814, to inadvertently harass humpback whales (*Megaptera novaeangliae*) during observational, and sound playback activities.

Notice is hereby given that on December 24, 1986, as authorized by the provisions of the Marine Mammal Protection Act (16 U.S.C. 1361-1407) and the Endangered Species Act of 1973 (16 U.S.C. 1531-1543); the National Marine Fisheries Service issued a Permit for the above taking subject to certain conditions set forth therein.

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

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

Office of Protected Species and Habitat Conservation, National Marine Fisheries Service, 1825 Connecticut Avenue NW., Rm. 805, Washington, DC 20009;

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

Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN C157000, Seattle, Washington 98115 and;

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

Dated: December 24, 1986.

Richard B. Roe,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 87-50 Filed 1-2-87; 8:45 am]

BILLING CODE 3510-22-M

CONSUMER PRODUCT SAFETY COMMISSION

Criteria for Development of Innovative Child-Resistant Packaging; Opportunity to Comment and Notice of Meeting

AGENCY: Consumer Product Safety Commission.

ACTION: Opportunity to comment and notice of meeting.

SUMMARY: The staff of the Consumer Product Safety Commission is seeking public comment on a draft invitation for grant proposals to develop innovative child-resistant packaging systems. In addition, the staff has scheduled a meeting to discuss the draft.

DATES: (1) Public comments on the draft invitation are due no later than January 22, 1987. (2) The meeting will be on January 22, 1987, from 1:00 p.m. to 3:00 p.m. and anyone interested in making a presentation should notify Sheldon Butts (see below) by January 13.

ADDRESSES: (1) Public comments should be submitted to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207. (2) The meeting will be in room 456, 5401 Westbard Avenue, Bethesda, Maryland. Mr. Butts can be reached at the Office of the Secretary mailing address (see above) or at (301) 492-6800.

FOR FURTHER INFORMATION CONTACT: Virginia White, Office of Program Management and Budget, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 492-6554.

SUPPLEMENTARY INFORMATION: The Commission's Fiscal Year 1987 priority project on poison prevention addresses the hazard of serious injury or death to young children due to accidental ingestion of hazardous household chemicals. One objective of the project is to reduce exposure of young children to dangerous chemical products by increasing the adult-use effectiveness of child-resistant packaging. To achieve this objective, the Commission has set aside $200,000 in its FY '87 Operating Plan to fund multiple grants for development of innovative child-resistant packaging that will be easier for adults to use while still maintaining the child protection requirements of the Poison Prevention Packaging Act of 1970.

The Commission is concerned that many consumers, especially older adults, find child-resistant packaging to be either too difficult or too inconvenient to use. Consequently, when given the choice, many consumers purchase products in conventional packaging rather than child-resistant packaging. In addition, many packages which are child-resistant when purchased or dispensed are rendered ineffective by consumers in the home. Results of a recent study of households where accidental prescription drug ingestions occured show that:

- Of all ingestion incidents involving medicines dispensed in child-resistant containers, other than unit-dose containers, 20 percent involved containers where the cap had not been resecured (cap was either left loose or left off).
- In 17 percent of the incidents, the medicines were reported to be in no container.
- In 17 percent of the incidents, a grandparent's medication was involved.

The Commission believes it is possible to develop child-resistant packaging that would be more acceptable to consumers, including older adults, and that increased consumer use of child-resistant packaging will result in fewer childhood exposures to hazardous chemical products. In the near future, the Commission staff will be inviting proposals for grants from parties interested in conducting studies to develop innovative child-resistant packaging systems.

The staff has prepared a draft invitation for the grant proposals. To ensure the best possible proposals and best possible selection of grantees, the staff is making its draft available for public comment. A copy may be obtained from the Office of the Secretary, Washington, DC 20207, (301) 492-6800.

The Commission staff is seeking comments from all parties who are interested in, or might be affected by, new child-resistant packaging designs. The staff is particularly interested in whether the criteria for selection of the grantee include all necessary elements or whether any modifications to the criteria would provide more opportunity for innovation. In addition to comments on the draft invitation, the staff will consider any suggestions, data, or new ideas which might augment the probability for the most suitable and successful packaging designs.

All written suggestions and comments should be sent to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207 no later than January 22. The Commission staff is also providing the opportunity for comment and discussion at a meeting to be held on January 22. The meeting will begin at 1:00 p.m. in room 456, 5401 Westbard Avenue, Bethesda, Maryland. Any parties who wish to participate should write to Sheldon Butts, Office of the Secretary, Washington, D.C. 20207 or telephone him at (301) 492-6800, no later than January 13. All interested parties are encouraged to attend. It should be noted, however, that a party does not need to attend the meeting in order to compete for a grant. The comments will be informal, with an opportunity for questions by the Commission staff and any members of the public who are present. Depending on the number of commenters, it may be necessary to limit the time alloted for them.

Dated: December 30, 1986.

Sheldon Butts,

Acting Secretary Office of the Secretary.

[FR Doc. 87-100 Filed 1-2-87; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Federal Acquisition Regulation (FAR); Information Collection Under OMB Review

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection.

ADDRESS: Send comments to Franklin S. Reeder, FAR Desk Officer, Room 3235, NEOB, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Ms. Victoria Moss, Office of Federal Acquisition and Regulatory Policy (202) 523–5168.

SUPPLEMENTARY INFORMATION:

a. *Purpose.* In accordance with the Small Business Act (15 U.S.C. 631 et seq.) contractors receiving a contract for more than $10,000 agree to have small and small disadvantaged business concerns participate in the performance of the contract as far as practicable. Contractors receiving a contract or a modification to a contract expected to exceed $500,000 ($1,000,000 for construction) must submit a subcontracting plan that provides maximum practicable opportunities for small and small disadvantaged business concerns. In conjunction with these plans, contractors must submit semiannual reports of their progress on SF 294, Subcontracting Report for Individual Contracts. The contracting officer uses the information furnished by the offeror in its subcontracting plan and reports to complete data used in reports to the President, the Congress, the General Accounting Office, Federal executive agencies and the general public. The contracting officer needs the subcontracting plan to ensure compliance with the Small Business Act. In addition, the material is a means of measuring and assessing the impact of Federal contracting on the Nation's economy and the extent to which small and small disadvantaged business concerns are participating in Federal contracts. Information is used for policy and management control purposes. Information submitted on SF 294 is used to assess contractor's compliance with their contracts and plans.

b. *Annual reporting burden:* The annual reporting burden is estimated as follows: Respondents, *1,000;* responses per respondent, *30;* total annual responses *30,000;* hours per response, *1.23;* and total burden hours, *37,000.*

Obtaining Copies of Programs

Requesters may obtain copies from the FAR Secretariat (VRS), Room 4041, GSA Building, Washington, DC 20405, telephone (202) 523–4755. Please cite OMB Control No. 9000–0006, Subcontracting Report for Individual Contracts/Small Business Subcontracting Requirements.

Dated: December 24, 1986.

Margaret A. Willis,

FAR Secretariat.

[FR Doc. 87–89 Filed 1–2–87; 8:45 am]

BILLING CODE 6820–61–M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Closed Meeting

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

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

Dates of meeting: 20–21 January 1987.

Times of meeting: 0830–1630 hours each day.

Place: Pentagon, Washington, DC.

Agenda

The Army Science Board Ad Hoc Subgroup for Army Analysis will meet for briefings and discussions with ARSTAFF members to assess analytic support to the acquisition process, with emphasis on the Concept Formulation Package and the ROC. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695–3039 or 695–7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 87–99 Filed 1–2–87; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board; Open Meeting

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

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

Dates of meeting: 14 January 1987.

Time: 0900–1700 hours.

Place: Science & Technology Associates, Inc., 1700 North Moore Street, Suite 1920, Arlington, VA 22209.

Agency: The Army Science Board's Ad Hoc Subgroup on Helicopter Life Capabilities will meet to prepare the final draft report for this effort. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Office, Sally Warner, may be contacted for further information at (202) 695–3039/7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 87–111 Filed 1–2–87; 8:45 am]

BILLING CODE 3710–08–M

Department of the Navy

Proposed Operation of the Navy's Electromagnetic Pulse Radiation Environment; Simulator for Ships (EMPRESS II) Program PMS–423; Public Hearing and Availability of the Supplemental Draft Environmental Impact Statement (SDEIS)

Notice is hereby given pursuant to the National Environmental Policy Act of 1969 (NEPA), Pub. L. 91–190 (42 U.S.C. 4321 *et seq.*); the Council on Environmental Quality Guidelines (40 CFR Part 1500); and Department of Defense Regulations, "Environmental Considerations in Department of Defense Actions" (32 CFR Part 214), that a public hearing will be held for providing the public with relevant information concerning the Supplemental Draft Environmental Impact Statement (SDEIS) prepared for the proposed operation of the Navy Electromagnetic Pulse Radiation Environment Simulator for Ships (EMPRESS II) in the Chesapeake Bay and Atlantic Ocean and to afford the public an opportunity to present their views on this matter. The hearings will be held on the following dates, at the locations and times specified:

Date, Time, and Location

27 Jan 87; 7:00 p.m.—Marine Resources Center, Manteo, NC

28 Jan 87; 7:00 p.m.—Rappahannock Community College, South Campus Lecture Hall, Glenns, VA

29 Jan 87; 7:00 p.m.—Cambridge—South Dorchester High School, Cambridge, MD

The proposed action consists of the mission operations of the EMPRESS II during its lifetime, associated support operations, primarily those of test ships and support vessels (barges, tugs, range-control boats, personnel-and-equipment-transfer boats, etc.) in and around the operational test sites, and actions necessary to establish and operate the operational test sites. The proposed action includes routine, periodic, and one-time operations. The operations will be the testing of the electrical and electronic equipment aboard Navy ships to determine their vulnerability/survivability to electromagnetic pulses (EMP). Testing will be conducted at designated approved, and controlled operational test sites.

Environmental concerns include potential effects upon aviation/boating electronics, biological effects on humans, birds and marine biota, and restrictions on commercial/recreational fishing.

The public hearings are being held in order that all persons, government agencies, organizations, and groups who so desire are afforded the opportunity to comment on the proposed action.

The hearings will be conducted by Captain B.L. Powers, United States Navy, and will include a presentation of the Navy's proposed EMPRESS II Program and the expected environmental impact.

The following procedures will be followed during the public hearing. For record purposes, all persons attending the hearing will be asked to provide their names upon entering the hearing. Oral comments at the hearing will be limited to five minutes and all lengthy or technical comments should be accompanied by a written submittal. Further, all speakers will identify themselves and any organization they may be representing.

Individuals and organizations wishing to submit written statements to be included in the hearing record are encouraged to do so by January 21, 1987 or such statements may be presented to the Hearing Officer, Captain Powers, during the hearing. Pre-registration of speakers is desired and should be made in person or writing. Speakers may also register at the attendance desk at the hearing. The name and title of speakers for organizations should be included in the pre-registration.

Any organization desiring to make a formal presentation in excess of the foregoing time limit is requested to contact the Hearing Officer prior to January 21, 1987, so that appropriate arrangements may be made. The closing date for including additional written statements in the Navy hearing record is ten calendar days after the date of the hearing. Speaker pre-registrations and submission of written statements should be addressed to:

Captain B.L. Powers, United States Navy, Naval Sea Systems Command (PMS 423), Department of the Navy, Washington, DC 20362

The SDEIS was prepared by the Atlantic Division, Navy Facilities Engineering Command, Norfolk, Virginia, and it was submitted and filed with the Environmental Protection Agency (EPA) on December 12, 1986. Notice of the SDEIS appeared in the **Federal Register** Vol. 51 No. 244 of December 19, 1986. The SDEIS evaluated the potential broad scope environmental impacts that could result from operation of EMPRESS II. Copies of the SDEIS have been furnished to various Federal, State, and local agencies, conservation groups and other interested private parties. Moreover, the SDEIS may be reviewed at the following locations:

Rappahannock Community College Library, South Campus, Route 33, Glenns, VA 23149

County Administrator's Office, Court House, Route 360E, Heathsville, VA 22473

Lancaster Court House, Room 208, Route 3, Lancaster, VA 22503

Dorchester County Public Library, 303 Gay Street, Cambridge, MD 21613

Wicomoco County Free Library, 122 South Division Street, Salisbury, MD 21801

Marine Resources Center, Manteo, NC 27954

Members of the public are encouraged to comment on the SDEIS and all comments should be forwarded by February 3, 1987.

For further information concerning this notice, contact Mr. Robert Warren, Code 2032, Atlantic Division, Naval Facilities Engineering Command, Norfolk, Virginia 23511, telephone number (804) 445-2334.

Dated: December 30, 1986.

Harold L. Stoller,

Commander, JAGC, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 87-76 Filed 1-2-87; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Proposed Subsequent Arrangement; Sweden

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation between the Government of the United States of America and the Government of Sweden concerning Peaceful Uses of Nuclear Energy.

The subsequent arrangement to be carried out under the above-mentioned agreement is U.S. acceptance of a modification to the list of facilities that perform fuel cycle services for the Swedish nuclear program. The modification consists of the addition of three fuel fabrication facilities within the European Community. Henceforth low enriched uranium may be transferred from Sweden to these facilities for the purpose of fuel fabrication for the Swedish nuclear program. The facilities are: FRAGEMA FBFC, Dessel, Belgium, FRAGEMA, Romans, France, and FRAGEMA, Pierre Latte, France.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than January 20, 1987.

For the Department of Energy.

Dated: December 23, 1986.

George J. Bradley, Jr.,

Principal Deputy Assistant Secretary for International Affairs and Energy Emergencies.

[FR Doc. 87-47 Filed 1-2-87; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement; United Kingdom

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under U.S. Nuclear Regulatory Commission License Number XB001181.

The subsequent arrangement to be carried out under the above mentioned authority involves approval for the supply of 892,000 curies of tritium to Surelite, Ltd., the United Kingdom under Contract Number S-EU-819.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: December 23, 1986.

George J. Bradley, Jr.,

Principal Deputy Assistant Secretary for International Affairs and Energy Emergencies.

[FR Doc. 87-48 Filed 1-2-87; 8:45 am]

BILLING CODE 6450-01-M

Bonneville Power Administration

Aluminum Smelters in Pacific Northwest; Conservation/ Modernization Program; Notice of Hearing Location Change

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Change of Location of Hearing Site. *BPA File No.* DSC–6(c).

SUMMARY: On November 26, 1986, BPA published a Notice of Hearing and Opportunity for Public Review and Comment with respect to the proposed implementation of a conservation program designed to modernize aluminum smelters in the Pacific Northwest. 51 FR 42900. The Notice provided that both the prehearing conference, scheduled for January 12, 1987, and the hearing, scheduled for January 26, 1987, would be held at 1827 NE. 44th Avenue, Portland, Oregon 97213.

The preheairng conference and hearing site location has been changed to Bonneville Power Administration, Ross Complex, Room 104 Dittmer, 5411 NE. Highway 99, Vancouver, Washington 98666. A prehearing conference will be held at 9 a.m. on January 12, 1987; registration for the prehearing conference will begin at 8:30 a.m. The hearing will commence at 9 a.m. on January 26, 1987.

FOR FURTHER INFORMATION CONTACT: Ms. Teresa M. Cunningham, BPA Public Involvement Office, P.O. Box 12999, Portland, Oregon 98212. Telephone numbers, Voice/TTY, for the Public Involvement Office are (503) 230–3478 in Portland; toll free 800–452–8429 for Oregon outside of Portland; 800–547–6048 for Washington, Idaho, Montana, Wyoming, Utah, Nevada, and California.

Issued in Portland, Oregon on this 30th day of December 1986.

James J. Jura,

Administrator.

[FR Doc. 86–29537 Filed 12–31–87; 3:45 pm]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. EL87–4–000]

The Town of Belmont, Massachusetts v. Boston Edison Co.; Complaint Filing and Motion for Consolidation

December 24, 1986.

Take notice that on October 28, 1986, the Town of Belmont, Massachusetts (Belmont) filed a complaint against Boston Edison Company (Boston Edison) pursuant to section 206 of the Federal Power Act (16 U.S.C. 824e). Belmont requests that the Commission investigate the justness and reasonableness of Boston Edison's true-up charges and true-up practices under Articles I and II of its Substation No. 509 agreement with Cambridge Electric Light Company. Belmont also requests that the complaint proceeding be consolidated with the pending evidentiary proceeding in Docket Nos. ER86–405–002, *et al.*

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 23, 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 application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87–84 Filed 1–2–87; 8:45 am]

BILLING CODE 6717–01–M

Office of Hearings and Appeals

Cases Filed; Week of November 14 through November 21, 1986

During the Week of November 14 through November 21, 1986, the appeal and the applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Document of Energy. Submissions inadvertently omitted from earlier lists have also been included.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

December 23, 1986.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of November 14 through November 21, 1986]

Date	Name and location of applicant	Case No.	Type of submission
Nov. 13, 1986	National Helium, Webster & Vickers/Missouri, Jefferson City, MO.	RM3–45, RM48–46, RMI–47	Request for modification/rescission. If granted: The November 5, 1985 Decision and Order (Case Nos. RQ3–197, RQ48–198, and RQ1–199) issued to Missouri would be modified regarding the State's Applications for Refund submitted in the National Helium, Webster & Vickers second stage refund proceedings.
Nov. 17, 1986	Amoco, Belridge & Palo Pinto/Kansas, Topeka, KS	RM21–52, RM8–53, RM5–54	Request for modificatoin/rescission. If granted: The August 13, 1985 Decision and Order (Case No. RQ21–24) issued to Kansas would be modified regarding the State's Application for Refund submitted in the Amoco, Belridge & Palo Pinto second stage refund proceedings.
Nov. 17, 1986	Wilson Oil Company, Harrisburg, IL	KEE–0088	Exception to the reporting requirements. If granted: Wilson Oil Company would not be required to file Form EIA–782B, "Resellers'/Retailers' Monthly Petroleum Product Sales Report."
Nov. 18, 1986	Kelley Williamson Company, Rockford, IL	KEE–0089	Exception to the reporting requirements. If granted: Kelley Williamson Company would not be required to file Form EIA–782B, "Resellers'/Retailers' Monthly Petroleum Product Sales Report."
Nov. 18, 1986	Lonnie Rosenwald, Spokane, WA	KFA–0063	Appeal of an information request denial. If granted: Lonnie Rosenwald would receive access to the bi-monthly appraisal forms of Rockwell Hanford Operations by the Department's Richland Operations Office between April and October 1986.
Nov 19, 1986	Oil-Tex Petroleum, Inc., Washington, DC	KEF–0082	Implementation of special refund procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V in connection with an August 28, 1986 Consent Order entered into with David E. Myres and the Department of Energy.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of November 14 through November 21, 1986]

Date	Name and location of applicant	Case No.	Type of submission
Nov. 19, 1986	White Petroleum, Inc., Washington, DC	KEF-0083	Implementation of special refund procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V in connection with a September 24, 1981 Consent Order entered into between White Petroleum, Inc. and the Economic Regulatory Administration.
Nov. 20, 1986	Tribal Negotiating Team, Tacoma, WA	KEG-0002	Request for special redress. If granted: The 23 Sovereign Tribal Governments whose reservations are located within the State of Washington would get an equitable share of the oil overcharge refunds received by the State.
Nov. 20, 1986	Zink Oil Company, Yates City, IL	KEE-0090	Exception to the reporting requirements. If granted: Zink Oil Company would not be required to file Form EIA-782B, "Resellers'/Retailers' Monthly Petroleum Product Sales Report."

REFUND APPLICATIONS RECEIVED

[Week of November 14 through November 21, 1986]

Date received	Name of refund proceeding/name of refund applicant	Case No.
03-24-86	Conoco/Eastern Airlines, Inc.	RF220-458
10-29-86	Marine/Martin Oil Co.	RF257-17
11-13-86	Farstad/Hersey-Paterson, Inc.	RF261-8
11-17-86	Farstad/Rolla Oil Co.	RF261-9
11-17-86	Northeast Petroleum/C. N. Brown Co.	RF264-6
11-17-86	LaGloria/Lane Oil Co.	RF263-10
11-17-86	Marine/Cheker Oil Co.	RF257-18
11-17-86	Osterkamp Trucking, Inc.	RF272-28
11-17-86	South Bend Public Transportation Corp.	RF272-29
11-17-86	Arkansas Electric Cooperative Corp.	RF272-30
11-17-86	Arkansas Electric Cooperatives, Inc.	RF272-31
11-17-86	Eastern of N.J./Leslie Properties, Inc.	RF232-427
11-17-86	Amoco/Massachusetts.	RQ251-343
11-17-86	Northeast Petroleum/Massachusetts.	RQ25-344
11-17-86	National Helium/Massachusetts.	RQ3-345
11-17-86	Perry Gas/Massachusetts.	RQ183-346
11-17-86	Coline/Massachusetts.	RQ2-347
11-18-86	Getty/John E. Jones Oil Co., Inc.	RF265-40
11-18-86	Bickerstaff Clay Products Co.	RF262-32
11-18-86	APCO/George's APCO Service.	RF83-157
11-19-86	Northeast Petroleum/Haffner's Service Stations, Inc.	RF264-7
11-19-86	Northeast Petroleum/Marathon Petroleum Co.	RF264-8

REFUND APPLICATIONS RECEIVED—Continued

[Week of November 14 through November 21, 1986]

Date received	Name of refund proceeding/name of refund applicant	Case No.
11-19-86	Chattahoochee Industrial Railroad.	RF271-74
11-19-86	Sabine Towing & Transportation Co., Inc.	RF271-75
11-19-86	Tenn-Tom Towing, Inc.	RF271-76
11-19-86	Prudential Lines, Inc.	RF271-77
11-19-86	Express Marine Co.	RF271-78
11-20-86	The Penn Central Corp.	RF271-79
11-20-86	Slay Warehousing Co., Inc.	RF271-80
11-20-86	Morgan Drive Away, Inc.	RF271-81
11-21-86	Texaco Marine Services, Inc.	RF271-82
11-21-86	Spentonbush Transport Service, Inc.	RF271-83
11-21-86	Scott Chotin, Inc.	RF271-84
11-14-86 through 11-21-86	Gulf Refund Applications.	RF40-3570 through RF40-3580
11-14-86 through 11-21-86	Marathon Refund Applications.	RF250-1950 through RF250-2049
11-14-86 through 11-21-86	Surface Transporters Refund Applications.	RF270-563 through RF270-726

[FR Doc. 87-49 Filed 1-2-87; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[SAB-FRL-3137-8]

Science Advisory Board, Environmental Health Committee; Open Meeting

Under Pub. L. 92-463, notice is hereby given that a two day meeting of the Environmental Health Committee of the Science Advisory Board will be held on January 29-30, 1987, at the Fabulous Inn Hotel, 2485 Hotel Circle Place, San Diego, CA 92108. The meeting will start at 9:30 a.m. on January 29, 1987, and adjourn no later than 4:30 p.m. on January 30, 1987.

The principal purpose of the meeting will be to discuss the state-of-the-art in neurotoxin risk assessment. To facilitate this discussion, several members of the Committee will present the findings, hypothesis and directions of current research. The Committee will also review issues of general interest relating to risk assessment.

The meeting will be open to the public. Any member of the public wishing to attend or to obtain further information should contact Dr. Daniel Byrd, Executive Secretary, Environmental Health Committee, by telephone at (202) 382-2552 or by mail to: Science Advisory Board (A-101F), 401 M Street SW., Washington, DC 20460, no later than close of business January 23, 1987.

Dated: December 23, 1986.

Terry F. Yosie,

Director, Science Advisory Board.

[FR Doc. 87-59 Filed 1-2-87; 8:45 am]

BILLING CODE 6560-50-M

[SAB-FRL-3137-9]

Science Advisory Board, Environmental Health Committee, Drinking Water Subcommittee; Open Meeting

Under Pub. L. 92-463, notice is hereby given that a two-day meeting of the Drinking Water Subcommittee of the Environmental Health Committee of the Science Advisory Board will be held on February 5-6, 1987, in room number 4 of the south conference area in the Washington Information Center at Waterside Mall, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. The meeting will start at 9:30 a.m. on February 5 and adjourn no later than 1:00 p.m. on February 6.

The primary purpose of the meeting will be to discuss with the Office of Drinking Water how best to prioritize the Subcommittee's reviews during the coming year in view of the Safe Drinking Water Act Amendments of 1986.

The meeting will be open to the public. Any member of the public wishing to attend or to obtain further information should contact either Dr. Daniel Byrd, Executive Secretary to the Committee, or Mrs. Frederica Jones, by telephone at (202) 382-2552 or by mail to: the Science Advisory Board (A-101F), 401 M Street SW., Washington, DC, 20460, no later than c.o.b. on February 3, 1987.

Dated: December 23, 1986.

Terry F. Yosie,

Director Science Advisory Board.

[FR Doc. 87-60 Filed 1-2-87; 8:45 am]

BILLING CODE 6560-50-M

[OPP-36133; FRL-3138-1]

Pesticide Products; Redesignation of Formaldehyde and Paraformaldehyde Inert Ingredients

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of a proposed policy.

SUMMARY: This notice announces a proposed policy to classify formaldehyde and paraformaldehyde as active ingredients when they are used in pesticide products as a preservative in the formulation. Formaldehyde and/or paraformaldehyde may be added to pesticide products to preserve the pesticidal activity of the formulation by preventing product degradation by bacteria, yeast, mold, and/or fungi.

Currently, formaldehyde and paraformaldehyde are classified as inert ingredients when added as preservatives to pesticidal formulations. However, the EPA has concluded that formaldehyde and paraformaldehyde are active ingredients when used as preservatives in a formulation. The EPA solicits comments on this proposed policy.

DATE: Written comments on the proposed policy must be postmarked on or before March 6, 1987.

ADDRESSES: Comments should be sent, in triplicate if possible, by mail to:

Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

In person, bring comments to: Rm. 236, Crystal Mall, Building No. 2, 1921 Jefferson Davis Highway, Arlington, VA.

All comments should bear the identifying notation OPP-36133.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for public inspection in Rm. 236, at the Virginia given above from 8:30 a.m. to 4 p.m. Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION: By mail:

Ruth Douglas, Registration Division (TS-767C), Office of Pesticide Programs, 401 M St. SW., Washington, DC 20460.

Office location and telephone number: Rm. 711, Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-7470).

SUPPLEMENTARY INFORMATION:

I. Introduction

Under the Federal Insecticide, Fungicide, and Rodenticide Act, the Environmental Proteciton Agency registers pesticide products before they are permitted to be sold or distributed in commerce. Such products are usually composed of one or more pesticidally active ingredients, combined with a variety of "inert" chemicals which do not have any pesticidal activity, but which facilitate distribution, storage, application, and use. These are often solvents, emulsifiers, or perfumes.

Formaldehyde and paraformaldehyde are widely used in pesticide formulations to preseve the pesticide formulation. That is, these preservatives do not produce a pesticidal effect outside of the pesticidal formulation, as do identified active ingredients, but they do preserve the formulation by preventing product degradation by the action of bacteria, mold, yeast, and/or fungi. For the reasons explained in unit II of this notice, the EPA has concluded that formaldehyde and paraformaldehyde, when used as a preservative in a pesticide formulation, should be classified as active ingredients in such formulations.

The EPA developed this proposed policy during the registration standard review which was recently completed for both the active and inert ingredient uses of formaldehyde and paraformaldehyde. A registration standard is a document that provides a thorough review of the scientific data base concerning an ingredient used in formulating pesticide products. The purpose of the Agency's review is to reassess the potential hazards arising from the currently registered uses of the ingredient; to determine the need for additional data on the health and environmental effects of the ingredient; and to determine whether pesticide products containing that ingredient may cause unreasonable adverse effects on the environment.

The ERA is proposing this policy for the following three reasons.

1. Formaldehyde and paraformaldehyde when used as preservatives in pesticide formulations meet the statutory definition of an active ingredient. See FIFRA sec. 2(a).

2. EPA believes that the public has a right to know the potential adverse health effects associated with formaldehyde and paraformaldehyde, and that these ingredients are contained in a pesticide product. By designating formaldehyde and paraformaldehyde as active ingredients, EPA will effectively be requiring registrants to disclose the presence of these two substances in their products, since active ingredients must be listed in the ingredient statement appearing on every product label.

3. Designating formaldehyde and paraformaldehyde as active ingredients will greatly simplify the process by which registrants can share in the cost of developing data required by the Agency. These reasons supporting the policy are discussed more fully below

II. Reasons for Policy Change

A. Statutory Definition of an Active Ingredient

Section 2(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) defines an active ingredient as "in the case of a pesticide other than a plant regulator, defoliant, or desiccant an ingredient which will prevent, destroy, repel, or mitigate any pest." Section 2(m) of FIFRA defines an inert ingredient as "an ingredient which is not active."

40 CFR 162.6 (b)(2)(C)(*2*) of the implementing regulations states that:

In determining whether an ingredient is active or inert, the following factors shall be considered:

(*i*) The ingredient's capability by itself, and when used as directed to prevent, destroy, repeal or mitigate any pest;

(*ii*) The ingredient's presence in the product in sufficient amount to add materially to its effectiveness; and

(*iii*) The ingredient's influence on the activity of the principal active ingredient(s). The Agency may require an ingredient to be designated as an active ingredient if it sufficiently increases the effectiveness of the pesticide to warrant such action.

EPA concludes that formaldehyde and paraformaldehyde when used as a preservative meet the statutory definition of an active ingredient. Both clearly are pesticidally active within the formulation when added as preservatives because they prevent the growth of bacteria, mold, yeasts and/or fungi which may cause product degradation. They are intentionally added to formulations for that purpose.

B. Informing the Public of Health Effects

Specific inert ingredients are not generally required to be listed in the ingredient statement on the label. Pesticidally inert ingredients in a pesticide formulation are not necessarily toxicologically inert, and many are known to present hazards to human health and the environment.

During 1985, the EPA formed an Agency Inerts Review Group to identify pesticide products containing toxic inert ingredients, and to develop a regulatory strategy to minimize public health and environmental risks from inert ingredients. Approximately 1,200 inert ingredients that are approved for use in pesticide products were identified. The Review Group determined that each inert ingredient should be regulated based on its level of toxicological concern and potential risk. A high level of concern could cause some inert ingredients to be regulated as stringently as an active ingredient.

Formaldehyde is included on a list of 55 toxic inert ingredients on the basis of positive carcinogenicity and mutagenicity evidence. Of these 55 ingredients, formaldehyde is one of three most commonly found in products (309) and is the toxic inert ingredient used by the greatest number of registrants (126). The EPA classified formaldehyde as a probable human carcinogen (Category B1) based on sufficient evidence of carcinogenicity from animal studies and limited evidence of carcinogenicity in humans. Paraformaldehyde is being tested in the same manner as formaldehyde because it is a solid polymer of formaldehyde and because it depolymerizes to form formaldehyde in solution. Therefore, paraformaldehyde's toxicity is essentially the same as that of formaldehyde. There are 57 registrants with 96 products that contain paraformaldehyde as an inert ingredient.

The Agency proposes that the labels for these products list as an active ingredient the formaldehyde or paraformaldehyde present as a preservative, and its percentage in the product, because of the potential adverse health effects associated with formaldehyde and paraformaldehyde and because the user of a pesticide should be informed of these effects. In addition, the label would inform users of the potential oncogenic hazard by a warning statement "Formaldehyde causes cancer in laboratory animals." or Paraformaldehyde becomes formaldehyde in solution and depolymerizes to form formaldehyde gas when exposed to air. Formaldehyde causes cancer in laboratory animals."

C. Simplification of Compliance with the Registration Standard

Redesignating formaldehyde and paraformaldehyde as active ingredients will greatly simplify the process by which registrants can share in the cost of developing data required by the Agency to assess the risks of pesticides and product ingredients. Information concerning the identity and quantity of inert ingredients in pesticide products is generally considered trade secret or confidential business information subject to protection under section 10 of FIFRA. This proection makes it considerably more difficult for registrants whose products contain a particular inert ingredient to form groups to produce required data on that inert ingredient because the Agency cannot easily inform registrants of the presence of an inert ingredient in another company's product. The result is that registrants may have to engage in joint data development through a third party. These arrangements are cumbersome and expensive for both registrants and the Agency. Designation as an active ingredient ameliorates these problems, because the Agency can publicly disclose the products, uses, and registrants for that ingredient.

III. Implementation

If the Agency decides, based on comments, that the policy should be adopted as proposed, the Agency will implement it in the following manner:

1. The Agency will approve applications for new registration of products containing formaldehyde or paraformaldehyde as a preservative only in accordance with the policy.

2. The Agency will issue a Registration Standard for formaldehyde and paraformaldehyde, which will address all uses of formaldehyde and paraformaldehyde, including uses previously considered inert.

3. Registrants of existing products containing formaldehyde as a preservative will be directed to submit (a) new Confidential Statement of Formula designating formaldehyde or paraformaldehyde from the formulation, (b) an application for amended registration, and (c) three copies of labeling revised to include the labeling statements in the Registration Standard.

4. Registrants will be directed to submit applications for amended registration for Agency approval within 3 months of issuance of the formaldehyde and paraformaldehyde Registration Standard. Twelve months after issuancae of the Registration Standard, all products released for shipment by the registrants would be expected to bear the revised labeling. Finally, all products distributed or sold by any person would be expected to bear the revised labeling by 24 months after issuance of the Registration Standard.

IV. Request for Comments

The EPA requests comments on its proposed policy and any impact and consequences to the industry, the public and users.

Copies of the draft Registration Standard which contains the proposed policy are available from Frances Mann (703–557–2805, of the Information Services Section, given under **ADDRESS** above.

Dated: December 19, 1986.

Douglas D. Campt,

Director, Office of Pesticide Programs.

[FR Doc. 87–61 Filed 1–2–87; 8:45am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to the Office of Management and Budget the Review

December 23, 1986

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, 44 U.S.C. 3507.

Copies of this submission may be purchased from the Commission's duplicating contractor, International Transcription Service, 2100 M Street NW., Suite 140, Washington, DC 20037, telephone (202) 857–3800. Persons wishing to comment on this information collection should contact J. Timothy Sprehe, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, telephone (202) 395–4814. For further information contact Doris Benz, Federal Communications Commission, telephone (202) 632–7513.

Title: Demand Reconciliation Study
Action: New (One-time)
Respondents: Tier 1 Local Exchange Carriers
Estimated Annual Burden: 53 Responses; 16,377 Hours.

The Commission plans to issue an Order requiring local exchange carriers with total annual regulated revenues of $100,000,000 (also known as Tier 1 companies) to complete a study to reconcile the demand data used to develop their interstate special access revenue requirement with the demand data used to develop their interstate special access rates.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 87–21 Filed 1–2–87; 8:45 am]

BILLING CODE 6712-01-M

Amateur License Application; Caution Regarding Filing; Special Radio Services

AGENCY: Federal Communications Commission.

ACTION: Public notice regarding firm not affiliated with the FCC.

SUMMARY: This document advises the public that on organization known as "Federal Licensing, J.V." is not *affiliated* with the FCC. It is being issued so that amateur operators will know that filing applications for amateur licenses requires no fee by the FCC. The effect of this action is to alert current and prospective amateur operators that applications for amateur licenses may be filed directly with the FCC at no cost.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: John Small, Private Radio Bureau, Washington, DC 20554, (202) 632–4964.

William J. Tricarico,

Secretary Federal Communications Commission.

FCC Cautions Amateur Operators About "Federal Licensing, J.V"

December 16, 1986.

The Private Radio Bureau advises licensees in the Amateur service that official-looking notices are being sent to amateur operators from "Federal Licensing, J.V., Amateur Radio Service Division". This firm is not affiliated with the FCC.

According to compliants received by the Bureau, the firm apparently sends notices to amateur operators offering to assist them in preparing and filing license renewal application forms. It requests the amateur operator to fill in an FCC Form 610 and send it to Federal Licensing, P.O. Box 610, Gettysburg, Pennsylvania 17325, together with a $35.00 fee.

Under § 97.13(c) of the FCC Rules, an application for an unexpired Amateur service license must be made during the license term and should be filed within 90 days, prior to the end of the license term. Application must be made on FCC Form 610 which is available from FCC Field Locations and the Consumers Assistance Branch (717–337–1212). There is no fee for filing an application for a license in the Amateur service. Completed applications should be sent to: Federal Communications Commission, P.O. Box 1020, Gettysburg, Pennsylvania 17325.

[FR Doc. 87–23 Filed 1–2–87; 8:45 am]

BILLING CODE 6712-01-M

National Public Safety Planning Advisory Committee; Meeting

The United States Congress directed the Commission, through the Federal Communications Commission Authorization Act of 1983, to develop a plan to ensure that the present and future electromagnetic spectrum requirements of state and local public safety authorities are considered in allocation of the spectrum. In complying with this mandate the Commission initiated a proceeding, PR Docket 84–232, Future Public Safety Telecommunications Requirements, to determine the spectrum needs of the public safety services through the year 2000. To meet partially the projected needs, the Commission recently allocated 6 MHz from the 800 MHz land mobile reserve band for public safety use in the companion proceedings of General Dockets 84–1231, 84–1233 and 84–1234.

The new nationwide allocation of 6 megahertz will form the foundation of a national plan. The success of the plan will depend in large part on the ability and willingness of the public safety community to implement it. Therefore, the Commission believes that it is essential to have active involvement by the public safety community in planning efforts, especially with regard to technical standards and procedural provisions. In this regard, the Commission moved to establish an industry advisory committee and the General Services Administration approved formation of the National Public Safety Planning Advisory Committee on December 9, 1986. The activities of the Committee will include identifying communications requirements of the public safety services, developing schemes for efficiently using the new allocation and existing allocations in meeting the requirements, addressing applications of new technologies, and developing procedures for complying with the national public safety plan.

The first meeting of the Advisory Committee will be held on January 20, 1987, in Room 856 (the Commission Meeting Room), 1919 M Street NW., Washington, DC. The meeting will start at 9:30 a.m.

All interested parties are invited to attend this meeting. Since this is to be a technical advisory committee, attendees should be prepared for technical discussions.

The agenda for the first meeting will consist of:

1. Introduction and Remarks;
2. Brief discussion of the objectives of the Committee;
3. Identification and development of ways of meeting these objectives;
4. Initial assignments;
5. Discussion of appropriate date and tentative agenda for next meeting.

Any questions regarding this meeting should be directed to Mr. Lawrence Petak at (202) 632–7025.

William J. Tricarico,

Secretary.

[FR Doc. 87–22 Filed 1–2–87; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Privacy Act of 1974; Revisions and Deletions of Systems of Records*

AGENCY: Federal Emergency Management Agency.

ACTION: Revisions and deletions of systems of records.

SUMMARY: Pursuant to the requirements of the Privacy Act of 1974, 5 U.S.C. 552a, the Federal Emergency Management Agency gives notice of minor revisions to several systems of records due to reorganizational changes and editorial changes which have occurred since the notices were last published; consolidation of two existing systems of records notices relating to training records into one system notice; deletion of six systems of records, proposed new routine uses for two systems, and proposed new exemptions for four systems of records. Proposed rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and are being published in the **Federal Register** concurrent with this notice. The specific changes for each system is reflected in the supplementary section below and includes identification of particular changes that will require submission of reports to be filed with both the Office of Management and Budget and Congress.

To the extent available, we have included specific form numbers for documents maintained within each system of records. We have also revised the retention and disposal section within each system of records to accurately reflect the retention and disposal schedules for particular records.

EFFECTIVE DATES: The deletion of the six system notices identified in the first paragraph under the supplementary information section are effective—January 5, 1987. The changes to the systems of records notices identified under Nos. 1–5, 10–17, 19–21, 23–26, and 28–33 in the supplementary information section contain only editorial and administrative changes. These notices shall become effective January 5, 1987. The proposed routine uses for the systems of records notices identified under Nos. 6 and 18 shall become effective February 4, 1987, without further notice, unless comments necessitate otherwise. The proposed changes and proposed additional exemptions, where applicable, for the system of records identified under Nos. 7–9, 22, and 27 in the supplementary information section shall become effective March 6, 1987, without further notice, unless comments necessitate otherwise. Comments are invited regarding the proposed revisions for the systems of records identified under Nos. 6–9, 18, 22, and 27.

ADDRESS: Address comments to the Federal Emergency Management Agency, Attn: Docket Clerk, Office of General Counsel, Room 840, 500 C Street SW, Washington, DC 20472. Comments received will be available for public inspection at the above address from 9 a.m. to 4 p.m., Monday through Friday (except for legal holidays).

FOR FURTHER INFORMATION CONTACT: Linda M. Keener, FOIA/Privacy Specialist, at (202) 646–3840.

SUPPLEMENTARY INFORMATION: As a result of an agencywide review of the current systems of records, it was found that six systems are no longer being maintained and are being deleted. These systems are identified as: FEMA/NETC–2, National Fire Academy Instructor Records (previously published on November 26, 1982, 74 FR 53289 and amended on March 23, 1983, 48 FR 12133); FEMA/NETC–5, Federal Employees with Fire Related Expertise (previously published on November 26, 1982, 47 FR 53491); FEMA/REG–1, List of Custodians of Decision Information Systems (DIDS) Radio Receivers (previously published on October 7, 1981, 46 FR 49745); FEMA/SLPS–5, FEMA Summer Shelter Survey Program (previously published on November 26, 1982, 47 FR 53495); FEMA/SLPS–6, Program Management Information System (previously publishd on November 26, 1982, 47 FR 53496) and FEMA/SLPS–11, Interagency Directories System (previously published on November 26, 1982, 47 FR 53487). Because of the deletion of these systems and due to reorganizational changes, many of the FEMA system of records notices have been assigned new internal identifying numbers.

For the convenience of the reader, we are publishing all system of records which contain revisions in their entirety. The following is a listing of the systems covered by this notice, including the former and current internal identifying numbers and titles, dates the system notices were previously published in the **Federal Register** and specific changes made to each system:

1. *FEMA/ADM–1, Central Files* (formerly FEMA/RMA–4, Central Files; previously published on October 7, 1981, 46 FR 49727; amended on October 25, 1983, 48 FR 49377 and May 13, 1985, 50 FR 20007). Editorial changes have been made to this system notice.

2. *FEMA/ADM–2, Office of Services File System* (formerly FEMA/RMA–5, Office Services File System; previously published on October 7, 1981, 46 FR 49730). Editorial changes have been made to this system notice.

3. *FEMA/ADM–3 Advisory Committee Files* (formerly FEMA/RMA–3, Committee Management Files; previously published on October 7, 1981, 46 FR 49729). Editorial changes have been made to this system notice.

4. *FEMA/EX–1, Biographies* (formerly FEMA/PA–1, Biographies; previously published on October 7, 1981, 46 FR 49744). Editorial changes have been made to this system notice.

5. *FEMA/FIA–1, Federal Crime Insurance Program* (Previously published on October 7, 1981, 46 FR 49740; amended on October 25, 1983, 48 FR 49376, June 26, 1984, 49 FR 26144, February 11, 1985, 50 FR 5684, and May 13, 1985, 50 FR 20007). Editorial changes have been made to this system notice.

6. *FEMA/FIA–2, National Flood Insurance Application and Related Documents Files* (Previously published on November 26, 1982, 47 FR 53492; amended on October 25, 1983, 48 FR 49376, February 17, 1984, 49 FR 6168, and May 13, 1985, 50 FR 20007). A new routine use is proposed to permit release of the property address, flood zone identifier, date for policy issue, and value of policy, solely for the purpose of geocoding the flood insurance policy addresses to private companies engaged in or planning to engage in activities to market or assist in marketing the sale of flood insurance policies under the National Flood Insurance Program. This use is compatible with the purpose for which the property address information is collected because property address is an indication of a flood prone area and the Congress has found it is in the public interest for persons already living in flood-prone areas to have both an opportunity to purchase flood insurance and access to more adequate limits of coverage, so that they will be indemnified for their losses in the event of future flood disasters. Editorial changes have also been made to this system notice.

7. *FEMA/GC–1, Claims (litigation)* (Previously published on October 7, 1981, 46 FR 49741; amended on October 25, 1983, 48 FR 49376, December 13, 1984, 49 FR 48612, March 11, 1985, 50 FR 9713, and May 13, 1985, 50 FR 20007). Additional exemptions are proposed for this system of records. When litigation occurs, information from other systems of records may be incorporated into the case file. In certain instances, the incorporated information may be material which the Privacy Act, at 5 U.S.C. 552a (k)(1) and (k)(5), permits an

agency to exempt from certain provisions of the Act. To the extent that such exempt material is incorporated into the litigation file, the Director, Federal Emergency Management Agency, has determined that the material as it appears in this system should be exempted from subsections (c)(3) and (d) of the Privacy Act, 5 U.S.C. 552a, pursuant to 5 U.S.C. 552a(k) (1) and (5). To the extent that this system of records is not subject to exemption, it is subject to notification, access and contesting procedures. A determination as to the applicability of an exemption as to a specific record shall be made at the time a request for notification, access, or contesting is received. Proposed rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c), and (e) and are being published in the **Federal Register** concurrent with this notice. A system report has been filed with the Office of Management and Budget and Congress. This system notice also includes editorial revisions.

8. *FEMA/GC–2 FEMA Enforcement (Compliance)* (Previously published on October 7, 1981, 46 FR 49742; amended on October 25, 1983, 48 FR 49376, December 13, 1984, 49 FR 48612, March 11, 1985, 50 FR 9714, and May 13, 1985, 50 FR 20007). Additional exemptions are proposed for this system of records. When litigation occurs, information from other systems of records may be incorporated into the case file. In certain instances, the incorporated information may be material which the Privacy Act, at 5 U.S.C. 552a (k)(1) and (k)(5), permits an agency to exempt from certain provisions of the Act. To the extent that such exempt material is incorporated into the litigation file, the Director, Federal Emergency Management Agency, has determined that the material as it appears in this system should be exempted from subsections (c)(3) and (d) of the Privacy Act, 5 U.S.C. 552a, pursuant to 5 U.S.C. 552a (k)(1) and (k)(5). To the extent that this system of records is not subject to exemption, it is subject to notification, access and contesting procedures. A determination as to the applicability of an exemption as to a specific record shall be made at the time a request for notification, access, or contesting is received. Proposed rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c), and (e) and are being published in the **Federal Register** concurrent with this notice. A system report has been filed with the Office of Management and Budget and Congress. This system notice also includes editorial revisions.

9. *FEMA/IG–1, General Investigative Files* (Previously published on October 7, 1981, 46 FR 49463; amended October 25, 1983, 48 FR 49376. Additional exemptions are proposed for this system of records. During an investigation, information from other systems of records may be incorporated into the case file. In certain instances, the incorporated information may be material which the Privacy Act, at 5 U.S.C. 552a(k) (1) and (5), permits an agency to exempt from certain provisions of the Act. To the extent that such exempt material is incorporated into the litigation file, the Director, Federal Emergency Management Agency, has determined that the material as it appears in this system should be exempted from subsections (c)(3) and (d) of the Privacy Act, 5 U.S.C. 552a, pursuant to 5 U.S.C. 552a (k)(1) and (k)(5). To the extent that this system of records is not subject to exemption, it is subject to notification, access and contesting procedures. A determination as to the applicability of an exemption as to a specific record shall be made at the time a request for notification, access, or contesting is received. Proposed rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c), and (e) and are being published in the **Federal Register** concurrent with this notice. A system report has been filed with the Office of Management and Budget and Congress. This system also includes editorial revisions.

10. *FEMA/NETC–1, Student Application and Registration Records* (This system is a consolidation of two previous systems entitled, FEMA/NETC–1, Student Application and Registration Records, National Fire Academy which was previosuly published on November 26, 1982, 47 FR 53488 and amended on March 23, 1983, 48 F 12133 and November 15, 1984, 49 FR 45257, and FEMA/NETC–3, Student Academic and Course Records which was previously published on November 26, 1982, 47 FR 53489, and amended on March 23, 1983, 48 FR 12133, October 25, 1983, 48 FR 49376, November 15, 1984, 49 FR 45257, and May 13, 1985, 50 FR 20007. Accordingly, the previously published systems, FEMA/NETC–1, Student Application and Registration Records, National Fire Academy and FEMA/NETC–3, Student Academic and Course Records are being deleted since they have been consolidated into one system notice. This consolidation does not alter the purpose for which the information is used and does not involve any additional collection of personal data. This system notice also includes editorial revisions.

11. *FEMA/NETC–2, Emergency Management Training Program Home Study Courses* (formerly FEMA/NETC–4, Home Study Courses; previously published on November 26, 1982, 47 FR 53490; amended on March 23, 1983, 48 FR 12133).

12. *FEMA/NETC–3, President's and Director's Award Nominees* (formerly FEMA/NETC–5, President's and Secretary's Award Nominees; previously published on November 26, 1982, 47 FR 53492). Editorial changes have been made to this system notice.

13. *FEMA/NETC–4, Records of Alleged Misconduct of Students Attending Training Courses at the National Emergency Training Center* (previously published on August 30, 1985, 50 FR 35319). Editorial changes have been made to this system notice.

14. *FEMA/NPP–1, Resources Interruption Monitoring System* (formerly FEMA/NPP–2, Resources Interruption Monitoring System (previously published on October 7, 1981, 46 FR 49748). Editorial changes have been made to this system notice.

15. *FEMA/NPP–2, Scientific and Technical Information System* (formerly FEMA/NPP–4, Scientific and Technical Information System previously published on January 2, 1985, 50 FR 174). Editorial changes have been made to this system notice.

16. *FEMA/OC–1, Payroll and leave accounting* (formerly FEMA/RMA–1, Payroll and leave accounting; previously published on October 7, 1981, 46 FR 49727; amended on October 25, 1983, 48 FR 49377 and May 13, 1985, 50 FR 20007). Editorial changes have been made to this system notice.

17. *FEMA/OC–2, Travel and Transportation Accounting* (formerly FEMA/RMA–2, Travel and Transportation Accounting; previously published on October 7, 1981, 46 FR 49728; amended on October 25, 1983, 48 FR 49376 and May 13, 1985, 50 FR 20007). Editorial changes have been made to this system notice.

18. *FEMA/OC–3, Debt Collection Files* (formerly FEMA/RMA–9, Claims Collection Files; previously published on November 26, 1982, 47 FR 53487; amended on March 23, 1983, 48 FR 12133, October 25, 1983, 48 FR 49376 and May 13, 1985, 50 FR 20007). A new routine use is proposed to permit release of copies of the debt collection letters, Optional Form 1114, bill for collection, and FEMA correspondence to the debtor, to a debt collection agency under contract with FEMA for further collection action. This use is compatible

with the purpose for which the information is collected, which is to recover monies owed the government for outstanding debts. Editorial changes have also been made to this system notice.

19. *FEMA/OP–1, Emergency Assignment System* (formerly FEMA/RMA–6, Emergency Assignment System; previously published on November 26, 1982, 47 FR 53486). Editorial changes have been made to this system notice.

20. *FEMA/OP–2, Key Personnel Central Locator List* (formerly FEMA/RMA–7, Key Personnel Central Locator List; previously published on November 26, 1982, 47 FR 53486). Editorial changes have been made to this system notice.

21. *FEMA/PER–1, Grievance Records* (formerly FEMA/RMA–8, Grieviance Records; previously published on November 26, 1982, 47 FR 53486). Editorial changes have been made to this system notice.

22. *FEMA/PER–2, Equal Employment Opportunity Complaints of Discrimination Files* (formerly FEMA/EO–1, Equal Employment Opportunity Complaints of Discrimination Files; previously published on October 7, 1981, 46 FR 49737). This notice has been revised to reflect editorial changes and to reflect the the conversion of information on complaints that have been processed and settled in a historical file, using the IBM PC, with DBase or LOTUS program with limited access by use of special passwords accessible only to EEO specialists who have a need for the information in the performance of their duties. The IBM PC equipment will be maintained in a locked room. By the end of Fiscal Year 1987 or early Fiscal Year 1988, this information will be included in a subsystem of records within the Personnel Management Information Telecommunications System called the Complaints Action Tracking System currently used by the U.S. Air Force and with limited access by use of special passwords accessible only to EEO specialists who have a need for the information in the performance of their duties. A system report has been filed with the Office of Management and Budget and Congress regarding this conversion.

23. *FEMA/PER–3, Disaster Assistance Personnel Reservists Files* (formerly FEMA/SLPS–3, Disaster Assistance Personnel Reservists Files; previously published on October 7, 1981, 46 FR 49750). This system is being revised to clarify that the Office of Personnel is responsible for the official personnel file and describing what it includes and that some of the imformation may be duplicated at the supervisor's office site in the State and Local Programs and Support Directorate and Regions for the purpose of preparing requests for personnel actions and assigning individuals to particular disaster locations. These changes do not alter the purpose for which the information is used nor include any additional collection of information about the individuals.

24. *FEMA/REG–1, State and local Civil Prepardness Instructional Program* (previously published on October 7, 1981, 46 FR 49745). Editorial changes have been made to this system notice.

25. *FEMA/REG–2, Temporary Housing Files* (formerly FEMA/SLPS–2, Temporary Housing Files; previously published on October 7, 1981, 46 FR 49749; amended on October 25, 1983, 48 FR 49376 and May 13, 1985, 50 FR 20008). Editorial changes have been made to this system notice.

26. *FEMA/REG–3, Disaster Recovery Assistance Files* (formerly FEMA/SLPS–1, Disaster Recovery Assistance Files; previously published on October 7, 1981, 46 FR 49749; amended on October 25, 1983, 48 FR 49376 and May 13, 1985, 50 FR 20008). Editorial changes have been made to this system notice.

27. *FEMA/SEC–1, Security Management Information System* (previously published on November 26, 1982, 47 FR 53494; amended on November 21, 1983, 48 FR 52637 and September 10, 1984, 49 FR 35561). This system now includes copies of background investigations conducted by the Office of Personnel Management (OPM), a FEMA contractor, or other government investigative agencies. The Secondary system also includes a numbering system assigned to a particular position which is used for identification of the particular accesses granted to a particular position. Some of the materials contain information which is classified under an Executive order. Accordingly, the Director, Federal Emergency Management Agency, has determined that specific materials in this system should be exempted from subsections (c)(3), and (d) of the Privacy Act, 5 U.S.C. 552a, pursuant to 5 U.S.C. 552a(k)(1) and 5 U.S.C. 552a(k)(5). A determination as to the applicability of an exemption as to a specific record shall be made at the time a request for notification, access, or contesting is received. To the extent that this system of records is not subject to exemption, it is subject to notification, access and contesting procedures. Proposed rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and are being published in the **Federal Register** concurrent with this notice. A system report has been filed with the Office of Management and Budget and Congress. This system notice also includes editorial revisions.

28. *FEMA/SLPS–1, Application for Enrollment in Architectural Engineering Professional Development Program* (formerly FEMA/SLPS–4, Application for Enrollment in Architectural Engineering Professional Development Program; previously published on November 26, 1982, 47 FR 53495). Editorial changes have been made to this system notice.

29. *FEMA/SLPS–2, Military Reserve Program* (formerly FEMA/SLPS–7, Military Reserve Program; previously published on October 7, 1981, 46 FR 49753). Editorial changes have been made to this system notice.

30. *FEMA/SLPS–3, Radioactive Materials Inventory* (formerly FEMA/SLPS–8, Radioactive Materials Inventory; previously published on October 7, 1981, 46 FR 49754). Editorial changes have been made to this system notice.

31. *FEMA/SLPS–4, Maintenance and Calibration* (formerly FEMA/SLPS–9, Maintenance and Calibration; previously published on October 7, 1981, 46 FR 49755). Editorial changes have been made to this system notice.

32. *FEMA/SLPS–5, Radiation Exposure and Radioactive Materials; Radiation Committee Records* (formerly FEMA/SLPS–10, Radiation Exposure and Radioactive Materials; Radiation Committee Records; previously published on October 7, 1981, 46 FR 49755). Editorial changes have been made to this system notice.

33. *FEMA/SLPS–6, Temporary and Permanent Relocation and Personal and Real Property Acquisitions Files* (formerly FEMA/SLPS–12, Temporary and Permanent Personal and Real Property Acquisitions and Relocation Files; previously published on April 12, 1983, 48 FR 15710; amended on October 25, 1983, 48 FR 49378, October 18, 1984, 49 FR 40969, and May 13, 1985, 50 FR 20008). Editorial changes have been made to this system notice. The categories of records section has been revised to accurately reflect that for Section 1362 acquisitions, the files before Fiscal Year 1985 contain copies of the appraisals, appraisal contracts and reviews and approval documents. However, after Fiscal Year 1985, these files do not contain copies of any appraisals or related-appraisal documents. For Superfund activities, the files include only the appraisal contracts and approval documents.

Dated: December 18, 1986.

Spence W. Perry,

General Counsel, Federal Emergency Management Agency.

FEMA/ADM-1

SYSTEM NAME:

Central Files.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Office of Administrative Services, Federal Emergency Management Agency, Washington, DC 20472; National Emergency Training Center and all Regional offices. Addresses for the Regional Offices are listed in Appendix AA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals, including Congress, from whom an inquiry or request is received and from whom a reply is addressed. Transmittals for publications, etc., are not retained.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence applicable to the internal administration of the Agency; e.g., accounting, correspondence pertinent to the personnel program, budget, procurement, administrative services, etc., congressional correspondence, public affairs activities, correspondence concerning regional activities, equal opportunity, program analysis and evaluation, operations support (communications and computer services, operations center activities), Federal Insurance Administration, U.S. Fire Administration, training and education activities, activities concerning nationwide plans and preparedness for peacetime and wartime emergencies, hazard mitigation, research program relative to Agency missions, Federal disaster assistance program activities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3101; 50 U.S.C. App. 2253; E.O. 12127; E.O. 12148; and Reorganization Plan No. 3.

PURPOSE(S):

For the purpose of maintaining a record and background material concerning inquiries made to FEMA and FEMA responses.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine uses may include any of the uses listed in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are maintained in file folders.

RETRIEVABILITY:

Alphabetically by inquirer's name, except that responses to Congressional inquiries are filed separately.

SAFEGUARDS:

Paper records are maintained in locked containers and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are covered by General Records Schedule 23. Ofice administrative files are destroyed when 2 years old or when no longer needed, whichever is sooner. Records containing substantive information relating to the official activities of high level officials are considered permanent and will be offered to the National Archives. If the offer is not accepted, the records will be destroyed when 6 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Administrative Support Federal Emergency Management Agency, Washington, DC. 20472; all Regional Directors of FEMA, addresses are listed in Appendix AA.

NOTIFICATION PROCEDURES:

Individuals wishing to inquire whether this system of records contains information about themselves should contact the system manager identified above. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Requests should include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individuals should be able to provide some acceptable identification, that is, driver's license, employing organization's identification card, or other identification card.

RECORD ACCESS PROCEDURES:

Same as Notification procedures above.

CONTESTING RECORD PROCEDURES:

Same as Notification procedures above. The letter should state clearly and concisely what information is being contested the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

RECORD SOURCE CATEGORIES:

All records in the system consist of FEMA generated records according to a request or inquiry from the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/ADM-2

SYSTEM NAME:

Office Services File System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Office of Administrative Services, Federal Emergency Management Agency, Washington, DC 20472; National Emergency Training Center and all Regional Offices. Addresses for the Regional Offices are listed in Appendix AA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees of FEMA, headquarters and field, including full time permanent, part time, temporary and consultants.

CATEGORIES OF RECORDS IN THE SYSTEM:

FEMA Form 61-14, Motor Vehicle Usage Report; Standard Form 91, accident report file; memoranda regarding car pools and parking pools; and telephone directories which contain no personal information but serve as a means of locating individuals during business hours.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 50 U.S.C. App. 2253; 50 U.S.C. App. 2253; E.O. 12127; E.O. 12148; and Reorganization Plan No. 3.

PURPOSES(S)

For the in-house use of identifying FEMA employees authorized to operate Government vehicles; to record individuals and vehicles involved in accidents involving FEMA-owned or leased vehicles; to maintain a record of FEMA employees authorized official parking spaces; to maintain a record of FEMA employees participating in carpools; and to maintain telephone directories which contain no personal information but serve as a means of locating individuals during business hours.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine uses may include any of the uses listed in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are maintained in file folders.

RETRIEVABILITY:

By last name of employee or organizational element.

SAFEGUARDS:

Paper records are maintained in locked containers and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Carpool records and telephone directories become obsolete when updated records are prepared. Obsolete records and directories are destroyed. Motor Vehicle Operating and Maintenance files are destroyed when 3 months old. Motor Vehicle Accidents files are destroyed 6 years after case is closed. Disposition of other correspondence not covered in this section shall be destroyed when 2 years old or in accordance with FEMA Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Administrative Support Federal Emergency Management Agency, Washington, DC 20472; all Regional Directors of FEMA, addresses are listed in Appendix AA.

NOTIFICATION PROCEDURES:

Individuals wishing to inquire whether this system of records contains information about themselves should contact the system manager identified above. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Requests should include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individuals should be able to provide some acceptable identification, that is, driver's license, employing organization's identification card, or other identification card.

RECORD ACCESS PROCEDURES:

Same as Notification procedures above.

CONTESTING RECORD PROCEDURES:

Same as Notification procedures above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

RECORD SOURCE CATEGORIES:

All records are FEMA generated records based on data submitted by the employee.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/ADM-3

SYSTEM NAME:

Advisory Committee Files.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Office of Administrative Services, Federal Emergency Management Agency, Washington, DC 20472; and all Regional offices. Addresses for the Regional Offices are listed in Appendix AA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Federal government employees on FEMA internal committees and on interagency committees; architects and engineers and other persons who are appointed to the FEMA sponsored advisory committees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Government employees—name, office address and name of employing agency; Nongovernment employees—biographical material including name of employer, title, address, legal voting residence, place and date of birth, marital status, military service, education, registration in professional societies work experience, record of performance, publications authored, membership on other boards or committees, professional awards, and other information which can be used to determine fitness of individual to sit on the committee, such as description of private associations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3101; 50 U.S.C. App. 2253; Pub. L. 42–163, Federal Advisory Committee Act; and E.O. 11769, Advisory Committee Management.

PURPOSE(S):

For the purpose of maintaining a list of members of the various advisory committees in order to provide them with information on committee functions, meeting dates, agendas, and other purposes for managing the committee activities. To ensure that FEMA participation in private, nongovernmental association, societies, etc., is limited only to the extent of FEMA interest therein; to assure preparation and submittal of certain input information that is needed for the reports required by laws and issuance cited above; and to provide a tool with which top management can assure that the terms of the regulations regarding the creation and use of committees are being complied with.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine uses may include any of the uses listed in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN SYSTEM:

STORAGE:

Paper records are maintained in file folders.

RETRIEVABILITY:

By name of the committee, society, or association, then alphabetically by name of individual.

SAFEGUARDS:

Paper records are maintained in locked containers and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are covered by General Records Schedule 24 and retained for life of committee.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Administrative Support Federal Emergency Management Agency, Washington, DC 20472; all Regional Directors of FEMA, addresses are listed in Appendix AA.

NOTIFICATION PROCEDURES:

Individuals wishing to inquire whether this system of records contains information about themselves should contact the system manager identified

above. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Requests should include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individuals should be able to provide some acceptable identification, that is, driver's license, employing organization's identification card, or other identification card.

RECORD ACCESS PROCEDURES:

Same as Notification procedures above.

CONTESTING RECORD PROCEDURES:

Same as Notification procedures above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

RECORD SOURCE CATEGORIES:

Biographical information submitted by government or nongovernmental individuals nominated for membership.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/EX-1

SYSTEM NAME:

Biographies.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Office of External Affairs, Public Affairs and Intergovernmental Affairs Division, Federal Emergency Management Agency, Washington, DC 20472; National Emergency Training Center, Federal Emergency Management Agency, Emmitsburg, Maryland 21727; and Regional Directors of FEMA, addresses are listed in Appendix AA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Key FEMA Headquarters and Regional staff, State and local Emergency Management Directors/Coordinators, and guest lecturers at the National Emergency Training Center.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Office of Public Affairs files contain biographies of key officials of FEMA, including Headquarters and Regional offices; (b) Regional files contain biographies of key Regional officials and State and local Emergency Management Directors/Coordinators within regional geographical boundaries. Includes FEMA Form 70-16, Notice of Appointment of Emergency Management Directors/Coordinators; (c) National Emergency Training Center files contain biographies of guest lecturers and other key officials.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101; E.O. 12148; E.O. 12127, and Reorganization Plan No. 3 of 1978.

PURPOSE(S):

For the purpose of preparing speeches, correspondence and other public releases in connection with emergency management programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In response to requests from the media and any member of the public requesting biographical data on key FEMA officials, names and addresses of the State and local Emergency Management Directors/Coordinators, and through issuance of public releases. The biographies of guest lecturers are used as background in introducing the lecturers to audiences attending the particular event.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

(a) Key FEMA officials and guest lecturers at the National Emergency Training Center are filed alphabetically by name; (b) State and local Emergency Management Directors/Coordinators are filed alphabetically by State.

SAFEGUARDS:

Paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are covered by General Records Schedule 14. Biographies for FEMA officials, headquarters and regional offices retained in active file until end of calendar year after separation of employee, then retired to Federal Records Center for permanent retention. The biographies of State and local Directors/Coordinators are retained in active file until end of the calendar year after termination, then destroyed. The biographies of guest lecturers are retained for purposes of the lecturer and if no longer needed for future lecturers, they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

For the biographies of key FEMA officials—Assistant Director, Public Affairs and Intergovernmental Affairs Division, Office of External Affairs, Federal Emergency Management Agency, Washington, DC 20472; For State and local Emergency Management Directors/Coordinators—Regional Director for the specific State, addresses are listed in Appendix AA; For National Emergency Training Center files—Associate Director, Training and Fire Programs, Federal Emergency Management Agency, National Emergency Training Center, 16825 Seton Avenue, Emmitsburg, Maryland 21727.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the appropriate system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORDS ACCESS PROCEDURES:

Same as notification procedure above.

CONTESTING RECORDS PROCEDURE:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

RECORD SOURCE CATEGORIES:

The key officials on whom biographies are maintained and other knowledgeable sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/FIA-1

SYSTEM NAME:

Federal Crime Insurance Program.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Various offices of a servicing agent under contract to the Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual policyholders.

CATEGORIES OF RECORDS IN THE SYSTEM:

FEMA Form 81–12, Application for Residential Crime Insurance Policy; FEMA Form 85–11, Residential Crime Insurance Policy; FEMA Form 81–14, Worksheet-Building; FEMA Form 81–51, Policy Change Request; FEMA Form 81–36, Abstract of Residential Policy Information. These records include such information as names of policyholders, addresses of insured premises; type of premises; amounts and types of insurance desired; annual premiums; claims information; record of claim payments; record of premium payments; agent's name and address; other insurance held by policyholder; inspection report or protective devices. This system contains the taxpayer's identification number (which may be the social security number).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Urban Property Protection and Reinsurance Act of 1968; 12 U.S.C. 1749bbb, et seq.; E.O. 12127.

PURPOSE(S):

For the purpose of verifying coverage of Federal Crime Insurance, issuing policies, claims adjusting and billing procedures.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the servicing company for the contract and insurance adjustment firms retained by the servicing company for billing, verification of coverage, claims adjusting and issuance of policies; to property loss reporting bureaus; to State Insurance Departments and insurance companies investigating fraud or potential fraud in connection with burglary or robbery claims; to State property insurance facilities, private sector property insurers; and insurance agents and brokers for the purpose of providing crime insurance to Federal crime insurance policyholders prior to and following the expiration of the Federal Crime Insurance Program.

Routine uses may include Nos. 1, 2, 3, 5 and 8 of Appendix A.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Tape/disc library and paper files.

RETRIEVABILITY:

By name of the policyholders, social security number of policyholder or policy number.

SAFEGUARDS:

Personnel screening, hardware and software computer security measures; paper records are maintained in locked containers and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Information is partly current and partly historical. Retention of records shall be for 6 years or until no longer needed. Disposition of records shall be in accordance with the FEMA Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Federal Insurance Administrator, Federal Emergency Management Agency, Washington, DC 20472.

NOTIFICATION PROCEDURES:

Individuals wishing to inquire whether this system of records contains information about themselves should contact the system manager identified above. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Requests should include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individuals should be able to provide some acceptable identification, that is, driver's license, employing organization's identification card, or other identification card.

RECORD ACCESS PROCEDURES:

Same as Notification procedures above.

CONTESTING RECORD PROCEDURES:

Same as Notification procedures above. The letter should state clearly and concisely what information is being contested the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

RECORD SOURCE CATEGORIES:

Individual policyholders; police reports (for verification of claims data); servicing companies (for verification of claims data).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/FIA–2

SYSTEM NAME:

National Flood Insurance Application and Related Documents Files.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Various offices of a servicing agent under contract to the Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472. Copies of some of the files are also provided to the FEMA Regional offices when additional information is requested from their respective offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for individual flood insurance and individuals insured.

CATEGORIES OF RECORDS IN THE SYSTEM:

Flood insurance, policy issuances and administration records and claims adjustment records and claims adjustment records, including HUD Form 1650 and FEMA Form 81–16, applications for emergency and regular flood insurances; FEMA Form 81–18, endorsements; FEMA Form 81–23, renewal applications; FEMA Form 81–17, cancellation notices; policy questionnaires; FEMA Forms 81–40, 81–41, 81–41a, 81–42, and 81–43, notice of loss; FEMA Form 81–42, proof of loss; FEMA Form 81–44, Statement as to full cost of repair or replacement under the replacement cost coverage, subject to the terms and conditions of the Standard Flood Insurance Policy; FEMA Form 81–45, Adjuster's Short Form Report; FEMA Form 81–57, National Flood Insurance Program Preliminary Report; and FEMA Form 81–58, National Flood Insurance Program Final Report. This system contains the taxpayer's

identification number (which may be the social security number).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973, 42 U.S.C. 4001, et seq., 5 U.S.C. 301, Reorganization Plan No. 3 of 1978, and E.O. 12137.

PURPOSES(S):

For the purpose of carrying out the National Flood Insurance Program and verifying nonduplication of benefits.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To property loss reporting bureaus, State insurance departments, and insurance companies investigating fraud or potential fraud in connection with claims, subject to the approval of the Office of Inspector General, FEMA; to insurance agents, brokers, adjusters, and lending institutions for carrying out the purposes of the National Flood Insurance Program; to Small Business Administration, the American Red Cross, the Farmers Home Administration, State and local government individual and family grant and assistance agencies, including but not limited to the State of Ohio Disaster Services Agency and the Johnstown, Pennsylvania Redevelopment Authority for determining eligibility for benefits and for verification of nonduplication of benefits following a flooding event or disaster; to Write-Your-Own companies as authorized in 44 CFR 62.63 to avoid duplication of benefits following a flooding event or disaster and for carrying out the purposes of the National Flood Insurance Program; to State and local government individual and family grant agencies so as to permit such agencies to assess the degree of financial burdens toward residents such as States and local government might reasonably expect to assume in the event of a flooding disaster, and to further the flood insurance marketing activities of the National Flood Insurance Program; to State and local government individual and family grant and assistance agencies which furnish to the Federal Insurance Administration the names and addresses of policyholders for purposes consistent with the relocation projects of the Federal Insurance Administration and acquisition projects under the National Flood Insurance Program carried out pursuant to section 1362 of the National Flood Insurance Act of 1968, as amended, and to State and local government agencies who provides the names and addresses of policyholders and a brief general description of their plan for acquiring and relocating their flood prone properties for review by the Federal Insurance Administrator to ensure that their State and/or local government agency is engaged in flood plain management improved real property acquisitions and relocation projects consistent with the National Flood Insurance Program; and, upon the approval by the Federal Insurance Administrator, that the use is in furtherance of the flood plain management and hazard mitigation goals of the Agency; to State and local government agencies and municipalities to review National Flood Insurance Program policy and claim files to assist them in hazard mitigation and flood plain management activities and in monitoring compliance with the flood plain management measures duly adopted by the community; the property address, flood zone identifier, date of policy issue, and value of policy, solely for the purpose of geocoding the flood insurance policy addresses, may be released to private companies engaged in or planning to engage in activities to market or assist in marketing the sale of flood insurance policies under the National Flood Insurance Program.

Routine uses may include Nos. 1, 5, 6, and 8 of Appendix A.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape/disc/drum and paper files.

RETRIEVABILITY:

By name of the policyholders and policy number.

SAFEGUARDS:

Personnel screening, hardware and software computer security measures; paper records are maintained in locked containers and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Policy records are kept as long as insurance is desired and premiums paid, and for an appropriate time thereafter and claim records are kept for 6 years and 3 months after final action, unless litigation exists. Disposition of records shall be in accordance with FEMA Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Federal Insurance Administrator, Federal Emergency Management Agency, Washington, DC 20472.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about themselves should contact the system manager identified above. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Requests should include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individuals should be able to provide some acceptable identification, that is, driver license, employing organization's identification card, or other identification card.

RECORD ACCESS PROCEDURE:

Same as Notification procedures above.

CONTESTING RECORD PROCEDURES:

Same as Notification procedures above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

RECORD SOURCE CATEGORIES:

Individuals who apply for flood insurance under the National Flood Insurance Program and individuals who are insured under the program.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/GC-1

SYSTEM NAME:

Claims (litigation).

SECURITY CLASSIFICATION:

Limited Access. Certain records or information in this system may be provided security safeguards equivalent to the protection of Top Secret classified information.

SYSTEM LOCATION:

Office of General Counsel, Federal Emergency Management Agency, Washington, DC 20472.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual, whether a FEMA employee or non-FEMA employee, who asserts a remedy from FEMA for some alleged injury to said individual or property.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain claims, complaints or documents or any of these means by which an individual asserts a remedy from FEMA for some alleged injury to said individual or property; the data and documents submitted in support of the claims; the data and documents obtained in making a decision or determination on such claims, including any appeals and any other relevant materials; including litigation file if such develops.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3101; 31 U.S.C. 240 et seq.; E.O. 12127; E.O. 12148; Reorganization Plan No. 3 of 1978; 28 U.S.C. 2671 et seq.; and any specific authority depending on the nature of the claim.

PURPOSE(S):

For the purpose of processing claims and determining the validity of the claim.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To those former FEMA employees, former servicing company employees, contractors, subcontractors, or any expert whose opinion is sought in connection with the processing, investigation, approval or denial of any claim(s) or in the prosecution or defense of litigation or preparation for litigation before a Court or a proceeding before an adjudicative body before which FEMA is authorized to appear; to other investigative or similar authorities responsible for investigating or making recommendations on complaints or claims, whether or not a part of FEMA or some other agency; to decisionmaking authorities outside of FEMA when required by law, regulation or order; to the Department of Justice, private attorney(s) handling or considering handling a ratified subrogation action or one that may be ratified, and/or a Court or adjudicative body in the event a proceeding before it involves (a) The Federal Emergency Management Agency (FEMA), any component of FEMA, or any employee of FEMA in his or her official capacity; (b) any employee of FEMA in his or her individual capacity where the Department of Justice has agreed to represent such employee; (c) the United States where FEMA determines that the claim, if successful, is likely to affect it, its operations, or any of its components; or (d) an insured or former insured of FEMA or any of the programs which FEMA administers. FEMA may disclose such records as it deems relevant or necessary to the Department of Justice, private attorney(s) handling or considering handling a ratified subrogation action or one that may be ratified, and/or a Court or adjudicative body when it has determined that any of the above-referenced has an interest in the litigation or the proceeding and such records are determined by FEMA to be arguably relevant thereto and such disclosure is compatible with the purpose for which the records were collected.

Additional routine uses may include Nos. 2, 3, 5, 6 and 8 of Appendix A.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders

RETRIEVABILITY:

Filed alphabetically by name within general subject matter files.

SAFEGUARDS:

Paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained. To the extent that this system includes records or information which is classified under an existing Executive Order, such records or information would be provided security safeguards equivalent to the protection of Top Secret classified information and access would only be provided on a verified need-to-know basis.

RETENTION AND DISPOSAL:

Files are retained for 6 years and 3 months after final decision and then destroyed. Disposition of records shall be in accordance with FEMA Records Management and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Federal Emergency Management Agency, Washington, DC 20472.

NOTIFICATION PROCEDURE:

When litigation occurs, information from other systems of records may be incorporated into the case file. In certain instances, the incorporated information may be material which the Privacy Act, at 5 U.S.C. 552a(k) (1), (2), and (5), permits an agency to exempt from certain provisions of the Act. To the extent that such exempt material is incorporated into the litigation file, the Director, Federal Emergency Management Agency, has determined that the material as it appears in this system should be exempted from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I) and (f), of the Privacy Act, 5 U.S.C. 552a, pursuant to 5 U.S.C. 552a(k)(2) and from subsections (c)(3) and (d) pursuant to 5 U.S.C. 552a(k) (1) and (5). To the extent that this system of records is not subject to exemption, it is subject to notification, access and contesting procedures. A determination as to the applicability of an exemption as to a specific record shall be made at the time a request for notification, access, or contesting is received. Inquiries should be addressed to the system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

RECORDS ACCESS PROCEDURES:

Same as notification procedure above.

CONTESTING RECORDS PROCEDURE:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

RECORD SOURCE CATEGORIES:

Claim or similar documents with supporting evidence submitted by claimant; Government employees; members of the public and witnesses and informants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

When litigation occurs, information from other systems of records may be incorporated into the case file. In certain instances, the incorporated information may be material which the Privacy Act, at 5 U.S.C. 552a(k)(l), (2), and (5), permits an agency to exempt from certain provisions of the Act. To the extent that such exempt material is incorporated into the litigation file, the Director, Federal Emergency Management Agency, has determined that the material as it appears in this system should be exempted from subsections (c)(3), (d), (e)(l), (e)(4)(G), (H), (I) and (f), of the Privacy Act, 5 U.S.C. 552a, pursuant to 5 U.S.C 552a(k)(2) and from subsections (c)(3) and (d) pursuant to 5 U.S.C. 552a(k)(l) and (5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in 44 CFR 6.87. The Office of General Counsel, pursuant to 5 U.S.C. 552a(d)(5), reserves the right to refuse access to information compiled in reasonable anticipation of a civil action proceeding.

FEMA/GC-2

SYSTEM NAME:

FEMA Enforcement (Compliance).

SECURITY CLASSIFICATION:

Limited Access. Certain records or information in this system may be provided security safeguards equivalent to the protection of Top Secret classified information.

SYSTEM LOCATION:

Office of General Counsel, Federal Emergency Management Agency, Washington, DC 20472.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual, whether a FEMA employee or non-FEMA employee, alleged of violation of or noncompliance with some law or regulatory matter, including FEMA directives, instructions, or particular programs administered by FEMA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain all allegations, reports, documents or similar items of information which allege that an individual, either acting in his/her official capacity or as a private citizen, has violated or is noncompliance with some law or regulatory matter, including FEMA directives, instructions, and programs administered by FEMA, or misuse of Federal funds. The file may also include investigative reports or documents furnished by FEMA or any other agency charged with investigative responsibilities and any type of information submitted either by the subject individual or informants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3101; E.O. 12127; E.O. 12148; Reorganization Plan No. 3 of 1978; and any specific authority depending on the nature of the claim.

PURPOSE(S)

For the purpose of determining whether an allegation is substantiated and what action should be taken against the individual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To other agencies charged with investigative responsibilities and enforcement actions of any nature including prosecution for violations of criminal laws; to employers, whether Federal, State or local agencies, whose employee is involved; to State and local investigative authorities; to those former FEMA employees, former servicing company employees, contractors, subcontractors, or any expert whose opinion is sought in connection with the processing, investigation, approval or denial of any claim(s) or in the prosecution or defense of litigation or preparation for litigation before a Court or a proceeding before an adjudicative body before which FEMA is authorized to appear; to other investigative or similar authorities responsible for investigating or making recommendations on complaints or claims, whether or not a part of FEMA or some other agency; to decisionmaking authorities outside of FEMA when required by law, regulation or order; to the Department of Justice, private attorney(s) handling or considering handling a ratified subrogation action or one that may be ratified, and/or a Court or adjudicative body in the event a proceeding before it involves (a) The Federal Emergency Management Agency (FEMA), any component of FEMA, or any empolyee of FEMA in his or her offical capacity; (b) any employee of FEMA in his or her individual capacity where the Department of Justice has agreed to represent such employee; (c) the United States where FEMA determines that the claim, if successful, is likely to affect it, its operations, or any of its components; or (d) an insured or former insured of FEMA or any of the programs which FEMA administers. FEMA may disclose such records as it deems relevant or necessary to the Department of Justice, private attorney(s) handling or considering handling a ratified subrogation action or one that may be ratified, and/or a Court or adjudicative body when it has determined that any of the above-referenced has an interest in the litigation or the proceeding and such records are determined by FEMA to be arguably relevant thereto and such disclosure is compatible with the purpose for which the records were collected.

Additional routing uses may include Nos. 1, 2, 3, 4, 5, 6 and 8 of Appendix A.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552(b)(12): Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders.

RETRIEVABILITY:

Filed alphabetically by name within general subject matter files.

SAFEGUARDS:

Paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained. To the extent that this system includes records or information which is classified under an existing Executive Order, such records or information would be provided security safeguards equivalent to the protection of Top Secret classified information and access would only be provided on a verified need-to-know basis.

RETENTION AND DISPOSAL:

(a) For FEMA employees—files are retained until separation of employee plus one year, whichever is longer, then destroyed if no longer needed; (b) for non-FEMA employees—files are retained for 6 years and 3 months after final decision, then destroyed if no longer needed. Disposition of records shall be in accordance with FEMA Records Management and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Federal Emergency Management Agency, Washington, DC 20472.

NOTIFICATION PROCEDURE:

When litigation occurs, information from other systems of records may be incorporated into the case file. In certain instances, the incorporated information may be material which the Privacy Act, at 5 U.S.C. 552a(k)(1), (2), and (5), permits an agency to exempt from certain provisions of the Act. To the extent that such exempt material is incorporated into the litigation file, the Director, Federal Emergency Management Agency, has determined that the material as it appears in this system should be exempted from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I) and (f), of the Privacy Act, 5 U.S.C. 552a, pursuant to 5 U.S.C. 552a(k)(2) and from subsections (c)(3) and (d) pursuant to 5 U.S.C. 552a(k)(1), and (5). To the extent that this system of records is not subject to exemption, it is subject to notification, access and contesting procedures. A determination as to the applicability of an exemption as to a specific record shall be made at the time a request for notification, access, or contesting is received. Inquiries should be addressed to the system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

RECORD ACCESS PROCEDURE:

Same as notification procedure above.

CONTESTING RECORDS PROCEDURE:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

RECORD SOURCE CATEGORIES:

Officials or employees charged with responsibility for enforcement action. Other sources include subject individual, informants or other persons knowledgeable of the matter, and organizational or individual records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

When litigation occurs, information from other systems of records may be incorporated into the case file. In certain instances, the incorporated information may be material which the Privacy Act, at 5 U.S.C. 552a(k)(1), (2), and (5), permits an agency to exempt from certain provisions of the Act. To the extent that such exempt material is incorporated into the litigation file, the Director, Federal Emergency Management Agency, has determined that the material as it appears in this system should be exempted from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I) and (f), of the Privacy Act, 5 U.S.C. 552a, pursuant to 5 U.S.C. 552a(k)(2) and from subsections (c)(3) and (d) pursuant to 5 U.S.C. 552a(k) (1) and (5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in 44 CFR 6.87. The Office of General Counsel, pursuant to 5 U.S.C. 552a(d)(5), reserves the right to refuse access to information compiled in reasonable anticipation of a civil action proceeding.

FEMA/IG-1

SYSTEM NAME:

General Investigative Files.

SECURITY CLASSIFICATION:

Limited Access. Certain records or information in this system may be provided security safeguards equivalent to the protection of Top Secret classified information.

SYSTEM LOCATION:

Office of Inspector General, Federal Emergency Management Agency, Washington, DC 20472.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual suspected of violating any criminal, civil, regulatory, licensing, or other enforcement laws, whether Federal, State, local or foreign.

CATEGORIES OF RECORDS IN THE SYSTEM:

The subject records may contain any identifying or other relevant information on subject individuals which might relate to possible violations of criminal, civil, regulatory, licensing, or other enforcement laws, whether Federal, State, local or foreign.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 12127; E.O. 12148; Reorganization Plan No. 3 of 1978.

PURPOSE(S):

For the purpose of preventing and detecting fraud abuse, conducting and supervising audits and investigations relating to programs and operations, informing the Head of the establishment about problems and deficiencies relating to programs and administration and suggesting corrective action.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(a) In the event this system of records includes information which indicates a violation or potential violation of law, whether criminal, civil or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the systems of records may be referred to the appropriate agency, whether Federal, State, local or foreign, charged with responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statue, rule, regulation or order issued thereto; (b) to possible sources of information in connection with civil or criminal investigations or inquiries under circumstances where it is necessary to disclose certain information in order to pose a question to the sources; (c) a record which is contained in this system and derived from another FEMA system of records may be disclosed as a routine use as specified in the **Federal Register** notice of the system of records from which the record is derived; (d) to State Insurance Departments and insurance companies and/or their agents investigating fraud or potential fraud in connection with burglary, robbery of flood claims.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders and index cards.

RETRIEVABILITY:

By name and file number.

SAFEGUARDS:

Paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained. To the extent that this system includes records or information which is classified under an existing Executive Order, such records or information would be provided security safeguards equivalent to the protection of Top Secret classified information and access would only be provided on a verified need-to-know basis.

RETENTION AND DISPOSAL:

Records are covered by General Records Schedule 25. Investigative files containing information or allegations

which are of an investigative nature but do not relate to a specific investigation are destroyed when 5 years old. All other investigative case files are placed in inactive file when case is closed. Cut off inactive file at end of fiscal year. Destroy 10 years after cutoff date. Index references to investigative files are destroyed when superseded or obsolete. Disposition of records shall be in accordance with FEMA Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General, Federal Emergency Management Agency, Washington, DC 20472.

NOTIFICATION PROCEDURE:

During an investigation, information from other systems of records may be incorporated into the case file. In certain instances, the incorporated information may be material which the Privacy Act, at 5 U.S.C. 552a(j)(2), (k)(1), (2), and (5), permits an agency to exempt from certain provisions of the Act. To the extent that such exempt material is incorporated into the investigative file, the Director, Federal Emergency Management Agency, has determined that the material as it appears in this system should be exempted from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I) and (f), of the Privacy Act, 5 U.S.C. 552a, pursuant to 5 U.S.C. 552a(j)(2) and (k)(2), and from subsections (c)(3) and (d) pursuant to 5 U.S.C. 552a(k)(1) and (5). To the extent that this system of records is not subject to exemption, it is subject to notification, access and contesting procedures. A determination as to the applicability of an exemption as to a specific record shall be made at the time a request for notification, access, or contesting is received. Inquiries should be addressed to the system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

RECORDS ACCESS PROCEDURES:

Same as notification procedure above.

CONTESTING RECORDS PROCEDURE:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6. Record source categories: (1) Federal, State, local or foreign government agencies concerned with the administration of criminal justice and non-law enforcement agencies both public and private; (2) Members of the public; (3) Government employees; (4) Published material; (5) Witnesses and informants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

During an investigation, information from other systems of records may be incorporated into the case file. In certain instances, the incorporated information may be material which the Privacy Act, at 5 U.S.C. 552a(j)(2), (k)(1), (2), and (5), permits an agency to exempt from certain provisions of the Act. To the extent that such exempt material is incorporated into the investigative file, the Director, Federal Emergency Management Agency, has determined that the material as it appears in this system should be exempted from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I) and (f), of the Privacy Act, 5 U.S.C. 552a, pursuant to 5 U.S.C. 552a(j)(2) and (k)(2), and from subsections (c)(3) and (d) pursuant to 5 U.S.C. 552a(k)(1) and (5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in 44 CFR 6.87.

FEMA/NETC-1

SYSTEM NAME:

Student Application and Registration Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

National Emergency Training Center, Federal Emergency Management Agency, Emmitsburg, Maryland 21727.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who apply for and complete resident and field emergency management training conducted under the auspices of the National Emergency Training Center. This system includes individuals who apply for and complete courses for the National Fire Academy and Emergency Management Institute.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files include student application form, FEMA Form 75–5, containing name, address, educational level, social security number, ethnic/racial origin, pre-requisite courses taken and where, emergency organization and program affiliation, position title and length of service, employer, business and residence telephone numbers, date and location of course; individual training records; Career Development Individual files; MOBDES training files; Career Development directory; Student Expense files, completed student stipend reimbursement forms; State recommendations, attendance and progress reports, and related academic documents. The records for National Fire Academy may also include next of kin (in case of emergency) and medical information in case of student injury or illness.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 93–498, Federal Fire Prevention and Control Act of 1974, 15 U.S.C. 2206; 44 U.S.C. 3101; 50 U.S.C. App. 2253, 2281; 5 U.S.C. 301; E.O. 12127; E.O. 12148; and Reorganization Plan No. 3 of 1978.

PURPOSE(S):

For the purpose of determining eligibility and effectiveness of National Emergency Training Center courses; to maintain necessary student records; to supply students with information of courses, credits and grades (if any), to supply National Emergency Training Center Registrar with record of student enrollment in National Emergency Training Center courses by geographical location to determine who has or has not been trained, to assess use of course material in the field, and to assess the impact of course material on the community.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 168a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF AND THE PURPOSES OF SUCH USES:

To State and local jurisdictions to maintain up-to-date statistics of National Emergency Training Center graduates completing courses within their respective jurisdiction. Information relating to participation of courses in the National Fire Academy may be disclosed to Members of the Board of Visitors for the purpose of evaluating the participants of courses.

Additional routine uses may include Nos. 2, 3, 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files, microfilm, and computerized records.

RETRIEVABILITY:

Individual records are filed alphabetically by name of the individual and/or social number; academic records are filed chronologically by course title; and travel authorizations and vouchers are filed by fiscal year and course.

SAFEGUARDS:

Personnel screening, hardware and software computer security measures. Paper records are retained in a locked container and/or room. All records are maintained in areas that are secured by building security personnel during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are considered permanent. Course folders are retained in active file until course is completed, held 20 years in inactive file and subsequently transferred to Records Center, destroyed after 40 years. Student stipend reimbursement files are covered by General Records Schedule 9 and destroyed when 3 years old. Disposition of records not covered in this section shall be in accordance with the FEMA Records Maintenace and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Training and Fire Programs Directorate, Federal Emergency Training Center, National Emergency Management Training Center, 16825 South Seton Avenue, Emmitsburg, Maryland 21727. Notification procedure: Inquiries should be addressed to the system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORDS ACCESS PROCEDURES:

Same as notification procedure above.

CONTESTING RECORDS PROCEDURE:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

RECORD SOURCE CATEGORIES:

Directly from the individual's application and academic records, educational institutions, applicant's employer, and instructors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/NETC-1

SYSTEM NAME:

Student Application and Registration Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

National Emergency Management Agency, Federal Emergency Management Agency, Emmitsburg, Maryland 21727.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who apply for and complete resident and field emergency management training conducted under the auspicies of the National Emergency Training Center. This system includes individuals who apply for and complete courses for the National Fire Academy and Emergency Management Institute.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files include student application form, FEMA Form 75–5, containing name, address, educational level, social security number, ethnic/racial origin, emergency management courses taken and where, emergency management organization and program affiliation, emergency management title, emergency management telephone number and length of emergency management service, employer, business title and business telephone number, student travel authorization and voucher for partial expense and date and location of course; individual training records; individual and business file for National Emergency Training Center Catalogs, Information Bulletins, etc.; Career Development Individual files; photographs with identification; MOBDES training files; Career Development directory; Student Expense files, completed Grant-in-aid forms; State recommendations, attendance and progress reports, student locators, and related academic documents. The records for National Fire Academy may also include next of kin (in case of emergency) and medical information in case of student injury or illness.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 93–498, Federal Fire Prevention and Control Act of 1974; 15 U.S.C. 2206; 44 U.S.C. 3101; 50 U.S.C. App. 2253, 2281; 5 U.S.C. 301; E.O. 12127; E.O. 12148; and Reorganization Plan No. 3 of 1978.

PURPOSE(S):

For these purpose of determining eligibility and effectiveness of National Emergency Training Center courses; to maintain necessary student records; to supply students with information of courses, credits and grades (if any); to supply Academy Registrar with record of student enrollment in National Emergency Training Center courses by geographical location to determine who has or has not been trained in emergency management course; to assess use of course material in the field; and to assess the impact of course material on the community.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF AND THE PURPOSES OF SUCH USES:

To State and local jurisdictions to maintain up-to-date statistics of National Emergency Training Center graduates completing courses within their respective jurisdictions. Information relating to participation of courses in the National Fire Academy may be disclosed to Members of the Board of Visitors for the purpose of advisory at the State and to evaluate the participants evaluation of courses. Additional routine uses may include Nos. 2, 3, 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files, 3 x 5 index cards, microfilm, and computerized records.

RETRIEVABILITY:

3 x 5 locator cards are filed alphabetically by name of the individual and/or social number; academic records are filed chronologically by course title;

and travel authorizations and vouchers are filed by fiscal year and State.

SAFEGUARDS:

Personnel screening, hardware and software computer security measures. Paper records are retained in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Training records are considered permanent. Course folders are retained in active file until course is completed, held 20 years in inactive file and subsequently transferred to Records Center, destroyed after 40 years. Paper records relating to National Fire Academy are retained for 1 year and then transferred to microfilm for permanent retention. Passenger reimbursement files are covered by General Records Schedule 9 and destroyed when 3 years old. Grant-in-aid forms are covered by General Records Schedule 3 and are destroyed when superseded or obsolete. Disposition of records not covered in this section shall be in accordance with the FEMA Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Training and Fire Programs Directorate, Federal Emergency Management Agency, National Emergency Management Training Center, 16825 South Seton Avenue, Emmittsburg, Maryland 21727.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as notification procedure above.

CONTESTING RECORD PROCEDURES:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

RECORD SOURCE CATEGORIES:

Directly from the individual's application and academic records, educational institutions, applicant's employer, and instructors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/NETC-2

SYSTEM NAME:

Emergency Management Training Program Home Study Courses.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

National Emergency Training Center, Federal Emergency Management Agency, Emmittsburg, Maryland 21727. Answer sheets are provided to FEMA's Computer Center to establish a printout of name, address, student number, numerical grade for each course unit, date of completion of each course unit and final grade and date of course completion. The computer printouts are maintained by each Regional office, addresses are listed in Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any citizen who desires to further his/her knowledge of emergency management in general basic concepts of radiological emergency management and/or the duties of a local emergency program manager is eligible for these home study courses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files include FEMA Form 75–5, student application form; group enrollment forms; group completion forms; key punch cards and related computer printout indicating home study entry, progress, grades and completion, correspondence and related academic records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3101; 50 U.S.C. App. 2253, 2281; E.O. 12127; E.O. 12148; and Reorganization Plan No. 3 of 1978.

PURPOSE(S):

For the purpose of providing home study courses to citizens who cannot attend regular classroom courses and to certify applicants who successfully complete the courses.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF AND THE PURPOSES OF SUCH USES:

Answer sheets and/or computer printouts are disclosed to the FEMA contractor to enter applicant into home study program, to release home study program materials to applicants, and to forward certificates to applicants who successfully complete a course; FEMA Regional offices disclose monthly printouts of home study progress and completion to State Emergency Management Offices to schedule more advanced training for students within their jurisdiction who have completed basic emergency management instruction through home study courses. Additional routine uses may include Nos. 2, 3, 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files, key punch cards and computer magnetic tapes or disks.

RETRIEVABILITY:

By name and address of Student Number.

SAFEGUARDS:

Personnel screening, hardware and software computer security measures. Paper records are retained in a locked container and/or room. All records are maintained in areas that are secured by building security personnel during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

All home study records at National Emergency Training Center are covered by General Records Schedule 1 and destroyed 5 years after completion of the courses. The computer printouts are destroyed when obsolete, superseded or no longer necessary. Disposition of records shall be in accordance with FEMA Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Training and Fire Programs Directorate, Federal Emergency Management Agency, National Emergency Training Center, 16825 South Seton Avenue, Emmitsburg, Maryland 21727.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter.

Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORDS ACCESS PROCEDURES:

Same as notification procedure above.

CONTESTING RECORDS PROCEDURE:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

RECORD SOURCE CATEGORIES:

Application forms completed and submitted by applicants for FEMA Home Studies courses.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/NET-3

SYSTEM NAME:

President's and Director's Award Nominees.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

National Emergency Training Center, Federal Emergency Management Agency, Emmitsburg, Maryland 21727.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals nominated to receive the President's Award for Outstanding Public Safety Service and individuals nominated to receive the Director's Award for Distinguished Public Safety Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and address of the candidate, his/her position and title, whether the nomination is for the President's or Director's Award, the public agency served, the locale where the candidate performs his/her duties, the name of the nominating official, a summary description of the outstanding contribution, distinguished service or extraordinary valor of the nominee, and the relevant duties relating thereto, and copies of any published factual accounts of the nominee's accomplishments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 2214; E.O. 12127; E.O. 12148; and Reorganization Plan No. 3 of 1978.

PURPOSE(S):

For the purpose of selecting individuals who have been nominated to receive the President's Award for Outstanding Public Safety Service and the Director's Award for Distinguished Public Safety Service.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF AND THE PURPOSES OF SUCH USES:

(a) President's Award Nominees—Information about individuals nominated for the President's Award is provided to selected members of the public safety community, including but not limited to, fire safety and protection organizations, state fire marshals and firefighters, civil defense officers, and law enforcement, corrections or court officers in connection with the evaluation and selection of recipients. Information is also provided to the Department of Justice, and the Executive Office of the President; (b) Director's Award Nominees—Information is provided to selected members of the fire service and civil defense community, including but not limited to, fire safety and protection organizations, state fire marshals, firefighers and civil defense officials in connection with the evaluation and selection of recipients. When it appears that a nonminee's accomplishments are in the area of law enforcement, nominations may be sent to the Department of Justice.

Additional routine uses may include Nos. 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed by file number and cross-referenced alphabetically by nominee's name.

SAFEGUARDS:

Paper records are retained in a locked container and/or room. All records are maintained in areas that are secured by building security personnel during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are covered by General Records Schedule and are considered permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Training and Fire Programs Directorate, Federal Emergency Management Agency, National Emergency Training Center, 16825 South Seton Avenue, Emmitsburg, Maryland 21727.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly market, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORDS ACCESS PROCEDURES:

Same as notification procedure above.

CONTESTING RECORDS PROCEDURE:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

RECORD SOURCE CATEGORIES:

Heads of Federal government departments and agencies, governors of states or territories, or chief executives of any general governmental unit within any state or territory.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/NETC-4

SYSTEM NAME:

Records of Alleged Misconduct of Students Attending Training Courses at the National Emergency Training Center.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

National Emergency Training Center, Federal Emergency Management Agency, Emmitsburg, Maryland 21727.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students attending training courses at the National Emergency Training Center who have been charged with alleged misconduct or found guilty of misconduct.

CATEGORIES OF RECORDS IN THE SYSTEM:

File may include statements from the student charged with alleged misconduct and witnesses; Security reports from Security personnel assigned to the National Emergency Training Center; police reports describing the alleged incident; a copy of student application records, FEMA Form 75–5, which contains the name, address, educational level, social security number, pre-requisite courses taken and where, organization and program affiliation, position title and length of service, business and residence telephone numbers, date, course title and location; student stipend reimbursement files; State recommendations; and attendance and progress reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3101 50 U.S.C. App. 2253, 2281; E.O. 12127; E.O. 12148; and Reorganization Plan No. 3 of 1978.

PURPOSE(S):

For the purpose of evaluating the alleged misconduct to make an administrative decision as to whether the action warrants dismissal from participation in the training course at the National Emergency Training Center. Upon admission to the National Emergency Training Center, students are apprised that if they are sent home as a result of misconduct, they may not attent future sessions for one (1) fiscal year following the current fiscal year in which the incident occurred.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF AND THE PURPOSES OF SUCH USES:

A letter notifying the student's employer of the student's dismissal for reasons of misconduct is sent by the National Emergency Training Center. Upon written request by the student's employer, information from and/or copies of the statements from the student sent home as a result of misconduct and witnesses, police reports, and security reports from security personnel assigned to the National Emergency Training Center may be made available to the student's employer for the purpose of determining if disciplinary action is appropriate by the student's employing organization.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By name or social security number.

SAFEGUARDS:

Paper records are retained in a locked container and/or room. All records are maintained in areas that are secured by building security personnel during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are retained for one fiscal year following the current fiscal year in which the incident occurred. Disposition of records shall be in accordance with FEMA Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Training and Fire Programs Directorate, Federal Emergency Management Agency, National Emergency Training Center, 16825 South Seton Avenue, Emmitsburg, Maryland 21727.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORDS ACCESS PROCEDURES:

Same as notification procedure above.

CONTESTING RECORDS PROCEDURE:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

RECORD SOURCE CATEGORIES:

Directly from the students, witnesses, State and local police departments, and derived from student application and academic records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/NPP–1

SYSTEM NAME:

Resources Interruption Monitoring System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

National Preparedness Programs Directorate, Federal Emergency Management Agency, Washington, DC 20472.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals reporting or commenting on resource shortages during national emergencies-private citizens; industry experts; business, labor and government leaders.

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes name, address, telephone number, statements about resource problems, and other related information necessary to monitor resource interruptions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 12148, July 20, 1979.

PURPOSE(S):

For the purpose of assessing the status of resources (supply shortage or problems of maldistribution) which poses a threat to the health and welfare of communities or to the economy or security of the Nation when normal market mechanisms appear inadequate. Agency analysts summarize reports for comparison to economic norms or for highlighting problems in an industry or in a geographic area. In-house agency use is also made of the computerized communication and conferencing components of the system for the purpose of carrying on conferences and discussions, and for transmitting other related communications among the offices of FEMA.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Individual applications for assistance may be referred for response to another agency with emergency responsibilities; Information may be provided to Federal, State and local officials with emergency responsibilities and to selected industries for purposes of coordinating actions taken to alleviate the crisis situation; to news media. Additional routine uses may include Nos. 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Mag-tape, drum, disc and paper.

RETRIEVABILITY:

By name, problem resource, geographic area and phrase in text.

SAFEGUARDS:

Personnel screening hardware and software computer security measures; paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Retention of records shall be for duration of resource problem. Disposition of records shall be in accordance with the FEMA Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, National Preparedness Programs Directorate, Federal Emergency Management Agency, Washington, DC 20472.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORDS ACCESS PROCEDURE:

Same as notification procedure above.

CONTESTING RECORDS PROCEDURE:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

RECORD SOURCE CATEGORIES:

Individual applications for assistance in locating alternate supplies; news media reports; notification by individual correspondence or phone from Congress, by original staff reports or reports from other agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/NPP-2

SYSTEM NAME:

Scientific and Technical Information System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

The system will be developed by a contractor and maintained either at the contractor's site or by the National Preparedness Programs Directorate, Federal Emergency Management Agency, Washington, DC 20472

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have agreed to contribute their expertise in emergency management areas and who have agreed to be included in the automated system and directory.

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes name, organization, title and area of expertise and business telephone number and address.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 201 and 401 of the Federal Civil Defense Act of 1950, as amended; 50 U.S.C. App. 2251 et seq.; Reorganization Plan No. 3 of 1978, 3 CFR 1978 Comp., p. 329 and E.O. 12148 of July 20, 1979, 3 CFR 1979 Comp., p. 412.

PURPOSE(S):

For the purpose of identifying individuals and organizations who have expertise, knowledge, and experience in emergency management to help respond to a wide range of emergencies, such as providing consultation and guidance to Federal, State and local officials in emergency situations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from both the computerized system and the directory will be provided to anyone who has a need for identification of particular individuals or organizations which possess the emergency management expertise for responding to a given emergency situation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in a computer processible storage media and a directory.

RETRIEVABILITY:

By name, subject expertise, or geographic location.

SAFEGUARDS:

Personnel screening hardware and software computer security measures; paper records in locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

The computerized system and directory will be updated periodically to keep the information current. As the information becomes obsolete or an individual desires to be dropped from the program, such information will be deleted from the computerized system and not included in the next edition of the directory.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, National Preparedness Programs Directorate, Federal Emergency Management Agency, Washington, DC 20472.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORDS ACCESS PROCEDURES:

Same as notification procedure above.

CONTESTING RECORDS PROCEDURE:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

RECORD SOURCE CATEGORIES:

Directly from the individuals and organizations identified by the contractor who would be willing to contribute emergency management expertise to Federal, State, and local officials for responding to a wide range of emergency situations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/OC-1

SYSTEM NAME:

Payroll and leave accounting.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Office of the Comptroller, Federal Emergency Management Agency, Washington, DC 20472, and all FEMA Regional offices, addresses are listed in Appendix AA. Biweekly payroll records are also maintained at classified location and relocation facilities under the FEMA Vital Operating Records Program.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All FEMA employees, headquarters and field, including full-time permanent, part-time, temporary, consultants, and former employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain Treasury Form TDF 10-11. G-6, earnings and leave statements provided directly to employees; net check listing; Form W-4, Federal and State withholding statement; SF-1192, bond applications; bond listing; SR-1199, requests by employees for allotments of pay for credit to savings account with financial institutions; and SF-50, notification of personnel actions. This system includes the taxpayer identification number (social security number).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 112(a) of the Budget and Accounting Procedures Act of 1950; 31 U.S.C. 66(a); 5 U.S.C. 5501, et seq., 5525 et seq., and 6301 et seq.

PURPOSE(S):

For the purpose of administering the pay and leave requirements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in these records may be used: (a) by the Department of Treasury to issue checks and U.S. Savings bonds; (b) by the Department of Labor in connection with a claim filed by an employee for compensation due to a job-connected injury or illness; (c) by state office of unemployment compensation in connection with claims by former Agency employees for unemployment compensation; (d) by Federal Employees' Group Life Insurance or Health Benefits carriers in connection with survivor annuity or health benefits claims or records reconciliations; (e) to provide officials of labor organizations recognized under the Civil Service Reform Act with information as to the identity of Agency employees contributing union dues each pay period and the amount of dues withheld from each contributor; (f) to disclose information to officials of labor organizations recognized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practicies, and matters affecting working conditions; (g) to disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court; (h) to disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding; (i) to disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel, the Federal Labor Relations Authority and its General Counsel, Social Security Administration, or the Equal Employment Opportunity Commission when requested in performance of their authorized duties. Additional routine uses may include any of the uses listed in Appendix A.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The net check listing, bond lists, and notifiction of personnel actions consist of paper records in file folders; information from these forms are keyed into a computer system and transimitted to the Department of Treasury in Washington, DC, for preparing checks and bonds.

RETRIEVABILITY:

Net check listing and bond lists are filed by payroll date; Federal and state withholding statements, bond applications, requests by employees for allotments of pay for credit to savings accounts with financial institutions, and notifications of personnel actions are filed alphabetically by name of individual.

SAFEGUARDS:

Personnel screening, hardware and software computer security measures; paper records are maintained in locked containers and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Individual authorized allotment records are covered by General Records Schedule 2 and are destroyed 3 years after superseded or after transfer or separation of the employee.

Bond registration records are covered by General Records Schedule 2 and are destroyed when 2 years old. Notification of personnel actions are covered by General Records Schedule 1 and are destroyed when 2 years old. Disposition of records not covered in this section shall be in accordance with National Archives General Records Schedules or FEMA Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller, Federal Emergency Management Agency, Washington, DC 20472; all Regional Directors of FEMA, addresses as listed in Appendix AA.

NOTIFICATION PROCEDURES:

Individuals wishing to inquire whether this system of records contains information about themselves should contact the system manager identified above. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Requests should include full name of the individual, some type of appropriate personal identification, and current address.

For personal visists, the individuals should be able to provide some acceptable identification, that is, driver's license, employing organization's identification card, or other identification card.

RECORD ACCESS PROCEDURES:

Same as Notification procedures above.

CONTESTING RECORD PROCEDURES:

Same as Notification procedures above. The letter should state clearly and concisely what information is being

contested the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulated in 44 CFR Part 6.

RECORD SOURCE CATEGORIES:

Treasury Form TDF 10–11.G–6, Earnings and Leave Statements; Net Check listings; Form W–4, Federal and State Withholding Statements; SF–1192, Bond Application; SF–1199, Direct Deposit Sign-up form is submitted by the individual to the Department of the Treasury in Washington, DC through FEMA payroll offices; and SF–50, Notification of Personnel Action.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/OC–2

SYSTEM NAME:

Travel and Transportation Accounting.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Office of the Comptroller, Federal Emergency Management Agency, Washington, DC 20472, and all FEMA Regional Offices, addresses ar listed in Appendix AA. Bi-weekly payroll records are also maintained at classified location and relocation facilities under FEMA Vital Operating Records Program.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All FEMA employees, headquarters and field, including full-time permanent, part-time, temporary, consultants, and former employees who perform (temporary duty or permanent change of duty station) travel.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains FEMA Form 60–2, requests and authorizations for travel; SF–1169, U.S. Government transportation requests; SF–1038, requests for advances of funds; payment records of outstanding travel advances; SF–1012F (PAID) Travel vouchers; SF–1170, Redemption of Unused tickets and related records of unused tickets; travel history records; collection vouchers for refunds of advances; and correspndence relating to travel claims. This system includes the taxpayer identification number (social security number).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5701; 30 U.S.C. 52; 31 U.S.C. 65; 31 U.S.C. 71; 41 U.S.C. 3101; 50 U.S.C. App. 2253.

PURPOSE(S):

For the purpose of administering travel requirements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To finance and administration personnel for the purpose of recording and controlling obligations involving travel, and the storage and shipment of household goods, advances, refunds and expenditures of travel funds; to prevent errors leading to improper payments; to detect and recover overpayments; and to support billings to carriers for travel and transportation furnished.

Additional routine uses may include any of the uses listed in Appendix A.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and computerized records.

RETRIEVABILITY:

Travel authorizations are filed alphabetically by transportation requests; records of unused tickets are filed by TR number; records of outstanding advances and travel history records are filed alphabetically by individual; and all advance, refund and payment records are filed by payment date in schedule number sequence.

SAFEGUARDS:

Personnel screening, hardware and software computer security measures; paper records are maintained in locked containers and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records in this system are covered by General Records Schedule 9. Passenger transportation records are destroyed when 3 years old. Passenger reimbursement records are destroyed when 3 years old. Unused ticket forms are destroyed when no longer needed. General travel and transportation records, as well as accountability records, are destroyed 1 year after all entries are cleared. Disposition of records not covered in this section shall be in accordance with FEMA Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller, Federal Emergency Management Agency, Washington, DC 20472; all Regional Directors of FEMA, addresses as listd in Appendix AA.

NOTIFICATION PROCEDURES:

Individuals wishing to inquire whether this system of records contains information about themselves should contact the system manager identified above. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Requests should include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individuals should be able to provide some acceptable identification, that is, driver's license, employing organization's identification card, or other identification card.

RECORD ACCESS PROCEDURES:

Same as Notification procedures above.

CONTESTING RECORD PROCEDURES:

Same as Notification procedures above. The letter should state clearly and concisely what information is being contested the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

RECORD SOURCE CATEGORIES:

FEMA Form 60–2, Official Travel Authorization; SF–1169, U.S. Government Transportation Request are submitted by authorized officials; SF–1038, Application and Account for Advances of Funds are submitted by employee requiring advances; SF–1012F, (PAID) Travel Vouchers are received from the finance and administration office; SF–1170, Redemption of Unused Tickets are prepared from unused tickets turned in by travelers and the file copy of the related Transportation Request and Travel History Record by individual are perpared from paid vouchers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/OC-3

SYSTEM NAME:

Debt Collection Files.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Primary system is located in the Office of the Comptroller, Federal Emergency Management Agency, Washington, DC 20472. Secondary systems will be maintained by the Debt Collection Officers designated for the following offices: Federal Insurance Administration, National Preparedness Programs, State and Local Programs and Support, Training and Fire Programs, and each FEMA Regional office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are indebted to FEMA.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Debt Collection Officers' file will contain copies of debt collection letters and Optional Form 1114, bill for collection, and correspondence to and from the debtor relating to the debt. The file will include such information as the name and address of the debtors; taxpayer's identification number (which may be the social security number); amount of debt or delinquent amount; basis of debt; date debt arose; office referring debt to the Debt Collection Officer; record of each collection made; credit report or FEMA Form 22-13, financial statement reflecting the net worth of the debtor; date by which debt must be referred to the Agency Collections Officer for further collection action; citation or basis on which debt was terminated or compromised; and the appropriation number under which the Accounts/Notes Receivable was established.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 3701 et seq., Debt Collection Act of 1982 (Pub. L. 97-365, 96 Stat. 1749).

PURPOSE(S):

Information is used for the purpose of collecting monies owed FEMA arising out of any administrative or program activities or services administered by FEMA. The Debt Collection Officer's file represents the basis for the debt and amount of debt and actions taken by FEMA to collect the monies owed under the debt. The credit report or financial statement provides an understanding of the individual's financial condition with respect to requests for deferment of payment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

When debts are uncollectible, copies of the FEMA Debt Collection Officer's file regarding the debt and actions taken to attempt to collect the monies is forwarded to the U.S. General Accounting Office, Department of Justice, or a United States Attorney for further collection action. FEMA may also provide copies of the debt collection letters, Optional Form 1114, bill for collection, and FEMA correspondence to the debtor to a debt collection agency under contract with FEMA for further collection action.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders, on lists and forms, and in computer processible storage media.

RETRIEVABILITY:

The primary system files are filed by bill for collection number; the secondary systems may be filed by bill for collection number, name, or taxpayer's identification number (which may be the social security number).

SAFEGUARDS:

Personnel screening, hardware and software computer security measures; paper records are maintained in locked containers and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are covered by General Records Schedule 6. The file on each debt on which administrative collection action has been completed shall be retained by Debt Collection Officers' respective program office not less than one year after the applicable statute of limitations has run out. The file is then transferred to the National Archives and Records Service for a period of six years and three months after the end of the fiscal year in which the debt was closed out by means of the debt being paid, terminated, compromised, or the statute of limitations had run out.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller, Federal Emergency Management Agency, Washington, DC 20472.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about themselves should contact the system manager identified above. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Requests should include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individuals should be able to provide some acceptable identification, that is, driver's license, employing organization's identification card, or other identification card.

RECORD ACCESS PROCEDURES:

Same as Notification procedures above.

CONTESTING RECORD PROCEDURES:

Same as Notification procedures above. The letter should state clearly and concisely what information is being contested the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promuglated in 44 CFR Part 6.

RECORD SOURCE CATEGORIES:

Directly from the debtor, the initial loan application, credit report from the commercial credit bureau, administrative or program offices within FEMA, or other Federal, State, or local agencies which are involved in programs or services administered by FEMA.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/OP-1

SYSTEM NAME:

Emergency Assignment System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Emergency Operations Directorate, Federal Emergency Management Agency, Washington, DC 20472.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Emergency assignees to the FEMA Special Facility.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel data, social security number, personal data, skills inventory, and other related information for the purpose of in-house official use, based upon a need-to-know requirement, to assist officials charged with emergency responsibilities in the assignment and coordination of activities in the Facilities Management Office.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 12148, July 20, 1979.

PURPOSE(S):

To assist officials charged with emergency responsibilities in the assignment and coordination of activities in the Facilities Management Office.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide the names, addresses and telephone numbers of FEMA subscribers having essential emergency functions to the General Services Administration for forwarding to the public telephone companies to designate those subscriber's home numbers as "essential" for the purpose of providing a minimum of delay in placing calls from their residences during a national disaster or civil emergency.

Additional routine uses may include Nos. 1, 2, 3, 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Mag-tape, drum, disc and paper.

RETRIEVABILITY:

By name, personal characteristics or skills, badge number, and agency.

SAFEGUARDS:

Personnel screening hardware and software computer security measures; paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Retention of records shall be for duration of assignment. Disposition of records shall be in accordance with the FEMA Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Emergency Operations Directorate, Federal Emergency Management Agency, Washington, DC 20472.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as notification procedures above.

CONTESTING RECORDS PROCEDURE:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

RECORD SOURCE CATEGORIES:

The individuals to whom the record pertains.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/OP-2

SYSTEM NAME:

Key Personnel Central Locator List.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Emergency Operations Directorate, Federal Emergency Management Agency, Washington, DC 20472.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FEMA key Personnel, Associate Directorate staffs, Emergency Team members and individual who may be required to respond to natural or man-made incidents.

CATEGORIES OF RECORDS IN THE SYSTEM:

System consists of "Cardex" software and contains office and home telephone numbers, pager numbers and secure phone numbers as applicable. Access to the file is limited to protect the home telephone numbers of personnel in the files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 12148, July 20, 1979.

PURPOSE(S):

For the purpose of locating selected key FEMA personnel in the event of a natural disaster of civil emergency. In the event of a national disaster or civil emergency which requires action by FEMA, the list will be referred to in order to locate selected key officials.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To enable the Emergency Action Staff to forward calls from key staff to members of their staffs, other key staff members or the Director's staff. To provide telephone alerting during notification stages in response to incidents or exercises. To make notification to program officials in response to Presidential declarations as required. Additional routine uses may include Nos. 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are destroyed on a monthly basis, as updated.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Emergency Operations Directorate, Federal Emergency Management Agency, Washington, DC 20472.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personnel identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is,

driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as notification procedure above.

CONTESTING RECORDS PROCEDURE:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

RECORD SOURCE CATEGORIES:

The individuals to whom the record pertains.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/PER-1

SYSTEM NAME:

Grievance Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Office of Personnel and Equal Opportunity, Federal Emergency Management Agency, Washington, DC 20472.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current of former employees who have submitted grievances with FEMA in accordance with Part 771 of the Office of Personnel Management regulations (5 CFR Part 771), or a negotiated procedure.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records relating to grievances filed by agency employees under Part 771 of the Office of Personnel Management regulations. These case file contain all documents related to the grievance, including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original and final decision, and related correspondence and exhibits. This system includes files and records of internal grievances and arbitration systems that FEMA may establish through negotiations with recognized labor organizations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 3301, 3302, E.O. 10577, 3 CFR 1954–58 Comp., p.218, E.O. 10967, 3 CFR 1959–1963 Comp., p. 519.

PURPOSE(S):

For the purpose of processing grievance compliants from agency agency employees for personnel relief in a matter of concern or dissatisfaction which is subject to the control of FEMA management.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To disclose information to any source from which additional information is requested in the course of processing a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request and identify the type of information requested; to disclose information to another Federal agency or to a court when the Government is a party to a judicial proceeding before the court, in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and analytical studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structed in such a way as to make the data included individually identifiable by inference; to disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel, the Federal Labor Relations Authority and its General Counsel, or the Equal Employment Opportunity Commission when requested in performance of their authorized duties; to disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceding; and to provide information to officials of labor organizations reorganized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representative concerning personnel policies, practices, and matters affecting work conditions.

Additional routine uses may include Nos. 1, 2, 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders.

RETRIEVABILITY:

By name of the individual.

SAFEGUARDS:

Paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

These records are coveredc by General Records Schedule 1 and are destroyed 3 years after closing of the case.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel and Equal Opportunity, Federal Emergency Management Agency, Washington, DC 20472.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal indentification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORDS ACCESS PROCEDURES:

Same as notification procedure above

CONTESTING RECORDS PROCEDURE:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by (1) the individual on whom the record is maintained; (2) testimony of witnesses; and (3) from related correspondence from organizations or persons.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/PER-2

SYSTEM NAME:

Equal Employment Opportunity Compliants of Discrimination Files.

SECURITY CLASSIFICATION:

Limited Access.

SYSTEM LOCATION:

Office of Personnel and Equal Opportunity, Federal Emergency

Management Agency, Washington, DC 20472.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any FEMA employee or applicant for employment, headquarters, regional and filed offices, including full-time, permanent, part-time and temporary employees, who file a complaint of discrimination against FEMA. Also, any persons who file or could file a complaint with FEMA alleging discrimination by a state or local government in violation of Title VI of the Civil Rights Act of 1964 and any other similar legislation involving discrimination by a state or local government.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files include compliants of discrimination brought against FEMA by employees or applicants because of race, color, religion, sex, age, handicapped, or national origin; records of counselor's reports, records of investigation, records of hearings and disposition of cases involving Equal Employment Opportunity. Files also include reports, documents, and information in support of or contrary to the compliant or potential complaint, records of hearings and disposition of the cases by the states or the Director, Federal Emergency Management Agency or higher authority.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Laws 92–261 and 93–211 as amended by Public Law 93–516, Equal Employment Opportunity Act of 1972, Executive Orders 11478 and 12067, Title VI, Civil Rights Act of 1964 (78 Stat.) (42 U.S.C. 2000d et seq.).

PURPOSE(S):

For the purpose of ascertaining whether discrimination has taken place.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(a) To Title VI Officers and other investigators and reporting officers to ascertain whether discrimination under the Title VI rules and regulations have taken place; (b) to investigators (EEOC, U.S. Army Civilian Appeal Review Office, General Services Administration, and private contractors) to secure testimony and affidavits of witnesses and other pertinent data involving Equal Employment Opportunity cases; (c) to State officials and investigators to secure testimony of witnesses and other pertinent data involving Title VI, Civil Rights Act cases; (d) to EEOC and other Federal agencies with jurisdiction for hearings and appeals; (e) to higher authorities outside of FEMA for making a decision; and (f) to the U.S. Justice Department or other agencies as appropriate for enforcement action and where necessary in reporting.

Additional routine uses may include Nos. 4, 5, 7 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders and some information may be automated.

RETRIEVABILITY:

By name of the individual.

SAFEGUARDS:

Personnel screening hardware and software computer security measures; paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Official discrimination compliant case files are covered by General Record Schedule 1 and are destroyed 4 years after resolution of case. EEO General Files which records pertaining to the Civil Rights Act of 1964 are covered by General Records Schedule 1 and are destroyed when 3 years old, or when superseded or obsolete, whichever is applicable.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel and Equal Opportunity, Federal Emergency Management Agency, Washington, DC 20472.

NOTIFICATION PROCEDURE:

The major part of this system is exempted from this requirement and the access and contesting requirement under 5 U.S.C. 552a(k)(2). To the extent that this system of records is not subject to exemption, it is subject to notification, access and contesting procedures. A determination as to the applicability of an exemption as to a specific record shall be made at the time a request for notification, access, or contesting is received. Inquires should be addressed to the system manager. Written request should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

RECORDS ACCESS PROCEDURES:

Same as notification procedure above.

CONTESTING RECORDS PROCEDURE:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

RECORD SOURCE CATEGORIES:

(a) For the Equal Employment Opportunity files—Information is secured from previous employers, friends and acquaintances of the complainant and the alleged discriminating official, official personnel records, educational institutions, etc; (b) For Civil Rights Act (Title VI) files—Information is secured from complainants and from FEMA officials who conduct Title VI compliance reviews at the State and local level, from citizens who have been denied services or use of facilities, from State and local government records and institutional and organizational records; from State officials who have observed violations or local officials who have reported violations to the State.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Director, Federal Emergency Management Agency, has determined that this system should be exempted from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I) and (f), of the Privacy Act, 5 U.S.C. 552a, pursuant to 5 U.S.C. 552a(k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in 44 CFR 6.87.

FEMA/PER–3

SYSTEM NAME:

Disaster Assistance Personnel Reservists Files.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Official Personnel Records are maintained by the Office of Personnel and Equal Opportunity, Federal Emergency Management Agency, Washington, DC 20472; Working files are maintained by the State and Local Programs and Support Directorate, Washington, DC 20472 and all FEMA Regional offices, addresses listed in Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals designated as active disaster assistance reservists.

CATEGORIES OF RECORDS IN THE SYSTEM:

The official personnel files contain notices of all personnel actions such as appointments, reappointments, and terminations which reflect all categories of information, such as name(s), date of birth, home residence, mailing address, social security number, home telephone number, work experience, educational level achieved, and specialized education or training outside of the Federal service. The State and local Programs and Support Directorate and all Regional offices may include any or all of the following information at a site closer to where the employees works (e.g., in an administrative office or supervisory work folders) and still be covered by this system: name, address, telephone number, social security number, grade and salary, professional specialities and experience in disaster relief and recovery activities, type and date of appointment, expiration data, availability, and duty station for the purpose of preparing requests for personnel actions and assigning individuals to particular disaster locations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 93–288, Disaster Relief Act of 1974; Reorganization Plan No. 3 of 1978; and E.O. 12148. Purpose(s): This information is used by FEMA in filling personnel requirements in preparation for as well as in actual disaster response and recovery periods following presidentilally declared disasters and emergencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This information may not be disclosed outside the Federal Emergency Management Agency except as listed in paragraphs 1, 2, 3, 4, 5, 6, 7 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape/disc/drum and file folders.

RETRIEVABILITY:

By name of the individual, functional title.

SAFEGUARDS:

Personnel screening, hardware and software computer security measures; paper records are in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are maintained until employee termination date. Disposition of records shall be in accordance with FEMA Records Maintenance and disposition system.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel, Federal Emergency Management Agency, Washington, DC 20472.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORDS ACCESS PROCEDURES:

Same as notification procedure above.

CONTESTING RECORDS PROCEDURE:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

RECORD SOURCE CATEGORIES:

Applicants for and current employees of FEMA's disaster response and recovery personnel reserve.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/REG–1

SYSTEM NAME:

State and local Civil Preparedness Instructional Program (SLCPIP).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Primary system located at FEMA Regional offices, addresses are listed in Appendix AA. Decentralized system located with State and local agencies contractors in various States who provide input to Regional offices. Duplicate data is forwarded to State Emergency Management offices by contractor in the States for information purposes only. Addresses of contractors and State Emergency Management offices are available at FEMA Regions.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals include local Emergency Management coordinators, teachers, school administrators and local officials who are in need of emergency management training.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system is comprised of 4 reporting forms only one of which has names. These are forwarded from the contractors at the State level to the Regional offices. The form with names is the SLCPIP Contractor's Roster. This form is used to give name, address, and title of participants for each course or workshop conducted. This is a monthly report to the Regions. The Contracting Officer (Region) forwards to FEMA Associate Director, Training and Fire Programs Directorate, National Emergency Training Center, gross number of activities and participants. The Regions maintain the roster. The Associate Director, Training and Fire Programs Directorate, National Emergency Training Center consolidates all ten Regions reports and prepares a consolidated report to the FEMA Director, when required.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101; 50 U.S.C. App. 2253, 2281; E.O. 12148; and Reorganization Plan No. 3 of 1978.

PURPOSE(S):

For the purpose of determining which officials are in need or have taken emergency management training.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine uses may include Nos. 2, 3, 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records.

RETRIEVABILITY:

By name, address, name of course, date and location.

SAFEGUARDS:

Paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are retained in active file for one calendar year or fiscal year or until contract is completed. Records are then in inactive file for 3–6 years depending on program. Disposition of records shall be in accordance with the FEMA Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Directors of FEMA, addresses are listed in Appendix AA.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the appropriate system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORDS ACCESS PROCEDURES:

Same as notification procedure above.

CONTESTING RECORDS PROCEDURE:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

RECORD SOURCE CATEGORIES:

The source for information on participants in a course is forwarded by the contractors in the various States as he/she conducts training activities in his/her State.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/REG-2

SYSTEM NAME:

Temporary Housing Files.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

FEMA Regional Offices, addresses are listed in Appendix AA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who apply for temporary housing assistance in Presidentially declared major disaster or emergency areas, and candidates for staff positions at Federal Disaster Assistance Centers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Depending on the type of temporary husing that an individual applies for, the following FEMA Forms may be included in the files: 90–11 through 90–13; 90–16; 90–22; 90–24 through 90–29; 90–31; 90–33; 90–41; 90–47; 90–48; 90–56; 90–57; 90–68 through 90–70; 90–71; 90–75 through 90–78; 90–86; 90–87; 90–94 through 90–97; 90–99. Personal information is contained, such name, address, social security number, telephone number, wages, job location, family income, insurance data (relating to home) as pertaining to some applicants, and disapproval or approval of applicants for aid or employment. There is general correspondence concerning complaints, plaudits, reinstatement on jobs or housing requests for disbursement of payments and inquiries from tenants and landlords in regard to aid. Files also include a general administrative and fiscal information, payment schedules and forms, termination notices, individual and family grant programs, damage and family grant programs, damage and relocation information, leases, contracts, listing of emergency repairs given as a result of specific natural disasters, reasons for tenant eviction or denial of aid; sales information on homes after tenant purchase, and status of disposition of applicants for housing.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 93–288, Disaster Relief Act of 1978; E.O. 12148; and Reorganization Plan No. 3 of 1978.

PURPOSE(S):

The information is used by FEMA and its agents in administering the Federal disaster relief and recovery assistance programs in Presidentially declared disasters and emergencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This information may be disclosed to local public assistance departments for relocation information; to the Post Office for relocation of individuals; to Department of Motor Vehicles and State Tax Departments for serial numbers and costs of mobile homes and vehicles; to local housing authorities and departments of community affairs to determine family status relating to relocation into other-than-temporary housing; and to utility companies regarding lease dates and forwarding information.

Additional routine uses may include Nos. 1, 2, 3, 5, 6 and 8 of Appendix A.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

DISCLOSURES PURSUANT TO 5 U.S.C. 552A(B)(12):

Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape/discs/drum and paper records in file folders.

RETRIEVABILITY:

By name, address or case file number.

SAFEGUARDS:

Personnel screening, hardware and software computer security measures; paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Applications and supporting documents are retained until the disaster field office closes. When a Disaster Field Office has been audited and closed out, any pertinent records are shipped to the Regional Office and kept for a period of 6 years and 3 months after the date of final action. Disposition of records shall be in accordance with FEMA Records Management and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Directors of FEMA, addresses as listed in Appendix AA.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the appropriate system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some accepable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORDS ACCESS PROCEDURES:

Same as notification procedure above.

CONTESTING RECORDS PROCEDURE:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

RECORD SOURCE CATEGORIES:

Subject individuals; social security and other State and city agencies; current or previous employers; credit rating bureaus; financial institutions; insurance companies and agencies providing disaster relief.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/REG-3

SYSTEM NAME:

Disaster Recovery Assistance Files.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

FEMA Regional Offices, addresses are listed in Appendix AA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who apply for disaster recovery assistance following Presidentially declared major disasters or emergencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Socio-economic, demographic and financial information; disaster impact (including verification and cost estimate); disaster recovery plans and needs; and assistance requested by applicant. Files include FEMA Registration Form 90–69 which covers application for individual and family grant programs and temporary housing assistance, and legal services.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 93–288, Disaster Relief Act of 1978; E.O. 12148; and Reorganization Plan No. 3 of 1978.

PURPOSE(S):

The information is used by FEMA and its agents in administering the Federal disaster relief and recovery assistance programs in Presidentially declared disasters and emergencies; to coordinate recovery assistance; for making eligibility determinations; and verifying nonduplication of benefits.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To other Federal, state and local agencies for the purpose of providing relief and recovery assistance.

Additional routine uses may include Nos. 1, 2, 3, 5, 6, and 8 of Appendix A.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act 915 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape/discs/drum and paper records in file folders.

RETRIEVABILITY:

By name, address or case file number.

SAFEGUARDS:

Personnel screening, hardware and software computer security measures; paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Applications and supporting documents are retained until the disaster field office closes. When a Disaster Field Office has been auditd and closed out, any pertinent records are shipped to the Regional Office and kept for a period of 6 years and 3 months after the final action. Disposition of records shall be in accordance with FEMA Records Management and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Directors of FEMA, addresses as listed in Appendix AA.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the appropriate system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURE:

Same as notification procedure above.

CONTESTING RECORD PROCEDURES:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

RECORD SOURCE CATEGORIES:

Applicants for disaster recovery assistance; credit rating bureaus; financial institutions; insurance companies and agencies providing disaster relief.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/SEC-1

SYSTEM NAME:

Security Management Information System.

SECURITY CLASSIFICATION:

Limited Access. Certain records in this system are provided security safeguards equivalent to the protection of Top Secret classified information.

SYSTEM LOCATION:

Primary System:

Office of Security, Federal Emergency Management Agency, Washington, DC 20472; all Regional offices, addresses listed in Appendix AA. Secondary system: Emergency Operations Directorate, Federal Emergency Management Agency, Washington, DC 20472.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FEMA employees, other Federal agency employees, State employees, and consultant/contract employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Primary System: Security records include: Statement of personal history, personal data (e.g., name, address, telephone number and social security number) contained on Standard Forms 85, 85A, 86, and 87, security clearance forms; rosters; lists; Standard Form 189,

non-disclosure statements; FEMA Form 12–7, security termination statement, and Optional Forms 62 and 63, forms for record container combinations and other related records. This system also includes copies of background investigations conducted by the Office of Personnel Management (OPM), a FEMA contractor, or other government investigative agencies. (The OPM background investigations are not FEMA records but rather are OPM records covered by OPM's system of records entitled, OPM/Central–9, Personnel Investigations Records, and requests for these records must be submitted directly to the Assistant Director for Personnel Investigations, Compliance and Investigations Division, Office of Personnel Management, 1900 E Street, NW., Washington, DC 20415). Requests for investigations conducted by other government investigative agencies must be submitted directly to the agency which conducted the investigation. The background investigations conducted by a FEMA contractor are FEMA records and are covered by this system notice. This system also contains records concerning Personnel Security Program for positions associated with computer systems (Chapter 732 of the Federal Personnel Manual). Secondary System may also include Form 12–36, for requests for access to FEMA Special Access Program; FEMA Form 12–35, notification of disapproval for access to FEMA Special Access Program; FEMA Form 12–37, inadvertent disclosure statements; FEMA Form 12–38, non-disclosure agreements; FEMA Form 12–30, termination of access to certain classified information; rosters of members of emergency teams which includes assignment information, personel data, social security number, personal data, and other related information to assist in the assignment and coordination of federal emergency response teams, and information regarding certain facilities involved in Emergency Operations activities. The Secondary system also includes a numbering system assigned to a particular position which is used for identification of the particular accesses granted to a particular position.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 12127; E.O. 12148; Reorganization Plan No. 3 of 1978; Section 4–2a, Executive Order 10450; Executive Order 12356; and Paragraph 1a, National Security Decision Directive 84, Safeguarding National Security Information.

PURPOSE(S):

For the purpose of agency official use, based upon a need-to-know requirement in maintaining the security of sensitive data and facilities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

An employee's level of security clearance and type of Special Access Program may be reported to another agency for the purpose of interagency security administration; information may be provided to other federal departments and agencies charged with responsibility in the assignment and coordination of federal emergency response teams. Additional routine uses may include Nos. 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Mag-tape, drum, disc, paper and index cards.

RETRIEVABILITY:

By name, social security number, organization, security clearance level and type of Special Access Program.

SAFEGUARDS:

Certain records in this system are provided security safeguards equivalent to the protection of Top Secret classified information. Personnel screening; hardware and software computer security measures. Paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared, trained and have a verified need-to-know.

RETENTION AND DISPOSAL:

Records are covered by General Records Schedule 18. Requests and authorizations for individuals to have access to classified files are destroyed 2 years after authorization expires. Forms or lists used to record safe combinations, names of individuals knowing combinations, and comparable data used to control access into classified containers are destroyed when superseded by a new form or list, or upon turning in of containers. Lists or rosters showing the current security clearance status of individuals are destroyed when superseded or obsolete. Personnel security case files are destroyed upon notification of death or not later than 5 years after separation or transfer of employee or no later than 5 years after contract relation expires, whichever is applicable. Records relating to alleged security violations are destroyed 2 years after completion of final action or when no longer needed, whichever is sooner; records relating to alleged violations of a sufficient serious nature that are referred for prosecutive determinations are destroyed 5 years after the close of the case. Copies of non-disclosure agreements are destroyed when 50 years old. Disposition of records not covered in this section shall be in accordance with FEMA Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Primary System: Director, Office of Security, Federal Emergency Management Agency, Washington, DC 20472; Secondary System: Associate Director, Emergency Operations Directorate, Federal Emergency Management Agency, Washington, DC 20472.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system contains information about them should contact the appropriate system manager in writing. Individuals must furnish their full name, social security number, some type of appropriate personal identification, current address, and any other available information regarding the type of record involved.

RECORDS ACCESS PROCEDURES:

Specific materials in this system have been exempted from the access and contesting requirements under 5 U.S.C. 552a(k)(1) and 5 U.S.C. 552a(k)(5). To the extent that this system of records is not subject to exemption, it is subject to the access and contesting procedures. A determination as to the applicability of an exemption as to a specific record shall be made at the time a request for access or contest is received. Inquiries should be addressed to the appropriate system manger. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Individuals must furnish their full name, social security number, some type of appropriate personal identification, and current address, any other available information regarding the type of record for which access or amendment is being requested.

CONTESTING RECORDS PROCEDURE:

Same as access procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the

proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

RECORD SOURCE CATEGORIES:

Directly from the individual to whom the record pertains. The FEMA background investigation for access to classified information includes information from the individual to whom the record pertains, employers, coworkers, neighbors, friends, acquaintances, physicians, other government agencies, educational institutions, credit references, and police departments.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Director, Federal Emergency Management Agency, has determined the specific materials in this system should be exempted from subsection (c)(3), and (d) of the Privacy Act, 5 U.S.C. 552a, pursuant to 5 U.S.C. 552a(k)(1) and 5 U.S.C. 552a(k)(5). Rules have been promulgated in accordance with the requirments of 5 U.S.C. 553(b), (c) and (e) and have been published in 44 CFR 6.87.

FEMA/SLPS-1

SYSTEM NAME:

Application for Enrollment in Architectural Engineering Professional Development Program.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

State and Local Programs and Support Directorate, Federal Emergency Management Agency, Washington, DC 20472.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who apply for FEMA professional development courses: Fallout Shelter Analysis (FSA), Protective Construction (PC), Multiprotection Design (MPD).

CATEGORIES OF RECORDS IN THE SYSTEM:

FEMA Form 95-3, Application for Enrollment of Architects and Engineers Professional Development Program. Includes applicant's name, address, date of birth, education and status of completion in the course.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3104, 50 U.S.C. App. 2253.

PURPOSE(S):

For the purpose of ascertaining qualifications for certification as FSA for issuance of appropriate certificates and development of mailing lists for disseminating new information to them as appropriate.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine uses may include Nos. 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Application forms are kept on microfiche. Some of the data is kept on computer magnetic tape for processing in conjunction with dessemination of new information.

RETRIEVABILITY:

By name of the individual and FSA number.

SAFEGUARDS:

Personnel screening hardware and software computer security measures; paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Permanent files.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, State and Local Programs and Support Directorate, Federal Emergency Management Agency, Washington, DC 20472.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORDS ACCESS PROCEDURES:

Same as notification procedure above.

CONTESTING RECORDS PROCEDURE:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

RECORD SOURCE CATEGORIES:

Applications submitted by applicant.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/SLPS-2

SYSTEM NAME:

Military Reserve Program.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

State and Local Programs and Support Directorate, Federal Emergency Management Agency, Washington, DC 20472; all FEMA Regional Directors, addresses are listed in Appendix AA; and State and local civil preparedness agencies requesting information.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military reservists who have or could have mobilization designation to FEMA, including FEMA Regional offices, and State and local civil preparedness agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes copies of orders, lists of reservists assigned, and those eligible to be assigned, to the FEMA regions and State and local civil preparedness agencies; other related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 270; 10 U.S.C. 275; 41 U.S.C. 3101; 50 U.S.C. App. 2253; E.O. 12148; and Reorganization Plan No. 3 of 1978.

PURPOSE(S):

For the purpose of preparing statistical reports, rosters, lists of new assignees; review of assignments to provide information for reallocation of vacant spaces; provide basis for general management of the program, including the preparation of efficiency and other reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Applications are processed by the uniformed service's personnel headquarters and if approved, issuances of assignment orders are distributed to interested offices for program recruiting, record and management purposes.

Additional routine uses may include Nos. 5, 7 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer printouts and orders and related papers are filed in paper folders in metal filing cabinets.

RETRIEVABILITY:

At FEMA Headquarters—by region and military service; at FEMA Regional offices—by military service, State, and individual's name.

SAFEGUARDS:

Personnel screening hardware and software computer security measures; paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Retention of records shall be as long as the individual is assigned to the program. Records are reviewed annually and closed files are forwarded to subject individual.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, State and Local Programs and Support Directorate, Federal Emergency Management Agency, Washington, DC 20472; and all FEMA Regional Directors, addresses are listed in Appendix AA.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelop and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORDS ACCESS PROCEDURES:

Same as notification procedure above.

CONTESTING RECORDS PROCEDURE:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

RECORD SOURCE CATEGORIES:

Reservist submits completed applications to FEMA Regional or State and local civil preparedness agency when he or she desires to work. Application is endorsed at each level and forwarded through civil preparedness channels to the respective service personnel administrative headquarters for processing, and if approved, issuance of assignment orders. Copies of assignment orders are distributed to interested offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/SLPS-3

SYSTEM NAME:

Radioactive Materials Inventory.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

State and Local Programs and Support Directorate, Federal Emergency Management Agency, Washington, DC 20472; National Emergency Training Center, Emmitsburg, Maryland 21727 and all FEMA Regional Directors, addresses are listed in Appendix AA. Copies are also maintained at the appropriate State and Local Civil Preparedness agencies and at State radiological systems maintenance and calibration facilities, and as applicable to another Federal agency or FEMA contractor having radioactive material on loan.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Custodians of FEMA Radioactive Material.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain a listing of all FEMA owned radioactive materials on loan to a State, other Federal agencies, FEMA contractors and others. Categories of information stored in the system include: custodian's name, address, city, county, telephone number, user authorization number and expiration date, date of transfer, FEMA region, State, storage name, address city, county, license number, type, expiration date, radioactive material nomenclature, isotope activity, civil preparedness nomenclature, serial numbers, leak test data, ID number of item, voucher number and date.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 U.S.C. 301; 44 U.S.C. 3104; 50 U.S.C. APP. 2253; E.O. 12148; AND REORGANIZATION PLAN NO. 3 OF 1978.

PURPOSE(S):

For the purpose of controlling and maintaining a record to whom radioactive materials are loaned in order to avoid loss of unauthorized use.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information relating to radioactive material items on loan may be provided to the user which includes State Radiological Systems Maintenance, Maintenance and Calibration Facility, State Civil Preparedness offices, other Federal agencies, FEMA Contractors and others processing loaned material for determining custodian of an item; number of items on loan to a State, other Federal agency, contractors and other users; record of license number authorizing custodian possession of material; inventory of items by radioisotope; using incapulation data and radioisotope decay to determine activity at any given time. For lost or unauthorized sources, the entire file may be searched.

Additional routine uses may include Nos. 1, 5, and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIVEING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tapes and disks, computer paper printouts.

RETRIEVABILITY:

Computer file is accessible by any of the categories listed in Record-Category above.

Computer file is accessible by any of the categories listed in Record-Category above.

SAFEGUARDS:

Personnel screening hardware and software computer security measures; computer printouts are stored in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Files are updated as changes occur. As records are updated, file incorporates records into a historical file so that previous information remains on storage enabling a listing of all previous data in file in various Record-Categories. This permits a listing of leak test history data, listing of all storage locations and date of transfer, listing of all custodians, date of transfer, license numbers under which item was loaned. Based on expiration date of license, lists can be prepared of licenses due for

renewal and overdue. Based on leak test data, lists can be prepared of items scheduled for leak testing and overdue. Items in possession of unauthorized personnel can be traced to last custodian by serial number. ID number or other available nomenclature.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, State and Local Programs and Support Directorate, Federal Emergency Management Agency, Washington, DC 20472; and all FEMA Regional Directors, addresses are listed in Appendix AA.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURE:

Same as notification procedure above.

CONTESTING RECORDS PROCEDURES:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA privacy Act Regulations are promulgated in 44 CFR Part 6.

RECORD SOURCE CATEGORIES:

Data to update file is supplied by custodians of loaned material (note: transferee will report name of new custodian), State Civil Preparedness Agency Maintenance and Calibration Facility personnel, FEMA Regional offices, RADEF and Technological Hazards Branch of State and Local Programs and Support Directorate and other FEMA divisions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/SLPS-4

SYSTEM NAME:

Maintenance and Calibration.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

State and Local Programs and Support Directorate, Federal Emergency Agency, Washington, DC 20472; and all FEMA Regional Directors, addresses are listed in Appendix AA. Copies are also maintained at the appropriate State and local civil preparedness agencies and at State radiological systems maintenance and calibration facilities, and as applicable to another Federal agency.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All State RADEF Officers and Maintenance Officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain the shipping and mailing addresses of the State radiological systems maintenance and calibration facilities. It also contains the name and telephone number of the maintenance officer of the maintenance and calibration facility and the State RADEF officer.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3104, 50 U.S.C. App. 2253; E.O. 12148; and Reorganization Plan No. 3 of 1978.

PURPOSE(S):

For the purpose of keeping an up-to-date list and addresses of the maintenance officer of the maintenance and calibration facility and the State RADEF officer.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Mailing and shipping labels may be furnished to the Oak Ridge National Laboratory, Oak Ridge, Tennessee, and FEMA Logistical Support Facility, GSA, Ft. Worth, Texas, for use by them and the FEMA Federal Supply Depot to ship and mail supplies to the States for use under the Radiological Systems Maintenance contract. Information may also be furnished to other Federal agencies and to State radiological maintenance facilities upon request in order to furnish supplies, and/or information for use in the radiological systems maintenance contract.

Additional routine uses may include Nos. 5, and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files and computer tapes and disks.

RETRIEVABILITY:

Filed by region then alphabetically by State name.

SAFEGUARDS:

Personnel screening hardware and software computer security measures; computer printouts are stored in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

When a list is updated, the prior list is destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, State and Local Programs and Support Directorate, Federal Emergency Management Agency, Washington, DC, 20472; and all FEMA Regional Directors, addresses are listed in Appendix AA.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORDS ACCESS PROCEDURES:

Same as notification procedure above.

CONTESTING RECORDS PROCEDURE:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

RECORD SOURCE CATEGORIES:

Information submitted by State RADEF Officer, Maintenance and Calibration Facility Officer, FEMA Regional Staff, and others knowledgeable of change in data.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/SLPS-5

SYSTEM NAME:

Radiation Exposure and Radioactive Materials; Radiation Committee Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

State and Local Programs and Support Directorate, Federal Emergency Management Agency, Washington, D.C. 20472; National Emergency Training Center, Emmitsburg, Maryland 21727; and all FEMA Regional Directors, addresses are listed in Appendix AA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Files contain the following types of individuals within FEMA or under FEMA Byproduct Materials License: All authorized users of sources of ionizing radiation; activity radiation safety officers; ionizing radiation dose records officers; ionizing radiation dose records for individuals using or exposed to ionizing radiation under FEMA license or authorization; custodians of FEMA sources of ionizing radiation; committee members and alternates.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain records produced in the conduct of committee duties and functions which include the control and administration of, the procurement, use, handling, storage and disposal of all sources of ionizing radiation throughout FEMA and other users under FEMA licenses and authorizations, assuring compliance with licenses and authorizations issued to FEMA for ionizing radiation and the regulations applicable to these license holders. Records include committee members, authorized users, activity radiation safety officers, ionizing radiation dose records for individuals who may be exposed to FEMA sources of ionizing radiation, and inspections (surveys) of activities and facilities using FEMA sources of ionizing radiation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101; 50 U.S.C. App. 2253; 2281; 44 U.S.C. 2073, 2093, 2095, 2111, 2112, 2201, 2232, 2233, 2234, 2273 and E.O. 12148; and Reorganization Plan No. 3 of 1978.

PURPOSE(S):

For the purpose of procuring, using, handling, controlling, and administration of the procurement, use, handling, storage and disposal of all sources of ionizing radiation throughout FEMA and other users under FEMA licenses and authorizations, assuring compliance with licenses and authorizations issued to FEMA for ionizing radiation and the regulations applicable to these license holders.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USERS:

To Radiation control committee in conduct of committee duties and functions including the following: Serving as an advisory board recommending approval and exercising control of the procurement, use, handling, storage, and disposal of sources of ionizing radiation for emergency management purposes; based upon the qualifications submitted, designate for approval all authorized users of sources of ionizing radiation with FEMA or under FEMA licenses or authorizations; recommend for approval activity radiation safety officers for all FEMA installations and other facilities where sources of ionizing radiation are used, handled or stored under FEMA licenses or authorizations; establishes general procedures and guidance governing the use, handling, storage of sources of ionizing radiation, including appropriate health physics or emergency procedures and precautions, establishing formal rules and regulations as necessary, assure that the rules and conditions of the FEMA licenses, authorizations, and regulations are observed in all FEMA activities; maintains records of the procurement, receipt, transfer and disposal of all FEMA sources of ionizing radiation dose records for each FEMA employee and other individual who may have been exposed to ionizing radiation under FEMA licenses or authorizations; providing liaison with other Federal agencies with regard to committee duties and functions; maintain records of applications and amendments to licenses and authorizations for the use of ionizing radiation at FEMA facilities; maintain records of periodic inspections of all FEMA activities involved with sources of ionizing radiation under FEMA licenses and authorizations.

Additional routine uses may include Nos. 1, 5, and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files and radioactive materials inventory on computer magnetic tape and disks.

RETRIEVABILITY:

Filed by subject and ionizing radiation exposure records subfiled alphabetically by name.

SAFEGUARDS:

Personnel screening hardware and software computer security measures; computer printouts are stored in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Files kept permanently in accordance with 10 CFR 19, 20, 30, and 33. Files not covered by 10 CFR are kept for two years after completion then destroyed. Disposition of records not covered by 10 CFR shall be in accordance with FEMA Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, State and Local Programs and Support Directorate, Federal Emergency Management Agency, Washington, DC 20472; and all FEMA Regional Directors, addresses are listed in Appendix AA.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORDS ACCESS PROCEDURES:

Same as notification procedure above.

CONTESTING RECORDS PROCEDURE:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

RECORD SOURCE CATEGORIES:

Reports prepared and submitted by committee members, activity radiation safety officers and uses. Data for ionizing radiation dose records from individuals wearing dosimeters and film bade processors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/SLPS-6

SYSTEM NAME.

Temporary and Permanent Relocation and Personal and Real Property Acquisitions and Relocation Files.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

The information will be gathered by a contractor for submission to the FEMA Regional Office which services the affected properties being acquired or relocated. The contractor will be subject to the Privacy Act requirements during the contractor's custody of the records. A secondary system relating to Superfund acquisitions will be maintained by the State and Local Programs and Support Directorate, Office of Disaster Assistance, Federal Emergency Management Agency, Washington, DC 20472; and a secondary system relating to Section 1362 acquisitions under the National Flood Insurance Act will be maintained by the Federal Insurance Administration, Washington, DC 20472. Information on temporary relocation assistance will be collected by FEMA employees and maintained at a site office, at a Regional office, or at Headquarters, Washington, DC, depending upon who administered the program.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals whose real property has been or is being acquired by FEMA and/or have been relocated or are being relocated by FEMA.

CATEGORIES OF RECORDS IN THE SYSTEM:

The file may contain the following: (1) For Section 1362 acquisitions, the files before Fiscal Year 1985 contain copies of the appraisals, appraisal contracts and reviews and approval documents. After FY 1985, the files do not contain copies of any appraisals or related-appraisal documents; for Superfund acquisition, the files include only the appraisal contracts, and approval documents; (2) Amounts paid for purchase of property including records of negotiations and offers; (2) Title search documentation, including property titles, title company correspondence, closing papers, tax records, and contracts; (3) Loan interest payment information including mortgage payment papers, loan documentation claims, and FEMA approvals; (4) Information for determining benefit amounts for real property acquisition including tax records, mortgage information and divorce decrees; (5) Information concerning replacement housing determinations including tax information, affidavits, and determinations; (6) Relocation claims payment information including documents which verify that funds have been spent, deeds, contracts, building estimates, construction bills, loan papers, leases, cancelled checks, claim forms, and Decent, Safe and Sanitary Inspection Forms; (7) Deeds, contractual sale documents, notations of follow-up actions, appraiser qualifications, rent supplement information, insurance verifications, moving cost information, permanent relocation questionnaires including background information on displaced persons, and information supplied by displaced persons to support claims for real property acquisition and relocation assistance. The temporary relocation assistance file may contain the following: (1) Applicant contact sheets; (2) Application for assistance; (3) Leases and/or reimbursement agreements and corresponding housing inspection reports; (4) Requests for payment with supporting bills, receipts, etc., for relocation expenses and payments records to individuals and businesses; and (5) Move-out records. This system may also include the taxpayer identification number (social security number).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Comprehensive Environmental Response Compensation Liability Act of 1980, Executive Order 12316, Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 U.S.C. 4601 et seq.), Section 1362 of the National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), as amended, 42 U.S.C. 4001–4128, Reorganization Plan No. 3 of 1978 and Executive Order 12127.

PURPOSE(S):

Information is used for the purpose of tracking individual properties which qualify for acquisition and/or relocation under the Comprehensive Environmental Response Compensation Liability Act of 1980 and/or Section 1362 of the National Flood Insurance Act of 1968, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be provided to the affected State or a political subdivision thereof for the purpose of determining the State's or subdivision's eligibility for taking title to the acquired property for recreational and open space resources; to the Environmental Protection Agency for the purpose of verifying the proper eligibility and use of Superfund monies to acquire properties found to be uninhabitable for the population and in connection with legal cases brought under the Superfund; to the Small Business Administration for the purpose of determining the individual/business eligibility for loans and nonduplication of funds; and to the U.S. General Accounting Office, Department of Justice, or a United States Attorney for legal representation in duplication of benefits provided to the individual or legal cases brought by or against FEMA, or in the case of Superfund monies, those brought by or against the Environmental Protection Agency.

Additional routine uses may include Nos. 1, 5, and 8 of Appendix A.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders, on lists and forms, and in computer processible-storage media.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Personnel screening hardware and software computer security measures; paper records are stored in a locked container and/or room. Records which are maintained at a site office might not be secured by building guards during non-business hours but are retained in a locked container and/or locked room. All other records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Permanent Personal and Real Property Acquisitions and Relocation records are covered by General Record Schedules 3 and 4. The file from whom real property has been acquired by FEMA and who have been relocated shall be retained for a period of 10 years after unconditional sale or release by the Government of conditions, restrictions, mortgages, or other liens. Abstract or certificate of title and other records

deemed necessary or convenient for donated property shall be transferred to recipient of the property after release by the Government. Purchase related papers shall be destroyed 6 years and 3 months after final payment. Temporary relocation assistance records are covered by General Records Schedule 15. Copies of leases, renewals, termination notices, and related papers shall be destroyed 3 fiscal years following close of fiscal year in which (a) lease termination, lapse, or cancellation occurs, or (b) litigation is concluded, whichever is later. Rejected application files are destroyed 1 year from date of rejection and all other housing application files are destroyed when 2 years old.

Disposition of records not covered in this section shall be in accordance with FEMA Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

For Superfund acquisitions—Associate Director, State and Local Programs and Support Directorate, Federal Emergency Management Agency, Washington, DC 20472; and all FEMA Regional Directors, addresses are listed in Appendix AA. For Section 1362 acquisitions under the National Flood Insurance Act—Federal Insurance Administrator—Federal Emergency Management Agency, Washington, DC 20472; and all FEMA Regional Directors.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORDS ACCESS PROCEDURES:

Same as notification procedure above.

CONTESTING RECORDS PROCEDURE:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6. Record source categories: Directly from the individual, the appraisal records, title report, or homeowner report.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix A

Introduction to Routine Uses: Certain routine uses have been identified as being applicable to many of the FEMA systems of record notices. The specific routine uses applicable to an individual system of record notice will be listed under the "Routine Use" section of the notice itself and will correspond to the numbering of the routine uses published below. These uses are published only once in the interest of simplicity, economy and to avoid redundancy, rather than repeating them in every individual system notice.

1. *Routine Use—Law Enforcement:* In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

2. *Routine Use—Disclosure When Requesting Information:* A record from a FEMA system of records may be disclosed as a routine use to a Federal, State, or local agency maintaining civil, criminal, regulatory, licensing or other enforcement information or other pertinent information, such as current licenses, if necessary, to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letter of a contract, or the issuance of a license, grant, or other benefit.

3. *Routine Use—Disclosure of Requested Information:* A record from a FEMA system of records may be disclosed to a Federal agency, in response to a written request in connection with the hiring or retention of an employee, the issuance of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. *Routine Use—Grievance, Complaint, Appeal:* A record from a FEMA system of records may be disclosed to an authorized appeal or grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator, or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the Office of Personnel Management in accordance with that agency's responsibility for evaluation of Federal personnel management.

To the extent that official personnel records in the custody of FEMA are covered within systems of records published by the Office of Personnel Management as government-wide records, those records will be considered as a part of that government-wide system. Other official personnel records covered by notices published by FEMA and considered to be separate systems of records may be transferred to the Office of Personnel Management in accordance with official personnel programs and activities as a routine activity as a routine use.

5. *Routine Use—Congressional Inquiries:* A record from a FEMA system of records may be disclosed as a routine use to a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the request of the individual about whom the record is maintained.

6. *Routine Use—Private Relief Legislation:* The information contained in a FEMA system of records may be disclosed as a routine use to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stafe of the legislative coordination and clearance process as set forth in that circular.

7. *Routine Use—Disclosure to the Office of Personnel Management:* A record from a FEMA system of records may be disclosed to the Office of Personnel Management concerning information on pay and leave benefits, retirement deductions, and any other information concerning personnel actions.

8. *Routine Use—Disclosure to National Archives and Records Administration:* A record from a FEMA system of records may be disclosed as a routine use to the National Archives and Records Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 12906.

Appendix AA

Addresses for FEMA Regional Offices

Region I—Regional Director, FEMA, Room 442, J.W. McCormack Post Office and Courthouse Building, Boston, MA 02109;
Region II—Regional Director, FEMA, 26 Federal Plaza, Room 1349, New York, NY 10278;
Region III—Regional Director, FEMA, Liberty Square Building (Second Floor), 105 South Seventh Street, Philadelphia, PA 19106;
Region IV—Regional Director, FEMA, 1371 Peachtree Street, N.E., Atlanta, GA 30309;
Region V—Regional Director, FEMA, 300 South Wacker Drive, 24th Floor, Chicago, IL 60606;
Region VI—Regional Director, FEMA, Federal Regional Center, Room 206, 800 North Loop 288, Denton, TX 76201–3698;
Region VII—Regional Director, FEMA, 911 Walnut Street, Room 300, Kansas City, MO 64106;
Region VIII—Regional Director, FEMA, Denver Federal Center, Building 710, Box 25267, Denver, CO 80225–0267;
Region IX—Regional Director, FEMA, Building 105, Presidio of San Francisco, CA 94129;
Region X—Regional Director, FEMA, Federal Regional Center, 130 228th Street, S.W., Bothell, WA 98021–9796.

[FR Doc. 87–35 Filed 1–2–87; 8:45 am]
BILLING CODE 6718–01–M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC, Office of the Federal Maritime Commission, 1110 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–010720–003.

Title: Palm Beach Terminal Agreement.

Parties: Port of Palm Beach District, CHO Properties, Inc.

Synopsis: The proposed amendment would modify provisions related to Substitute Wharfage Fees and would extend renewal option periods through January 8, 1988.

Agreement No.: 202–010979.001.

Title: Caribbean Shipowners Association.

Parties: Tropical Shipping & Construction Co., Ltd., Sea-Land Service, Inc., Trailer Marine Transport Corporation.

Synopsis: The proposed amendment would delete the parties' authority to agree upon the level of compensation to be paid to ocean freight forwarders.

Agreement No.: 202–010987–002.

Title: United States Central America Liner Association.

Parties: Crowley Caribbean Transport, Inc., Sea-Land Service, Inc., Seaboard Marine, Ltd.

Synopsis: The proposed amendment would delete Puerto Rico from the geographic scope of the agreement. The parties have requested a shortened review period.

By Order of the Federal Maritime Commission.

Dated: December 30, 1986.

Joseph C. Polking,

Secretary.

[FR Doc. 87–74 Filed 1–2–87; 8:45 am]
BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

December 29, 1986.

Background

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act of 1980, as per 5 CFR 1320.9, "to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320.9." Board-approved collections of information will be incorporated into the official OMB inventory of currently approved collections of information. A copy of the SF 83 and supporting statement and the approved collection of information instrument(s) will be placed into OMB's public docket files. The following forms, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority.

DATE: Comments must be received within fifteen working days of the date of publication in the **Federal Register.**

ADDRESS: Comments, which should refer to the OMB Docket number (or Agency form number in the case of a new information collection that has not yet been assigned an OMB number), should be addressed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551, or delivered to room B–2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected in room B–1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information, 12 CFR 261.6(a).

A copy of the comments may also be submitted to the OMB desk officer for the Board: Robert Neal, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Nancy Steele—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202–452–3822).

Proposal to approve under OMB delegated authority the extension without revision of the following reports:

1. Report title: Application for Employment with the Board of Governors of the Federal Reserve System.

Agency form number: N.A.

OMB Docket number: 7100–0181.

Frequency: On occasion.

Reporters: Individuals.

Small businesses are not affected.

General description of report: This information collection is required to obtain a benefit (12 U.S.C. 244 and 248(1)) and is given confidential treatment (5 U.S.C. 552a and 552(b)).

Form is used to seek benefit of employment with the Board of Governors of the Federal Reserve System.

2. Report title: Request for Proposal; Request for Quotations.

Agency form number: N.A.

OMB Docket number: 7100–0180.

Frequency: Annual; On occasion.

Reporters: Venders, suppliers.

Small businesses are affected.

General description of report: This information collection is required to obtain a benefit (12 U.S.C. 244) and is not given confidential treatment, unless requested otherwise by the respondent.

Forms are used for obtaining competitive proposals/contracts for procurement of goods and services and sale of property. These requirements are prepared in correspondence format.

Board of Governors of the Federal Reserve System, December 29, 1986.

William W. Wiles,

Secretary of the Board.

[FR Doc. 87–51 Filed 1–2–87; 8:45 am]

BILLING CODE 6210–01–M

Change in Bank Control Notices; 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 20, 1987.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Aslam Kahn,* Oak Brook, Illinois, and Jamil Rathore, Elgin, Illinois; to acquire 100 percent of the voting shares of Farmers National Bancorp, Inc., Remington, Indiana.

2. *George J. Murphy,* Wilmette, Illinois; William C. Nickels and Joseph J. Schuessler, both of River Forest, Illinois; to acquire 39.4 percent of the voting shares of Kansas State Bank, Kansas, Illinois.

3. *C. Richard Stark,* Woolstock, Iowa; to acquire 31.96 percent of the voting shares of First American Bank Group, Ltd., Fort Dodge, Iowa, and thereby indirectly acquire First American State Bank, Fort Dodge, Iowa.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Kenneth H. Koger,* Leawood, Kansas; to acquire 20 percent of the voting shares of First Finance and Investments, Inc., Pleasanton, Kansas, and thereby indirectly acquire First Finance and Investments, Pleasanton, Kansas.

Board of Governors of the Federal Reserve System, December 29, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87–52 Filed 1–2–87; 8:45 am]

BILLING CODE 6210–01–M

Deposit Guaranty Corp. et al.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23 (a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23 (a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 16, 1987.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street NW., Atlanta, Georgia 30303:

1. *Deposit Guaranty Corporation,* Jackson, Mississippi; First Commerce Corporation, New Orleans, Louisiana; First Capital Corporation, Jackson, Mississippi; Hibernia Corporation, New Orleans, Louisiana; and First National Financial Corporation, Vicksburg, Mississippi; to acquire GulfNet, Inc., New Orleans, Louisiana, and thereby engage in ATM and EFT transactions at remote facilities, pursuant to § 225.25(b)(7) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, December 29, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87–53 Filed 1–2–87; 8:45 am]

BILLING CODE 6210–01–M

Suffield Financial Corp. 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 20, 1987.

A. **Federal Reserve Bank of Boston** (Robert M. Brady, Vice President) 600

Atlantic Avenue, Boston, Massachusetts 02106:

1. *Suffield Financial Corporation*, Suffield, Connecticut; to acquire 100 percent of the voting shares of Coastal Bancorp, Portland, Maine, and thereby indirectly acquire Coastal Savings Bank, Portland, Maine.

B. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Cardinal Bancorp, Inc.*, Everett, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Everett, Everett, Pennsylvania.

2. *Luzerne National Bank Corporation*, Luzerne, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of The Luzerne National Bank, Luzerne, Pennsylvania.

C. **Federal Reserve Bank of Cleveland** (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Banc One Corporation*, Columbus, Oho; to merge with Charter 17 Bancorp, Inc., Richmond, Indiana, and thereby indirectly acquire First National Bank of Richmond, Richmond, Indiana.

D. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *First Union Corporation of Georgia*, Atlanta, Georgia; to acquire 100 percent of the voting shares of Roswell Bank, Roswell, Georgia.

E. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Chicago Corporation*, Chicago, Illinois, and American National Corporation, Chicago, Illinois; to acquire 0.1 percent of the voting shares of Suburban Trust and Savings Bank, Oak Park, Illinois.

2. *First of America Bank Corporation*, Kalamazoo, Michigan; to acquire 100 percent of the voting shares of Lewiston State Bank, Lewiston, Michigan.

3. *Lincoln Financial Corporation*, Fort Wayne, Indiana; to acquire 100 percent of the voting shares of SSB Bancorp, Shipshewana, Indiana, and thereby indirectly acquire Shipshewana State Bank, Shipshewana, Indiana.

F. **Federal Reserve Bank of Minneapolis** (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *M & H FInancial Services, Inc.*, Miller, South Dakota; to become a bank holding company by acquiring 100 percent of the voting shares of First State Bank, Highmore, South Dakota.

G. **Federal Reserve Bank of Dallas** (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Northwest Crossing Bancshares, Inc.*, Houston, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Northwest Crossing National Bank, Houston, Texas.

Board of Governors of the Federal Reserve System, December 29, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-54 Filed 1-2-87; 8:45 am]

BILLING CODE 6210-01-M

Shawsville 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)(l) of the Board's Regulation Y (12 CFR 225.23(a)(l)) 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 pubic, such as greater convenience, increased competion, 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 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 20, 1987.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Shawsville Bancorp, Inc.*, Shawsville, Virginia; to engage *de novo* in financial counseling, by providing counseling, educational courses and instructional material to individuals on consumer-oriented financial management matters, including debt consolidation, mortgage applications, bankruptcy, budget management, real estate tax shelters, tax planning, retirement and estate planning, insurance and general investment management, tax planning and tax preparation services by providing advice and strategies designed to minimize tax liabilities and to prepare tax forms for both corporations and individuals pursuant to § 225.25(b)(20) and (21) of the Board's Regulation Y. These activities will be conducted in the Commonwealth of Virginia.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Southeast Banking Corporation*, Miami, Florida; to engage *de novo* through its subsidiary, Southeast Mortgage Company, Miami, Florida, in the development of data processing facilities pursuant to § 225.25(b)(7) of the Board's Regulation Y.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *AMCORE Financial, Inc.*, Rockford, Illinois; to engage *de novo* through its subsidiary, Amcore Mortgage, Inc., Rockford, Illinois, in the origination, acquisition, sale and servicing of residential and commercial mortgage loans on its own behalf and on the behalf of other mortgage companies and financial institutions pursuant to § 225.25(b)(l) of the Board's Regulation Y.

D. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Andover Banc Shares, Inc.*, Andover, Kansas; to engage *de novo* through its subsidiary, Andover Financial Services, Inc., Andover, Kansas, in acting as agent/broker in the sale of general insurance in a town with a population of less than 5,000 pursuant to § 225.25(b)(8)(iii) of the Board's Regulation Y. These activities will be conducted in Andover, Kansas.

2. *Commerce Bancshares, Inc.*, Kansas City Missouri; to engage *de novo* in making, acquiring, and servicing loans and other extensions of credit as would be made by a commercial finance company and a mortgage company pursuant to § 225.25(b)(l) of the Board's Regulation Y. Comments on this application must be received by January 16, 1987.

Board of Governors of the Federal Reserve System, December 29, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87–55 Filed 1–2–87; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 86N–04161]

Clinical Studies of Safety and Effectiveness of Orphan Products; Availability of Grants; Request for Applications

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the anticipated availability of funds for Fiscal Year 1987 for awarding grants to support clinical trials on safety and effectiveness of orphan products. FDA expects to award up to 30 grants ranging from $20,000 to $70,000 in direct costs per annum for up to 3 years. Applications exceeding these limits will be considered nonresponsive.

DATES: Applications must be received by March 6, 1987. The earliest beginning date for awards is September 1, 1987.

ADDRESSES: Requests for application forms should be submitted to, and application kits are available from, Olia M. Hopkins, address below.

FOR FURTHER INFORMATION REGARDING THE PROGRAMMATIC ASPECTS OF THIS NOTICE CONTACT: Benjamin P. Lewis, Office of Orphan Products Development (HF–35), Food and Drug Administration, 5600 Fishers Lane, Rm. 12A–40, Rockville, MD 20857, 301–443–4903.

FOR FURTHER INFORMATION REGARDING THE FINANCIAL ASPECTS OF THIS NOTICE CONTACT: Olia M. Hopkins, State Contracts and Assistance Agreements Branch (HFA–520), Food and Drug Administration, 5600 Fishers Lane, Rm. 15A–17, Rockville, MD 20857, 301–443–6170.

SUPPLEMENTARY INFORMATION: FDA will support the clinical studies covered by this notice under section 301 of the Public Health Service Act (42 U.S.C. 241). FDA's research program is described in the Catalog of Federal Domestic Assistance, No. 13.103.

I. Background

FDA has established the Office of Orphan Products Development to identify and facilitate the availability of orphan products. Orphan products are drugs, biologics, medical devices (including in vitro diagnostics), foods for medical purposes, and veterinary products that may be useful in an uncommon or common disease but that lack committed commercial sponsorship because they are not considered commercially attractive for marketing. A subcategory of orphan products are those marketed products for which there is evidence suggesting usefulness in an uncommon serious disease but which are not labeled for that disease because substantial evidence of safety and effectiveness for that use is lacking.

One way to make orphan products more easily available is to support research to determine whether the products are safe and effective. FDA has allocated funds to support such research since Fiscal Year 1983. All funded studies are subject to the requirements of the Federal Food, Drug, and Cosmetic Act and regulations promulgated thereunder.

II. Research Goals and Objectives

A. Clinical Studies

As a rule, FDA will only consider awarding grants to support clinical studies for determining whether the products are safe and effective for premarket approval under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or under section 351 of the Public Health Service Act (42 U.S.C. 262). These clinical studies may be designed to assist in the approval of unapproved products or of unapproved new uses to already marketed products.

Ordinarily, at least some preliminary clinical research suggesting effectiveness and relative safety should already be available. However, FDA will also consider applications concerning products for which persuasive pharmacologic evidence is available that a product has a reasonable possibility of being effective even though no clinical trials have yet been performed.

Applications should be for one discrete clinical trial. The applicant must provide supporting evidence that the product to be investigated is available to the applicant in the form needed for the clinical trial.

Because funds are limited, FDA cannot consider large research projects involving many subjects (human or animal, in the case of a veterinary drug) and long-term followup. The typical study that FDA will consider for support may involve up to several dozen subjects, will be well-controlled, and will be designed to provide substantial evidence of the product's safety and effectiveness.

The agency will also consider funding pharmacokinetic studies if such studies are necessary to determine safe and effective doses in subjects with serious organ disease that might affect drug disposition. However, FDA will only consider pharmacokinetic studies if they are part of studies for determining effectiveness of a product or a proposed to obtain information about products about which there is already a significant amount of evidence showing effectiveness. FDA's standards for adequate and well-controlled studies should be followed. In designing a well-controlled study, the investigator should especially keep in mind that historical controls or use of the subject as his or her own control are generally less desirable and reliable than a active control or, when ethical, placebo controls. The applicant's proposal should provide a rationale for use of the control method chosen to satisfy considerations of scientific quality and ethical realities.

In the case of veterinary products, research studies should be designed to show the safety and efficacy of a product for which there is some evidence that treatment of animals with it could lead to the prevention or mitigation of a serious zoonotic disease in humans.

B. Significance

Each investigator submitting a grant application for a proposed human or veterinary orphan use in response to this request for applications should include a short statement explaining why preliminary evidence suggests that the product meets the objectives of the orphan products development program and why the product to be studied is an orphan product as described in the "Background" section of this notice. This statement should appear in the application under section 2—"Significance."

C. Statistical Support

Statistical expertise is helpful in the planning, design, execution, and analysis of clinical investigations and clinical pharmacology to ensure the validity of estimates of safety and

efficacy obtained from human studies. Applicants are expected to provide a statistical justification for the number of patients chosen for the trial based on the proposed outcome measures. Applicants should also document the appropriateness of the statistical procedures to be used in the analysis of the results.

D. Journal References

Published reports are necessary and often critical for the review process and can help to support the investigator's research intent. Applicants should include six copies of reprints of all relevant references for FDA review. This includes favorable and unfavorable reports.

III. Human Subject Protection and Informed Consent

A. Research Involving Human Subjects

If the research involves human subjects and is not exempt from human subject review, the applicant must include a completed signed HHS 596 form, without which the application will not be reviewed. Applicants should carefully review the section on human subjects on pages 3 and 4 of the instructions in the application kit. In addition, applicants must provide information about six items described in section 2-E of the instructions in the application kit. These six items include: the characteristics of the subjects, the sources of research materials, recruitment plans and consent procedures, any potential risks, procedures for protecting against or minimizing potential risks, and potential benefits to the subjects. Failure to include this information may result in deferral of the application. The goal should be to include enough information in a sufficiently clear fashion so that reviewers will not have to delay action on the application while obtaining more information.

B. Informed Consent

Consent and/or assent forms and any additional information to be given to a subject must accompany the grant application (Form PHS 398). Failure to include this information may result in deferral of the application. Information that is given to the subject or the subject's represenative shall be in language that the subject or his or her representative can understand. No informed consent, whether oral or written, may include any exculpatory language through which the subject or the representative is made to waive any of the subject's legal rights, or by which the subject or representative releases or appears to release the investigator, the sponsor, or the institution or its agents from liability.

If a study involves both adults and children, separate consent forms should be provided for the adults and for the parents or guardians of the children.

C. Elements of Informed Consent

The elements of informed consent are as stated in the regulations at 45 CFR 46.116 and 21 CFR 50.25; they are as follows:

1. Basic Elements of Informed Consent

In seeking informed consent, the following information shall be provided to each subject:

(a) A statement that the study involves research, an explanation of the purposes of the research and the expected duration of the subject's participation, a description of the procedures to be followed, and identification of any procedures which are experimental.

(b) A description of any reasonably foreseeable risks or discomforts to the subject.

(c) A description of any benefits to the subject or to others which may reasonably be expected from the research.

(d) A disclosure of appropriate alternative procedures or courses of treatment, if any, that might be advantageous to the subject.

(e) A statement that describes the extent, if any, to which confidentiality of records identifying the subject will be maintained and that notes the possibility that FDA may inspect the record.

(f) For research involving more than minimal risk, an explanation as to whether any compensation and any medical treatments are available if injury occurs and, if so, what they consist of, or where further information may be obtained.

(g) An explanation of whom to contact for answers to pertinent questions about the research and research subject's rights, and whom to contact in the event of research-related injury to the subject.

(h) A statement that participation is voluntary, that refusal to participate will involve no penalty or loss of benefits to which the subject is otherwise entitled, and that the subject may discontinue participation at any time without penalty or loss of benefits to which the subject is otherwise entitled.

2. Additional Elements of Informed Consent

When appropriate, one or more of the following elements of information shall also be provided to each subject:

(a) A statement that the particular treatment or procedure may involve risks to the subject (or to the embryo or fetus, if the subject is or may become pregnant) which are currently foreseeable.

(b) Anticipated circumstances under which the subject's participation may be terminated by the investigator without regard to the subject's consent.

(c) Any additional cost to the subject that may result from participation in the research.

(d) The consequences of a subject's decision to withdraw form the research and procedures for orderly termination of participation by the subject.

(e) A statement that significant new findings developed during the course of the research which may relate to the subject's willingness to continue participation will be provided to the subject.

(f) The approximate number of subjects involved in the study. The informed consent requirements are not intended to preempt any applicable Federal, State, or local laws which require additional information to be disclosed for informed consent to be legally effective.

Nothing in this notice is intended to limit the authority of a physician to provide emergency medical care to the extent that the physician is permitted to do so under applicable Federal, State, or local law.

IV. Reporting Requirements

A financial status report must be submitted no later than 90 days after the close of each budget period. Annual progress reports must be submitted with all noncompeting continuation applications. A final progress report and invention statement must be submitted by 90 days after the expiration date of the approved project period.

V. Mechanism of Support

A. Award Instrument

Support will be in the form of grant awards which will be subject to all policies and requirements that govern the research grant programs of the Public Health Service, including the provisions of 42 CFR Part 52 and 45 CFR Part 74. The regulations promulgated under Executive Order 12372 do not apply to this program.

All grant awards are subject to the requirements for clinical investigations imposed by sections 505, 507, 512, and 515 of the Federal Food, Drug, and Cosmetic Act; section 351 of the Public Health Service Act; and regulations

promulgated under any of these sections.

B. Eligibility

These grants are available to any public or private nonprofit entity (including State and local units of government) and any for-profit entity.

C. Length of Support

The length of the study will depend upon the nature of the study. FDA anticipates that a majority of the studies can be completed in 1 year. As to those studies the expected duration of which is more than 1 year, continuation of support beyond the first year will depend on (1) performance during the preceding year and (2) the availability of funds.

D. Funding Plan

The number of studies funded will depend on the quality of the applications, the probable importance of the product, and the availability of funds.

VI. Review Procedure and Criteria

A. Review Method

All applications responding to this request for applications will be reviewed for scientific and technical merit by experts in the field of the subject of such specific application. The experts will review and evaluate each application based on its scientific merit. The applications will also be subject to a second review to evaluate them in light of the aims of the Orphan Products Development Program. Applications will also be reviewed before issuance of an FDA grant award to ensure to the extent practicable that proposed studies are consistent with requirements for investigations and marketing approval under the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act.

B. Review Criteria

Applications must be responsive to this request for applications. Applications that are judged to be nonresponsive will be referred to the National Institutes of Health (NIH) for consideration as unsolicited applications if both the applicant and NIH concur. Absent concurrence by either the applicant or NIH, the application will be returned to the applicant. Applications will be reviewed according to the following criteria:

1. Responsiveness to this request for applications with specific emphasis on:

(a) Whether the product is an orphan product.

(b) Whether the proposal contains one discrete clinical trial.

(c) Whether there is supporting evidence that the product is available to the applicant in the form needed for the investigation.

(d) Whether the product is subject to premarket approval by FDA.

(e) Whether the proposed study can be completed within the budget and time limitations as stated in this request for applications.

2. The soundness of the rationale for the proposed study.

3. The appropriatenesss and quality of the study design.

4. The adequacy of the evidence that the proposed number of subjects can be recruited and the study completed during the proposed project period.

5. The adequacy of plans for complying with regulations for protection of human and animal subjects.

6. The qualifications of the investigator and support staff and resources available to them.

VII. Submission Requirements

The original and six copies of the completed application should be delivered to, and application kits are available from, Olia M. Hopkins, address above.

Note.—The application should not be mailed to NIH.

The outside of the mailing package and the top of the application face page should be labeled "Response to RFA-FDA-OP-87-1."

Applications must be received by 5 p.m. on March 6, 1987. A package carrying a legible proof-of-mailing date assigned by the carrier, which date must be no later than 1 week prior to the date of receipt, is also acceptable. The date of receipt will be waived only in extenuating circumstances. To request such a waiver, the applicant should include an explanatory letter with the signed completed application. No waiver will be granted prior to receipt of an application. Unless a waiver is granted, applications received after the deadline will be returned to the applicant.

Completed Form PHS 398, "Application for Public Health Service Grant." Part of section 2—"Significance"—should include a short statement of why the product is appropriate to the objectives of the Orphan Products Grants Program.

If human subjects are involved, completed Form HHS 596, "Protection of Human Subjects," Assurance/Certification/Declaration (part of Form PHS 398) and Human Subject Consent Forms and/or Asset Form(s) should be submitted.

Six copies of all reprints critical to the review process should accompany the Form PHS 398 grant application.

Note.—The forms and reprints described above are to be mailed to FDA as stated in the address section of this notice. The NIH mailing label at the end of application kit should not be used.

VIII. Method of Application

A. Format for Application

Applications must be submitted on Form PHS 398, Public Health Service Grant Application. The face page of the application must reflect the request for applications number, RFA-FDA-OP-87-1. Data included in the application, if restricted with the legend specified below, may be entitled to confidential treatment as trade secret or confidential commercial information within the meaning of the Freedom of Information Act (5 U.S.C. 552(b)(4)) and FDA's implementing regulations (21 CFR 20.61).

The collection of information requested on Form PHS 398 and the instructions have been submitted by the Public Health Service to the Office of Management and Budget (OMB), and were approved and assigned OMB control number 0925-0001.

B. Legend

Unless disclosure is required by the Freedom of Information Act as amended (5 U.S.C. 552) as determined by the freedom of information officials of the Department of Health and Human Services, data contained in the portions of this application which have been specifically identified by page number, paragraph, etc., by the applicant as containing restricted information shall not be used or disclosed except for evaluation purposes.

Dated: December 1, 1986.

John M. Taylor,

Associate Commisioner for Regulatory Affairs.

[FR Doc. 87-24 Filed 1-2-87; 8:45 am]

BILLING CODE 4160-01-M

Health Care Financing Administration

[HSQ-144-N]

Medicare Program; Competitive Contracting for Quality of Care Review of Services Provided by Risk Sharing Health Maintenance Organizations and Competitive Plans

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of request for comments.

SUMMARY: Under section 1154(a)(4) of the Social Security Act, as amended by section 9353(a) of the Omnibus Budget Reconciliation Act of 1986, services furnished to Medicare enrollees by health maintenance organizations and competitive medical plans with risk-sharing contracts are to be reviewed for the quality of care provided. The Secretary may provide for this review by contract under competitive procurement procedures on a State-by-State basis in up to 25 States. We are requesting comments on a tentative list of 25 States in which we intend to provide for competition for the review of services.

DATE: We are requesting that comments be forwarded to the address below by January 20, 1987.

ADDRESS: Thomas G. Morford, Director, Health Standards and Quality Bureau, Health Care Financing Administration, 2-D-2 Meadows East Building, 6325 Security Boulevard, Baltimore, Maryland 21207.

FOR FURTHER INFORMATION CONTACT: Thomas G. Morford, (301) 597-2750.

SUPPLEMENTARY INFORMATION:

I. Background

Section 9353(a) of the Omnibus Budget Reconciliation Act of 1986 (Pub. L. 99-509) added section 1154(a)(4)(B) to the Social Security Act (the Act) to provide that inpatient services and outpatient services furnished to Medicare enrollees by eligible organizations pursuant to a contract under section 1876 of the Act (that is, health maintenance organizations (HMOs) and competitive medical plans (CMPs) with risk-sharing contracts) be reviewed for the quality of care provided. Under this review, a determination would be made as to whether the quality of those services meets professionally recognized standards of health care, including whether appropriate health care services have not been provided or have been provided in inappropriate settings.

Section 1154(a)(4)9(C) of the Act, also added by section 9353(a) of Pub. L. 99-509, states that the Secretary may provide for the quality of care review by contract under competitive procurement procedures on a State-by-State basis in up to 25 States. Furthermore, the States selected for competitive procurement procedures may not, as a group, have more than 50 percent of the total number of Medicare beneficiaries enrolled in HMOs and CMPs. In those States that are not selected for the competitive procurement procedures, the review activities required will be assigned to the Utilization and Quality Control Peer Review Organizations under contract to the Department for each State. (See H.R. Rep. 99-1012, 99th Cong., 2d Sess., 360 (1986).)

II. Selection of States for Competition

The following list contains the names of the 25 States in which we tentatively plan to provide for quality of care review under competitive procurement procedures, as set forth in section 1154(a)(4)(C) of the Act. Based on data compiled in November 1986, we estimate that 49.7 percent of Medicare enrollees in HMOs and CMPs under section 1876 of the Act are enrolled in these States. Since the statute restricts competition to States with 50 percent or less of the total number of individuals enrolled in plans at the time of competition, it may be necessary for us to revise the listing of States based on subsequent enrollment data prior to initiating the competitive procurement procedures. In selecting the States in which to conduct competitive procurements, we considered, among other factors, geography and the number of enrollees in HMOs/CMPs in the State (recognizing the statutory provision that limits competition to those States that as a group do not contain more than 50 percent of such enrollees nationally).

Alabama, Arizona, California, Connecticut, Georgia, Hawaii, Illinois, Indiana, Iowa
Kansas, Kentucky, Maryland, Massachusetts, Missouri, New Jersey, New Mexico, North Carolina
Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, West Virginia, Wisconsin.

III. Consideration of Comments

The comment period is necessarily brief because of the requirement to implement the amended section 1154(a)(4) of the Act by April 1, 1987, provided in sections 9353(a)(5) and (e)(3) of Pub. L. 99-509. In making a final decision as to the States in which competition is to be conducted, we will consider comments about the tentative list that are received before the end of the comment period. The names of the States included in the final selection will be announced in the *Commerce Business Daily.*

(Sec. 1154(a)(4) of the Social Security Act (42 U.S.C. 1320c-3(a)(4))

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance Program; and No. 13.774, Medicare—Supplemental Medical Insurance Program)

Dated: December 17, 1986.

William L. Roper,

Administrator, Health Care Financing Administration.

[FR Doc. 87-179 Filed 1-2-87; 8:45 am]

BILLING CODE 4120-01-M

Health Resources and Service Administration

Application Announcement and Proposed Funding Preferences for Grants for Faculty Development in Family Medicine

The Health Resources and Services Administration announces that applications for Fiscal Year 1987 Grants for Faculty Development in Family Medicine are being accepted under the authority of section 786(a), Title VII, of the Public Health Service Act, as amended by Pub. L. 99-129, and invites comments on the proposed funding preferences below.

Section 786(a) of the Public Health Service Act authorizes the award of grants to public or nonprofit private hospitals, schools of medicine or osteopathy, or other public or private nonprofit entities to assist in meeting the cost of planning, developing and operating programs for the training of physicians who plan to teach in family medicine training programs. In addition, section 786(a) authorizes assistance in meeting the cost of supporting physicians who are trainees in such programs and who plan to teach in a family medicine training program.

To receive support, programs must meet the requirements of regulations at 42 CFR Part 57, Subpart Q.

As specified in the regulations for this program, 42 CFR 57.1605(b)(2)(iii), a funding preference will be accorded approved applications for projects which emphasize increasing the number of new faculty who will be teaching on a full-time basis in family medicine.

Proposed Funding Preferences

Additional funding preferences are being proposed for applicants who provide directly or through affiliate medical schools, incentives for minority persons to enter academic medicine; and, for applicants whose projects are designed to develop faculty competence for teaching geriatric content and/or develop educational materials for teaching geriatric content to family medicine students, residents and practitioners.

Interested persons are invited to comment on the proposed funding preferences. Normally, the comment period would be 60 days. However, due to the need to implement any changes for the Fiscal Year 1987 award cycle, this comment period has been reduced to 30 days. All comments received on or before February 4, 1987, will be considered before the final funding preferences are established. No funds

will be allocated or final selections made until a final notice is published indicating whether the proposed funding preferences are to be applied.

Written comments should be addressed to: Director, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Rm. 4C–25, 5600 Fishers Lane, Rockville, Maryland 20857.

All comments received will be available for public inspections and copying at the Division of Medicine, Bureau of Health Professions, at the above address weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5:00 p.m.

The deadline date for receipt of applications is February 13, 1987.

Applications shall be considered as meeting the deadline if they are either:

1. *Received* on or before the deadline date, or

2. *Postmarked* on or before the deadline and received in time for submission to the independent review group. A legibly dated receipt from a commercial carrier or the U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks shall not be acceptable as proof of timely mailing.

Requests for application materials and questions regarding grants policy should be directed to: Grants Management Officer (D15), Bureau of Health Professionals, Health Resources and Services Administration, Parklawn Building, Rm. 8C–22, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443–6960.

The standard application form and specific instructions for this program have been approved by the Office of Management and Budget under the Paperwork Reduction Act. The OMB clearance number is 0915–0060.

Should additional programmatic information be required, please contact: Multidisciplinary Resources Development Branch, Division of Medicine, Bureau of Health Professions Health Resources and Services Administration, Parklawn Building, Rm. 4C–16, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443–3614.

This program is listed at 13.895 in the *Catalog of Federal Domestic Assistance.* It is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs, or 45 CFR Part 100.

Dated: November 17, 1986.

David N. Sundwall,

Administrator, Assistant Surgeon General.

[FR Doc. 87–25 Filed 1–2–87; 8:45 am]

BILLING CODE 4160–15–M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

North Side Pumping Division Extension, Minidoka Project, ID; Public Hearing on a Planning Report/Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a planning report/draft environmental statement for the proposed North Side Pumping Division Extension, Minidoka Project, Idaho. This statement (INT DES 86–46) was made available to the public on November 25, 1986.

The planning report/draft environmental statement presents the proposed plan of development and discusses the environmental impacts of implementing a project in Minidoka and Jerome Counties in south-central Idaho. The proposed project would irrigate tracts of dry Federal land, manage other tracts for wildlife enhancement, as well as provide serveral small tracts of land to public entities and others for selected uses at no cost to the Federal Government. The new landowners would be required to manage part of their Extension project lands for wildlife habitat, principally for ring-necked pheasants, and the Idaho Department of fish and game has stated its intention to manage the nonirrigated tracts of wildlife habitat.

A public hearing will be held in Burley, Idaho, at the Burley Inn on January 28, 1987, from 7:00 p.m. until all presentations have been made to receive views and comments from interested organizations or individuals relating to the potential environmental impacts on this proposed project. Oral statements at the hearing will be limited to a period of 10 minutes. Speakers will be encouraged not to trade their time to obtain a longer oral presentation. However, the person authorized to conduct the hearing may allow a speaker to make additional oral comments after all persons desiring to comment have been heard.

The Speaking order at the hearing will be determined by the order in which letter requests are received by the Bureau of Reclamation. Requests for scheduled presentations will be accepted until 4 p.m., January 26, 1987. Requests to make oral statements also will be accepted at the hearing, and persons making those requests will be permitted to speak for 10 minutes on a first-come-first-served basis after each person who submitted a letter request has been permitted to make an initial presentation.

Organizations or individuals desiring to present statements at the hearing should write to the Regional Director, Attn: Code 150, Bureau of Reclamation, Pacific Northwest Region, Box 043, 550 West Fort Street, Boise, Idaho 83724 or telephone (208) 334–1926 and announce their intention to participate. Written comments for the hearing record for those unable to attend the hearing and from those wishing to supplement their oral presentation at the hearing should be received by February 17, 1987, so they may be included in the hearing record.

Date: December 30, 1986.

C. Dale Duvall,

Commissioner.

[FR Doc. 87–30 Filed 1–2–87; 8:45 am]

BILLING CODE 4310–09–M

Office of Surface Mining Reclamation and Enforcement

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made within 30 days directly to the Bureau clearance officer and to the Office of Management and Budget Interior Department Desk Officer, Washington, DC 20503, telephone 395–7313.

Title: General Performance Standards 30 CFR Part 715

Abstract: This information is being collected to meet the performance standards in Section 515 of the Surface Mining Control and Reclamation Act and are applicable during the initial regulatory program. This information will be used by OSMRE in measuring compliance with the performance standards until permanent programs are in effect in the States.

Bureau Form Number: None
Frequency: Annually, Quarterly and Weekly
Description of Respondents: Coal Mine Operators
Annual Responses: 33,250
Annual Burden Hours: 152,150
Bureau Clearance Officer: Darlene Grose Boyd 343–5447

Dated: November 14, 1986.

Donald L. Hinderliter,

Acting, Assistant Director, for Budget and Administration.

[FR Doc. 87–94 Filed 1–2–87; 8:45 am]

BILLING CODE 4310–05–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Determination To Renew Advisory Committee on Voluntary Foreign Aid

The Advisory Committee on Voluntary Foreign Aid serves as an important link between the U.S. Government and the community of private and voluntary organizations engaged in foreign assistance activities. The Committee advises AID on policies and procedures concerning those organizations; provides a forumfor the exploration of topics of mutual concern; provides information, counsel and assistance to private and voluntary organizations; and fosters public interest in the field of voluntary foreign aid. There continues to be a significant need for such liaison and the related functions of theCommittee.

Accordingly, I hereby determine, pursuant to the provisions of section 14(c) of the Federal Advisory Committee Act (Pub. L. 92–463), that continuation of the Advisory Committee on voluntary Foreign Aid for a two-year period, beginning December 31, 1986, is in the public interest.

Dated: November 14, 1986.

M. Peter McPherson,

Administrator

[FR Doc. 87–98 Filed 1–2–87; 8:45 am]

BILLING CODE 6116–01–M

Determination To Renew Research Advisory Committee

The A.I.D. Research Advisory Committee performs necessary and important functions in connection with the formulation of A.I.D. research policy and in evaluating and providing necessary advice concerning the progress and future potential of Agency funded research activities. There continues to be a need for such advisory functions.

Accordingly, I hereby determine, pursuant to the provisions of Section 14(a)(1)(a) of the Federal Advisory Committee Act (Pub. L. 92–463) and paragraph 7 of OMB Circular A–63 (Revised), that renewal of the Research Advisory Committee for a two year period beginning December 24, 1986, is in the public interest.

Dated: October 17, 1986.

M. Peter McPherson,

Administrator.

[FR Doc. 87–97 Filed 1–2–87; 8:45 am]

BILLING CODE 6116–01–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–371 (Preliminary)]

Fabric and Expanded Neoprene Laminate From Taiwan

AGENCY: United States International Trade Commission.

ACTION: Institution of a preliminary antidumping investigation and scheduling of a conference to be held in connection with the investigation.

SUMMARY: The Commission hereby gives notice of the institution of preliminary antidumping investigation No. 731–TA–371 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Taiwan of fabric and expanded neoprene laminate, provided for in items 355.81, 355.82, 359.50, and 359.60 of the Tariff Schedules of the United States, which are alleged to be sold in the United States at less than fair value. As provided in section 733(a), the Commission must complete preliminary antidumping investigations in 45 days, or in this case by February 6, 1987.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and B (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

EFFECTIVE DATE: December 23, 1986.

FOR FURTHER INFORMATION CONTACT: Larry Reavis (202–523–0296), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TOD terminal on 202–724–0002.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted in response to a petition filed on December 23, 1986, by Rubatex Corporation, Bedford, VA.

Participation in the Investigation

Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than seven (7) days after publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service List

Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance. In accordance with §§ 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Conference

The Director of Operations of the Commission has scheduled a conference in connection with this investigation for 9:30 a.m. on January 12, 1987, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC. Parties wishing to participate in the conference should contact Larry Reavis (202–523–0296) not later than January 8, 1987, to arrange for their appearance. Parties in support of the imposition of antidumping duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

Written Submissions

Any person may submit to the Commission on or before January 15, 1987, a written statement of information pertinent to the subject of the investigation as provided in §207.15 of the Commission's rules (19 CFR 207.15). A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

Authority: This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.12 of the Commission's rules (19 CFR 207.12).

By order of the Commission.

Issued: December 29, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 87-31 Filed 1-2-87; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Certification of the Attorney General

In accordance with section 6 of the Voting Rights Act of 1965, a amended, 42 U.S.C. 1973d, I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the Fifteenth Amendment to the Constitution of the United States in Crenshaw County, Alabama. This county is included within the scope of the determinations of the Attorney General and the Director of the Census made on August 6, 1965, under section 4(b) of the Voting Rights Act of 1965 and published in the **Federal Register** on August 7, 1965 (30 FR 9897).

Dated: December 29, 1986.

Edwin Meese III,

Attorney General of the United States.

[FR Doc. 86-29513 Filed 12-30-86; 10:26 am]

BILLING CODE 4410-01-M

[Tax Division Directive No. 86-60]

Case Responsibility; Property Seizure During Search Warrants

December 18, 1986.

All civil actions filed after October 1, 1986, and pursuant to *Rule 41(e)*, Federal Rules of Criminal Procedure, for the return of property seized pursuant to a search warrant, shall be assigned to the Criminal Section of the Tax Division. If the search warrant was authorized by the Criminal Section pursuant to Tax Division Directive No. 49, effective October 1, 1984, the Criminal Section shall have primary responsibility over the litigation. If the search warrant relates to an ongoing criminal investigation being conducted by the United States Attorney, the case shall be the responsibility of the appropriate United States Attorney's office. If no viable criminal investigation is pending and the interests of the Government concern only the administrative collection of taxes, the case shall be the responsibility of the appropriate Civil Trial Section.

Upon agreement between the Chief of the Criminal Section and the United States Attorney, responsibility for the litigation of a case may be reassigned to United States Attorneys' offices or the Criminal Section. In those cases seeking relief in addition to the return of property, or suppression (such as damages for alleged tortious conduct or for improper disclosure, alleged violation of Code section 6103, or release of liens or levies on property), the Chief of the appropriate Civil Section and the Chief of the Criminal Section where the search warrant was authorized by the Criminal Section, or the United States Attorney in all other instances, shall determine who is to have primary litigation responsibility over such cases.

The Chief of the Criminal Section shall review all pending *Rule 41(e)* cases, including those presently assigned to a Civil Section, and determine the extent to which the Criminal Section shall assume responsibility over such cases.

Roger M. Olsen,

Assistant Attorney General Tax Division.

[FR Doc. 87-96 Filed 1-2-87; 8:45 am]

BILLING CODE 4410-01-M

Lodging of a Consent Decree Pursuant to the Clean Air Act; Granite Development Co. et al.

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed Consent Decree in *United States* v. *Granite Development Co., et al.*, Civil Action No. 85-3526-K, was lodged with the United States District Court for the District of Massachusetts on December 22, 1986. The Consent Decree concerns violations of the asbestos demolition/renovation regulations, adopted under sections 112 and 114 of the Clean Air Act, 42 U.S.C. 7412, 7414, and codified at 40 CFR Part 61. These regulations require the owners and contractor of a demolition/renovation project containing friable asbestos to notify EPA before beginning work, and to remove friable asbestos from the building before demolition actually begins. They further require that the removed asbestos be adequately wetted. These regulations are part of the National Emission Standards for Hazardous Air Pollutants ("NESHAP") established under section 112 of the Clean Air Act. In this action, the United States alleged that the defendants failed to comply with the asbestos NESHAP regulations during the January 1985 renovation of the Bowditch School at 35 Flint Street in Salem, Massachusetts. The defendants include contractor on the project, Granite Development Company, and the owners, Crowninshield Corporation and the trustees of Flint Street Realty Trust (solely in their capacities as trustees). The proposed Consent Decree requires the defendants jointly and severally to pay $16,000 in civil penalties and to comply with the requirements of the asbestos NESHAP regulations in the future. It further requires defendant Granite Development Company to train its employees involved in demolition and renovation to comply with the asbestos NESHAP regulations, and requires the other defendants to certify to EPA that the persons they use to undertake demolition activities at other projects are trained in the requirements of the asbestos NESHAP regulations.

The Department of Justice will receive for thirty (30) days from the date of publication of this notice, written comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, DC 20530 and should refer to *United States* v. *Granite Development Co., et al.*, D.J. Ref. No. 90-5-2-1-860.

The proposed Consent Decree may be examined at the Office of the United States Attorney, District of Massachusetts, 1107 John W. McCormack Federal Building, United States Post Office and Courthouse, Boston, Massachusetts 01103; at the Region I office of the Environmental

Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203; and the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed settlement agreement may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 87-95 Filed 1-2-87; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

[Docket No. 86-42]

Fourth Street Pharmacy, Watertown, SD; Hearing

Notice is hereby given that on April 26, 1986, the Drug Enforcement Administration, Department of Justice, issued to Fourth Street Pharmacy, an Order To Show Cause as to why the Drug Enforcement Administration should not revoke the pharmacy's DEA Certificate of Registration, AH4074162, and deny the pending application for renewal of that registration dated September 25, 1985, as a retail pharmacy under 21 U.S.C. 823(f).

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 9:30 a.m. on Wednesday, January 14, 1987, in Courtroom No. 4, 6th Floor, Federal Building, 110 South Fourth Street, Minneapolis, Minnesota.

Dated: December 29, 1986.

John C. Lawn,

Administrator Drug Enforcement Administration.

[FR Doc. 87-69 filed 1-2-87; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 86-64]

Kreiser's Rexall Drug, Watertown, SD; Hearing

Notice is hereby given that on July 21, 1986, the Drug Enforcement Administration, Department of Justice, issued to Kreiser's Rexall Drug, an Order To Show Cause as to why the Drug Enforcement Administration should not revoke DEA Certificate of Registration, AK9084156, issued to Kreiser's Rexall Drug as a retail pharmacy under 21 U.S.C. 823(f).

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written requet for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 9:30 a.m. on Tuesday, January, 13, 1987, in Courtroom No. 4, 6th Floor, Federal Building, 110 South Fourth Street, Minneapolis, Minnesota.

Dated: December 29, 1986.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 87-70 Filed 1-2-87; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 86-14]

Jack E. Taylor, M.D., Revocation of Registration

On December 27, 1985, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Jack E. Taylor, M.D. (Respondent) at 709 West 8th Street, Gillette, Wyoming 82716, proposing to revoke his DEA Certificate of Registration AT6858407 and deny any outstanding applications for renewal of that registration. The Order to Show Cause alleged that Respondent's continued registration with the Drug Enforcement Administration would be inconsistent with the public interest as defined in 21 U.S.C. 823(f). The basis for this allegation was Respondent's distribution of Schedule II narcotic controlled substances outside the course of professional practice and not for a legitimate medical purpose; his distribution of a Schedule I controlled substance, methaqualone; and his acquiring possession of controlled substances by fraud and deceit.

By letter dated January 28, 1986, counsel for Respondent requested a hearing, and the matter was docketed before Administrative Law Judge Francis L. Young. Following prehearing filings, a hearing was scheduled in Denver, Colorado on September 16, 1986. Prior to the date scheduled for the hearing Government counsel was advised that Respondent had failed to renew his medical license in Wyoming, and was no longer authorized to practice medicine in that state. The Administrative Law Judge was advised, and a telephone conference was held with Respondent's counsel on September 3, 1986. The Administrative Law Judge cancelled the hearing and the Government filed a Motion for Summary Disposition based upon Respondent's lack of state authorization to handle controlled substances. On September 24, 1986 Respondent filed a Response to the Government's Motion for Summary Disposition acknowledging Respondent's lack of a Wyoming medical license.

On November 18, 1986, the Administrative Law Judge issued a Memorandum and Order Terminating Proceedings indicating that there was no reason why the Administrator should not enter a final order based upon the investigative file and the record of proceedings. The Administrative Law Judge terminated the proceedings before him. The Administrator hereby enters his final order based upon the record and investigative file.

The Administrator finds that the Respondent was indicted by a Federal Grand Jury in the United States District Court for the District of Wyoming on May 17, 1985, of three counts of illegal distribution of controlled substances, one count of obtaining controlled substances by misrepresentation or fraud, and one count of obstruction of justice. This indictment culminated an investigation conducted by the Campbell County Wyoming Sheriff's Office and DEA in which it was found that Respondent had prescribed quantities of the Schedule II narcotic drugs Demerol, Dilaudid and morphine to individuals, including his wife, for no legitimate medical purpose and outside the course of professional practice. It was also found that Respondent had distributed the controlled substance methaqualone after it was placed into Schedule I, and that he acquired a Schedule III controlled substance in the name of an individual who he knew would not receive the drug. Following a plea of guilty to the obstruction of justice charge, Respondent was sentenced to a term of imprisonment of three years and fined three thousand dollars on September 25, 1985.

In light of Respondent's conviction, the Wyoming Board of Medical Examiners instituted action against Respondent's medical license in the State of Wyoming. A few weeks prior to the scheduled date of the DEA hearing, Government counsel learned that Respondent's medical license in the State of Wyoming had expired for failure to renew, and that he was no longer authorized to practice medicine or to prescribe, administer, dispense or otherwise handle controlled substances in the State of Wyoming. After a conference between counsel for

Respondent, counsel for the Government, and the Administrative Law Judge, the Government filed a Motion for Summary Disposition based upon Respondent's lack of authorization by the State of Wyoming to handle controlled substances. Respondent's counsel responded to the motion by indicating that he had no objection to revocation of Respondent's DEA Certificate of Registration based solely upon Respondent's lack of a state license. The Adminstrative Law Judge then terminated the proceedings.

The Administrator has consistently held that when an individual registered with DEA is not authorized to handle controlled substances in the state in which he practices, DEA is without authority to maintain a registration. See *Avner Kauffman, M.D.*, Docket No. 85–8, 50 FR 34208 (1985); *Kenneth K. Birchwood, M.D.*, 48 FR 33778 (1983); and *Thomas E. Woodson, D.O.*, Docket No. 81–4, 47 FR 14353 (1982). Therefore, since Respondent is not authorized to handle controlled substances in the State of Wyoming, the Administrator cannot permit him to maintain a DEA Certificate of Registration in that State.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824, and 28 CFR 0.100(b), hereby orders that DEA Certificate of Registration AT6858407 previously issued to Jack Taylor, M.D., be and is hereby revoked effective immediately. Any outstanding applications for renewal of that registration are hereby denied.

Dated: December 29, 1986.

John C. Lawn,

Administrator.

[FR Doc. 87–71 Filed 1–2–87; 8:45 am]

BILLING CODE 4410–09–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–348 and 50–364]

Alabama Power Co.; (Joseph M. Farley Nuclear Plant Unit Nos. 1 and 2)—Exemption

I

The Alabama Power Company (the licensee) is the holder of Facility Operating License Nos. NPF–2 and NPF–8 which authorizes operation of the Joseph M. Farley Nuclear Power Plant, Unit Nos. 1 and 2. These licenses provide, among other things, that the licensee is subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

The facility comprises two pressurized water reactors at the licensee's site located near the City of Dothan, Alabama.

II

On November 19, 1980, the Commission published a revised Section 10 CFR 50.48 and a new Appendix R to 10 CFR Part 50 regarding the fire protection features of nuclear power plants (48 FR 76602). The revised § 50.48 and Appendix R became effective on February 17, 1981. Section 50.48(c) established the schedules for satisfying the provisions of Appendix R. 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. Only one of the fifteen subsections, III.G., is the subject of this exemption request.

Section III.G.2 of Appendix R 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:

(1) 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;

(2) Separation of cables and equipment and associated non-safety circuits of 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

(3) 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 suspension system shall be installed in the fire area.

If these conditions are not met, Section III.G.3 requires an alternative shutdown capability independent of the fire area of concern. It also requires a fixed fire suppression system to be installed in the fire area of concern if it contains a large concentration of cables or other combustibles. These alternative requirements are not deemed to be equivalent; however, they provide equivalent protection for those configurations in which they are accepted.

III

By letter dated March 13, 1985, the licensee submitted the results of their Appendix R fire hazards analysis reevaluation dated February 1985 for review. The licensee contends that the reevaluation was prompted by the interpretations to Appendix R promulgated in IE Notice 84–09 and Generic Letter 83–33. Therefore, based on the results of this reevaluation the licensee requested forty-nine additional exemptions from the specific provisions of Section III.G of Appendix R for certain fire areas in Unit No. 2 and for certain areas shared by Units 1 and 2. The Commission granted thrity-three of the forty-nine requests for exemption by letter dated November 19, 1985. Prior to the fire hazards analysis reevaluation, the Commission had granted only one exemption on December 30, 1983, for certain system cables or components located within the containment buildings of Unit Nos. 1 and 2. Subsequently, the Commission granted twenty-seven exemptions on September 10, 1986, for certain fire areas of Unit No. 1 as a result of the Unit 1 fire hazards analysis reevaluation dated May 1985. By letters dated October 18, 1985, January 27, and July 16, 1986, the licensee modified the earlier exemption requests and provided relevant "special circumstances" as additional justifications.

Based on our review of the licensee's submittals as well as site visits by the Region II assigned fire protection engineer and the assigned NRR Project Manager, we issued a safety evaluation finding that the licensee's alternate fire protection configuration in the remaining sixteen fire areas in Unit No. 2 and certain areas shared by Units 1 and 2, where exemptions or modifications were requested, represents an equivalent level of safety to that achieved by compliance with Section III.G of Appendix R, 10 CFR Part 50.

By letter dated July 16, 1986, the licensee provided information relevant to the "special circumstances" finding required by revised 10 CFR 50.12(a) (see 50 FR 50764). The licensee stated that the existing and proposed fire protection features at the Farley site accomplish the underlying purpose of the rule. Implementing additional modifications to provide additional suppression systems, detection systems and fire barriers to comply with Appendix R for all areas of the plant would require the expenditure of engineering and construction resources as well as the associated capital costs which would

represent an unwarranted burden on the licensee's resources. Costs that would be incurred are as follows:

—Engineering, procurement and installation of additional piping, sprinkler heads, and supporting structures.
—Engineering, procurement and installation of additional fire barriers, supports, support protection and ongoing maintenance.
—Significant rerouting of power cabling and associated conduits, ducts and supports.
—Increased surveillance on new or extended fire suppression and fire detection systems.
—Increased congestion in numerous plant locations complicating future plant modifications/operations.

The licensee stated that these costs are significantly in excess of those required to meet the underlying purpose of the rule. The staff concludes that "special circumstances" exist for the licensee's requested exemptions in that application of the regulation in these particular circumstances is not necessary to achieve the underlying purpose of Appendix R to 10 CFR Part 50 (see 10 CFR 50.12(a)(2)(ii)).

IV

Accordingly, the Commission has determined pursuant to 10 CFR 50.12(a), that the additional sixteen technical exemptions discussed in Section III are authorized by law and will not endanger life or property or the common defense and security, and is otherwise in the public interest. The Commission hereby approves the sixteen requested exemptions from Appendix R of 10 CFR Part 50 Section III.G as specifically identified in the Safety Evaluation dated December 29, 1986, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Local Public Document Room, located at the George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of the Exemption will have no significant impact on the environment (November 17, 1986, 51 FR 41550).

This exemption is effective upon issuance.

Dated at Bethesda, Maryland this 29th day of December, 1986.

For the Nuclear Regulatory Commission.

Thomas M. Novak,

Acting Director, Division of PWR Licensing-A, Office of Nuclear Reactor Regulation.

[FR Doc. 87-78 Filed 1-2-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 030-13313; License No. 21-17781-01 and Docket No. 030-29339; License No. 21-24745-01 EA 86-139]

Order to Show Cause; Kedarnath B. Joshi, MD and Highland Waterford Medical Services

I

In the matter of Kedarnath B. Joshi, M.D., 20331 Farmington Road, Livonia, MI, Highland Waterford Medical Services, 4000 Highland Road, Pontiac, Michigan.

Dr. Kedarnath Joshi is the holder of NRC License No. 21-17781-01, which authorizes the use of Groups I, II and III (except generators) of byproduct material for diagnostic studies at his private practice clinics in Michigan at 20331 Farmington Road, Livonia; 530 W. Huron, Pontiac; and 22250 Providence Drive, Southfield. The license was originally issued on December 15, 1977, was amended in its entirety on March 1, 1983, and is due to expire on March 31, 1988. Highland Waterford Medical Services (HWMS) is the holder of Byproduct Material License No. 21-24745-01, which authorizes the use of Groups I and II for diagnostic studies. The license was originally issued on June 30, 1986 and is due to expire on July 31, 1991.

II

On June 12, 1986, prior to issuance of the HWMS license the NRC Region III staff received allegations that Dr. Joshi was engaging in activities at HWMS that were in violation of NRC regulatory requirements. A special inspection was initiated immediately and conducted from June 12 through July 1, 1986. During the inspection, the NRC determined that Dr. Joshi performed nuclear medicine procudures at Highland Waterford Medical Services in Pontiac, Michigan, from May 21 through June 11, 1986 although his license did not authorize use at that location. The HWMS facility had been an authorized place of use for another nuclear medicine group which had ceased operations at that location on May 15, 1986. Prior to beginning operations at the HWMS facility and on several occasions during the period of unauthorized use, Dr. Joshi was informed by his technologist and two consultants (acting independently of each other) that authorized use at HWMS would require a license amendment.

Dr. Joshi began use of licensed material at the HWMS facility on May 21, 1986. On June 5, 1986, after learning of Dr. Joshi's use of radiopharmaceuticals at HWMS, one of the consultants contacted Dr. Joshi and the radiopharmaceutical supplier, IsoDiagnostic Services (IDS), and informed them of the unauthorized place of use. The supplier immediately suspended all deliveries to HWMS.

Dr. Joshi and representatives of the HWMS facility contacted the NRC on June 6, 1986 to ascertain amendment requirements to add HWMS as an authorized place of use to Dr. Joshi's license. Arrangements were made to expedite delivery of the amendment package to the NRC Region III office on that day. On June 11, 1986, HWMS was notified by telephone that Dr. Joshi's license amendment had been approved and signed. This amendment authorized HWMS as a place of use for Dr. Joshi until such time as HWMS received its own NRC license.

Rather than await the required authorization to use radiopharmaceuticals at the HWMS facility, Dr. Joshi had an employee contact personnel at IDS and request that they deliver licensed material to the Pontiac Imaging Center on 530 West Huron Street in Pontiac, Michigan, a location authorized on Dr. Joshi's license, but which he had vacated to commence his practice at the HWMS facility. Since Dr. Joshi's license allowed use at the Pontiac Imaging Center, on June 9, 10, and 11, 1986, IDS delivered doses to the Pontiac Imaging Center using the key to the building they had acquired for prior deliveries. While IDS representatives knew that the Pontiac Imaging Center was in the process of being closed, they were assured that appropriate equipment (dose calibrator and survey meter) would be available and that patients would be injected at that center and then scanned at HWMS. In fact, the facility was vacant; however, because deliveries were made at 4:00 a.m. to a receiving area immediately inside the rear door of the facility, IDS was unaware of that fact. Dr. Joshi and a technologist on June 9th and a technologist on June 10th and 11th drove over to the Pontiac Imaging Center, picked up the doses delivered by IDS, brought them back to HWMS, and administered them to patients.

On June 19, 1986, Dr. Joshi was notified by telephone that his June 11, 1986 amendment (which was never mailed) had been rescinded. Also on June 19, 1986, a Confirmatory Action Letter was issued by the NRC reiterating that authorization for use of licensed material at HWMS by Dr. Joshi had been rescinded. On June 30, 1986, a separate license was issued to the HWMS facility which authorizes Dr. Joshi to use licensed material at HWMS, but specifies another individual as

Radiation Safety Officer. Upon further review of this entire matter, I have serious reservation about whether such licensing of Dr. Joshi should continue.

III

The NRC has concluded that Dr. Joshi continued to use licensed material at a site not authorized by his license after he was reminded on three separate occasions that such use violated NRC requirements. Dr. Joshi also deliberately deceived IDS when he requested delivery of radiopharmaceuticals to the Pontiac Imaging Center vacant building and willfully violated NRC regulatory requirements when he transported the licensed material to HWMS and administered it to patients. This willful violation of NRC requirements raises questions whether Dr. Joshi in the future will comply with Commission requirements and the conditions of his license and that of the HWMS facility.

IV

Accordingly, pursuant to section 81, 161b, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and Parts 30 and 35, it is hereby ordered that:

1. Dr. Joshi shall show cause, in a manner hereinafter provided, why License No. 21–17781–01 should not be revoked and License No. 21–24745–01 should not be modified to prohibit Dr. Joshi from serving in any capacity involving the performance or supervision of any licensed activities.

2. HWMS shall show cause why License No. 21–24745–01 should not be modified to prohibit Dr. Joshi from serving in any capacity involving the performance or supervision of any licensed activities.

V

The licensees may show cause, within 25 days of the date of issuance of this Order, as required by Section IV above, by filing written answer under oath or affirmation setting forth the matters of fact and law on which the licensees rely to demonstrate that revocation of the one license and prohibition of Dr. Joshi from performance and supervision of licensed activities is not warranted. The licensees may answer, as provided in 10 CFR 2.202(d), by consenting to the entry of orders in substantially the form proposed in this Order, in which case the licenses will be revoked or modified as stated in Section IV. If the licensees fail to file an answer within the specified time, the Director, Office of Inspection and Enforcement, may issue without further notice an Order as described above.

VI

The licensees or any other person adversely affected by this Order may request a hearing within 25 days after issuance of this Order. Any answer to this Order or any request for hearing shall be submitted to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Copies shall also be sent to the Assistant General Counsel for Enforcement, Office of General Counsel at the same address. If a person other than the licensees requests a hearing, that person shall set forth with particularity the manner in which the person's interest is adversely affected by this Order. If a hearing is requested by a licensee or any person who has an interest adversely affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held, the issue to be considered at the hearing shall be whether License No. 21–17781–01 should be revoked and License No. 21–14745–01 modified to prohibit performance or supervision of licensed activities by Dr. Joshi.

Dated at Bethesda, Maryland, this 23rd day of December, 1986.

For the Nuclear Regulatory Commission.

James M. Taylor,

Director Office of Inspection and Enforcement.

[FR Doc. 87–79 Filed 1–2–87; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–483]

Union Electric Co.; (Callaway Plant); Exemption

I

Union Electric Company, (the licensee) is the holder of Facility Operating License No. NPF–30, issued October 18, 1984, which authorizes operation of the Callaway Plant (the facility) at steady State reactor power levels not in excess of 3411 megawatts thermal. This license provides, among other things, that it is subject to all rules, regulations and Orders of the Commission now or hereafter in effect. The facility consists of a pressurized water reactor located in Callaway County, Missouri.

II

10 CFR Part 20, Apendix A, "Protection Factors for Respirators," establishes protection factors of air-purifying respirators for protection against particulates only. Furthermore, footnote d–2(c) states, "No allowance is to be made for the use of sorbents against radioactive gases or vapors." This restriction was needed since an inadequate data base had existed for evaluating the complex interaction of many factors affecting the service life and removal efficiency of radioactive gases and vapors by sorbents canisters.

Also, due to the lack of a data base, a NIOSH/MSHA certification schedule to ensure that canisters meet acceptable performance criteria has not been established.

However, 10 CFR 20.103(e) and 20.501 allow an exemption to be authorized by the Commission in lieu of a NIOSH/MSHA certification schedule based on adequate testing, material and performance characteristics. An application by a licensee for this authorization must include a demonstration by testing, or on the basis of reliable test information, that the material and performance characteristics of the equipment are capable of providing the proposed degree of protection under anticipated conditions of use. The licensee has made such an application.

By letter dated October 22, 1985, as supplemented by letter dated August 29, 1986 the licensee requested an exemption based on 10 CFR 20.103(e) to allow the use of a protection factor of 50 when utilizing radioiodine GMR–I canisters for personnel respiratory protection during scheduled refueling outage work. The licensee cited research data, test results, test protocol and a quality assurance sampling plan that it stated satisfies the recommended qualification process of NUREG/CR–3403. The Commission staff evaluated the information provided by the licensee to support the exemption request. The Commission's safety evaluation on this matter relating to the use of a radioiodine protection factor for GMR–I canisters at Callaway has been issued. The safety evaluation concludes that the licensee's proposed use of radioiodine GMR–I canisters with certain usage restrictions and controls can result in significant dose savings over alternative methods while still providing effective protection.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 20.501, an exemption as requested by the licensee's letter of October 22, 1985 as supplemented August 29, 1986, is authorized by law and will not result in undue hazard to life or property. The Commission hereby grants an exemption from the restrictions of 10 CFR Part 20, Appendix A, footnote d–2(c), and

authorizes the use of the GMR–I canister, with restrictions as shown in Attachment 1 to this exemption. The exemption is subject to modification by rule, regulation or Order of the Commission.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of the exemption will have no significant impact on the environment (51 FR 45408).

This Exemption is effective upon issuance.

Dated at Bethesda, Maryland this 29th day of December 1986.

For the Nuclear Regulatory Commission.

Thomas M. Novak,

Acting Director, Division of PWR Licensing–A, Office of Nuclear Reactor Regulation.

Attachment 1

Limitations, Usage Restrictions, and Controls Applicable to the Use of GMR–1 Canister a the Callaway Plant

1. Protection factor equal to 50 as a maximum value.
2. The maximum permissible continuous use time is eight hours after which the canister will be discarded.
3. Canisters ae not to be used in the presence of organic solvent vapors.
4. Canisters are to be stored in sealed, humidity barrier packaging in a cool, dry environment.[1]
5. The allowable service life for sorbent canisters is to be calculated from the time of unsealing the canister, including periods of non-exposure.
6. Canister is to be used with a full facepiece capable of providing protection factors greater than 100.
7. Canisters are not to be used in total challenge concentrations of organic iodines and other halogenated compounds greater than 1 ppm, including nonradioactive compounds.
8. Canisters are not to be used in environments where temperatures are greater than 120°F, or dewpoint exceeds 107°F.

In addition to the limitations and usage restrictions noted above, the following additional controls will be utilized by the licensee:

1. Temperatures will be measured prior to and/or coincidently with the use of GMR–I canisters to assure that work temperatures do not exceed 120°F or temperature corresponding to a dewpoint of 107°F during sorbent canister use.
2. In the initial implementation of sorbent canister use, the following program verification measures will be used:

a. Weekly whole body counts for individuals using the sorbent canister for radioiodine protection;

b. For individuals who exceed 10 MPC hours in seven consecutive days, a whole body count will be required prior to their next entry into a radioiodine atmosphere (i.e., effectively a 10 MPC hour stay time);

c. If an individual measures 70nCi or greater iodine uptake to the thyroid during a whole body count, the individual's entry into radioiodine atmospheres will be restricted pending health physics evaluation;

d. A whole body count/survey data base will be compiled to evaluate the results of the program.

[1] Sorbent canisters will be stored in conditions not to exceed 90°F or 70% humidity in accordance with Procedure HPH 06–XXX (currently in draft).

[FR Doc. 87–80 Filed 1–2–87; 8:45 am]

BILLING CODE 7590–01–M

POSTAL RATE COMMISSION

[Docket No. C87–1; Order No. 732]

Complaint of National Manufactured Housing Federation; Order on Filing of Complaint of National Manufactured Housing Federation

Issued: December 19, 1986.

Before Commissioners: Janet D. Steiger, Chairman; Bonnie Guiton, Vice Chairman; John W. Crutcher; Henry R. Folsom; Patti Birge Tyson.

[**Editorial Note**: This document originally appeared in the issue of Monday, December 29, 1986, at 51 FR 46963. It is reprinted because a portion of the document was illegible in some of the printed copies of the issue.]

On December 11, 1986, National Manufactured Housing Federation (NMHF) filed a complaint with the Commission under 39 U.S.C. 3662. NMHF asserts that the Postal Service's policy to provide delivery equipment at the Service's expense to developments of detached single-family homes while refusing to provide this service to developments containing predominantly single-section manufactured homes (*i.e.*, "mobile or trailer homes") violates the policy in the Postal Reorganization Act prohibiting unreasonable discrimination among mail users in the provision of postal services. 39 U.S.C. 403(c). NMHF requests that the Commission "work with NMHF and the Postal Service" to change the policy so that "mobile or trailer home developments" receive the same treatment with respect to the Postal Service's provision of delivery equipment received by other developments of detached, single-family homes.

NMHF states that it represents the interests of the manufactured housing industry which includes developers and owners of manufactured housing developments and wholesalers, retailers, and producers of manufactured homes. NMHF states that it is also an advocate for residents that live in manufactured home developments. NMHF alleges that the interest of those it represents is adversely affected by Postal Service's policies concerning the provision of delivery equipment [*i.e.*, parcel lockers and Neighborhood Delivery Collection Box Units (NDCBU's)] at the Service's expense to residential developments that exercise the option to receive mail by centralized delivery. NMHF cites a Postal Service directive which states that in residential delivery areas where a builder or owner chooses to receive mail by centralized delivery, "the Postal Service will . . . purchase, install and maintain pedestal mounted neighborhood delivery and collection boxes and parcel lockers." (Message No. 8080 from Eugene C. Hagburg, Assistant Postmaster General, Delivery Services, October 2, 1984). That same directive also states that the Postal Service will not provide delivery equipment to trailer parks. When NMHF sought clarification of this policy, in a letter dated August 18, 1986, addressed to NMHF President H.E. Blogram from Assistant Postmaster General Andrew S. Walker, USPS explained that its policy not to provide delivery equipment to mobile or trailer home developments did not apply to modular or manufactured housing assembled on site. NMHF complains that under this policy, postal patrons in developments of detached, single-family homes are spared the expense of purchasing and installing centralized delivery equipment while patrons in developments of predominantly single-section manufactured homes must bear the expense.

NMHF estimates that there are approximately 12 million residents of manufactured homes and about half of this figure live in single-section manufactured homes. Thus, NMHF argues that the Postal Service's policy refusing to provide delivery equipment to residents of single-section manufactured home developments has a substantial nationwide impact.

NMHF complains that the Postal Service's treatment of single-section manufactured housing communities is unduly discriminatory and arbitrary. NMHF argues that the Postal Service has no rational basis relevant to postal service purposes for making a distinction between manufactured single-section housing developments and other kinds of detached single family housing developments in the provision of delivery equipment. NMHF charges that the Postal Service's refusal to provide centralized delivery equipment to single-unit manufactured home developments violates section 403(c) of the Postal Reorganization Act that prohibits the Postal Service from making ". . . undue or unreasonable discrimination among users of the

mails . . .," or granting ". . . any undue or unreasonable preference to any such user . . ." in the provision of postal services. (39 U.S.C. 403(c)).

Under the Commission's rules of practice (39 CFR 3001.84) the Postal Service has 30 days to file an answer to a complaint. As explained below, we are invoking rule 85 (39 CFR 3001.85) with respect to informal methods of resolution. We will thus postpone the formal answer until the outcome of informal approaches is clear. The Postal Service and the parties will be notified of the date for filing an answer to the complaint of NMHF.

It is Commission policy and practice "to encourage the resolution and settlement of complaints by informal procedures . . ." (39 CFR 3001.85). Taking this into consideration and noting that NMHF has not specifically requested a hearing in its complaint filing but has merely requested the Commission's assistance in bringing about the proposed change, we believe that informal procedures would be the best route to take at this time. Therefore, pursuant to rule 85, the Chairman will appoint a coordinator of informal resolution efforts. The scheduling of any formal procedures such as hearing dates and due date for petitions of intervention will be postponed, until it is clear that such procedures are needed.

Although the issue of whether formal hearings will be needed is undecided, at this time we are appointing Stephen A. Gold, Director of the Office of the Consumer Advocate, to represent the public in this proceeding.

It is ordered:

(1) The Commission will employ informal procedures, pursuant to section 85 of the rules of practice, in this case.

(2) Stephen A. Gold, Director of the Office of the Consumer Advocate, is appointed to represent the interests of the general public in this proceeding.

By the Commission.

Charles L. Clapp,

Secretary.

[FR Doc. 86-28959 Filed 12-24-86; 8:45 am]

BILLING CODE 1505-01-T

POSTAL SERVICE

Mail Processing Cost Model; Notice of Training Seminar

AGENCY: Postal Service.

ACTION: Notice of Training Seminar.

SUMMARY: The United States Postal Service announces a forthcoming training seminar concerning the Mail Processing Cost Model (MPCM). The MPCM is a set of computer models of sectional center facilities which has been discussed in the last two omnibus postal rate proceedings with respect to the analysis of mail processing costs.

DATE: The seminar will be held January 14 and 15, 1987; parties wishing to participate should furnish the names of participants to the Postal Service by January 9, 1987.

ADDRESS: The seminar will be held at postal headquarters, 475 L'Enfant Plaza West SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Robert Lowry, (202) 268-2991.

SUPPLEMENTARY INFORMATION: The Postal Service has arranged, following a request by the Postal Rate Commission, for a training seminar on the Mail Processing Cost Model (MPCM). The seminar will be conducted by Halstein Stralberg of Universal Analytics, Inc., on January 14 and 15, 1987, at Postal Service headquarters, 475 L'Enfant Plaza West SW., Washington, D.C. It will be open to interested parties.

The purpose of this seminar is to discuss the steps necessary to make parametric runs of the MPCM designed to test the effects on model outputs of changes in input parameters, such as mail volumes and arrival patterns. It essentially will pick up where the previous seminar on this model that was held on December 14 and 15, 1983, left off. Participants will be allowed to ask factual questions concerning model design and operation, but questions which call for speculation, or which concern economic theories explaining model outputs will not be entertained. Although participants will be trained on the current version of the model, interested parties should know that several operational changes made since testimony was filed in Docket No. R84-1 have not been incorporated into the model, and the Postal Service has no plans to update the model at this time.

Parties wishing to participate in this seminar should furnish the names of participants to the Postal Service by January 9, 1987. Participants will be notified of the room number and exact starting time of the seminar by January 12. Participants will be charged $500 per person to help defray the costs of the seminar, which are expected to total approximately $6,500. If more than 13 persons attend, the cost per person will be adjusted accordingly.

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 87-73 Filed 1-2-87; 8:45 am]

BILLING CODE 7710-12-M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

AGENCY: Railroad Retirement Board.

ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s):

(1) Collection title: Self-Employment Questionnaire.

(2) Form(s) submitted: AA-4.

(3) Type of request: Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection.

(4) Frequency of use: On occasion.

(5) Respondents: Individuals or households.

(6) Annual responses: 600.

(7) Annual reporting hours: 158.

(8) Collection description: Section 2 of the RRA provides for payment of annuities to qualified employees and their spouses. In order to receive an annuity, the applicant must stop all railroad work and all work for pay outside the railroad industry that is considered 'last person service' (LPS). This collection obtains information about the applicant's self-employment work to be used in making an LPS determination.

Additional Information or Comments: Copies of the proposed forms and supporting documents may be obtained from Pauline Lohens, the agency clearance officer (312-751-4692). Comments regarding the information collection should be addressed to Pauline Lohens, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Judy Egan (202-395-6880), Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Pauline Lohens,

Director of Information and Data Management.

[FR Doc. 87-7 Filed 1-2-87; 8:45 am]

BILLING CODE 7905-01-M

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

White House Science Council (WHSC); Meeting

The White House Science Council, the purpose of which is to advise the

Director, Office of Science and Technology Policy (OSTP), will meet on January 15 and 16, 1987 in Room 5104, New Executive Office Building, Washington, DC. The meeting will begin at 6:00 p.m. on January 15, recess and reconvene at 8:00 a.m. on January 16. Following is the proposed agenda for the meeting:

(1) Briefing of the council, by the Assistant Directors of OSTP, on the current activities of OSTP.

(2) Briefing of the Council by OSTP personnel and personnel of other agencies on proposed, ongoing, and completed panel studies.

(3) Discussion of composition of panels to conduct studies.

The January 15 session and a portion of the Janaury 16 session will be closed to the public.

The briefing on some of the current activities of OSTP necessarily will involve discussion of material that is formally classified in the interest of national defense or for foreign policy reasons. This is also true for a portion of the briefing on panel studies. As well, a portion of both of these briefings will require discussion of internal personnel procedures of the Executive Office of the President and information which, if prematurely disclosed, would significantly frustrate the implementation of decisions made requiring agency action. These portions of the meeting will be closed to the public pursuant to 5 U.S.C. 552 b.(c)(1), (2), and (9)(B).

A portion of the discussion of panel composition will necessitate the disclosure of information of a personal nature, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Accordingly, this portion of the meeting will also be closed to the public, pursuant to 5 U.S.C. 552 b.(c)(6).

Because of the security in the New Executive Office Building, persons wishing to attend the open portion of the meeting should contact Barbara J. Diering, at (202) 456-7740, prior to 3:00 p.m. on January 14, 1987. Mrs. Diering is also available to provide specific information regarding time, place and agenda for the open session.

Jonathan F. Thompson,

Executive Assistant, Office of Science and Technology Policy.

December 23, 1986.

[FR Doc. 86-29532 Filed 12-31-86; 1:26 pm]

BILLING CODE 3170-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 34-23929; File No. 600-22]

Self-Regulatory Organizations; Application for Registration as a Clearing Agency

On December 23, 1986, the MBS Clearing Corporation ("MBSCC") filed with the Commission an application for registration as a clearing agency under section 17A of the Securities Exchange Act of 1934, 15 U.S.C. 78q-1, (the "Act") and Rule 17Ab2-1(c) (1) (17 CFR 240.17Ad2-1(c) (1)) thereunder.

Pursuant to Rule 17Ab2-1(c)(1), the Commission may grant MBSCC registration as a clearing agency and exempt it from one or more of the requirements of section 17A(b)(3)(A) through (I) of the Act. MBSCC's registration under Rule 17Ab2-1(c)(1), however, would be temporary in that it cannot be effective for more than eighteen months from the date on which registration is made effective by the Commission (or such longer period as ordered by the Commission). Moreover, the Commission, under paragraph (c)(2) of the Rule, must determine nine months after the effective date of MBSCC's temporary registration either to: (i) grant MBSCC registration without exempting it from one or more of the requirements as to which the Commission is directed to make a determination under section 17A(b)(3)(A) through (I) of the Act; or (ii) institute proceedings to determine whether registration should be denied at the expiration of the eighteen month (or longer) registration period.

You are invited to submit written data, views and arguments concerning the foregoing application within twenty-one days of the date of publication of this notice in the **Federal Register.** Such written data, views and arguments will be considered by the Commission in granting registration or instituting proceedings to determine whether registration should be denied in accordance with Rule 17Ab2-1(c)(2). Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Reference should be made to the appropriate file number. Copies of the application and of all written comments will be available for inspection at the Securities and Exchange Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: December 23, 1986.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-64 Filed 1-2-87; 8:45 am]

BILLING CODE 8010-01-M

[(Rel. No. 34-23922; File No. SR-CBOE-86-32)]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Relating to the Listing of Treasury Bonds and Notes with a Public Issuance of $1 Billion or More

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 October 9, 1986 the Chicago Board Options Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change enables the Exchange to list Treasury bonds and notes that either have never been listed on the Exchange or have been delisted, provided that such bonds each have a public issuance of $1 billion or more, excluding stripped securities. In addition, it gives the Exchange limited flexibility in setting expiration months for Treasury securities.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in sections (A), (B), and (C) below.

(A) Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

The purpose of this proposed rule change is to give the Exchange some flexibility to respond to investor interest

in connection with listing or relisting certain bonds and notes and in setting expiration months for bonds and notes.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will not impose a burden on competition.

(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

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, 450 Fifth Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by [insert date 21 days from date of publication].

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 22, 1986

Jonathan G. Katz,

Secretary

[FR Doc. 87-65 Filed 1-2-87; 8:45am]

BILLING CODE 8010-01-M

[Rel. No. 34-23930/File No. SR-DTC-86-09]

Self Regulatory Organizations; Depository Trust Co.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78(b)(1), notice is hereby given that on November 24, 1986, the Depository Trust Company ("DTC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change described below. The proposal enhances DTC's Computer-to-Computer Facility II ("CCF-II"). The Commission is publishing notice to solicit comment on the rule change.

The proposal will allow DTC Participants to segregate securities from their general or interim free accounts and to release securities from segregation by submitting instructions through the CCF-II system. CCF-II allows DTC Participants to send transmission input to DTC and receive DTC report data through a link between Participants' mainframe computer and DTC computers. Currently, Participants may submit instructions for segregation and release from segregation by hard copy, tape or through the Participant Terminal System. The rule change will expand the available methods of sending segregation and release instructions. DTC believes the proposed rule change will allow Participants to make more effective use of their computer facilities and will improve participants' control of segregated positions. For these reasons, DTC believes the proposed rule change will promote the prompt and accurate clearance and settlement of securities transactions.

This rule change has become effective, pursuant to section 19(b)(3)(A) of the Act and Rule 19b-4. The Commission may summarily abrogate the rule change at any time within 60 days of its filing if it appears to the Commission that abrogation is necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purposes of the Act.

You may submit written comments within 21 days after notice is published in the **Federal Register**. Please file six copies with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the filing, 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 Room, 450 Fifth Street, NW., Washington, D.C. Copies of the filing will also be available for inspection and copying at the principal office of DTC. All submissions should refer to File No. SR-DTC-86-09 and should be submitted by January 26, 1987.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: December 23, 1986.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-66 Filed 1-2-87; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-23927; File No. SR-PCC-86-09]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change by Pacific Clearing Corporation Amending Its Participants Fund Agreement

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on December 11, 1986, the Pacific Clearing Corporation ("PCC") filed with the Commission the proposed rule change described below. The Commission is publishing this notice to solicit comments on the proposed rule change.

PCC's proposed rule change amends its existing Participants Fund Agreement. The currently-used Agreement is a combined PCC/Pacific Securities Depository Trust Company

("PSDTC")/Pacific Stock Exchange ("PSE") version. The existing Agreement was formulated in 1975 when PCC was still under the direct control of PSE and the PSE Rules were still integrated into the PSE Rules. PCC states that the proposed rule change provides for a separate Participants Fund Agreement for PCC members and updates the Agreement to reflect changes made to PCC's By-laws, Rules and Procedures.

Furthermore, PCC states that the proposed rule change is consistent with section 17A(b)(3)(F) of the Act in that the proposal promotes the prompt and accurate clearance and settlement of securities transactions and assures the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible.

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of the Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate the change if it appears to the Commission that it is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the proposal. Persons making written submission should file six copies with the Secretary, Securities and Exchange Commission, 450 Fifth St., NW., Washington, DC 20549. Copies of the filing, all subsequent amendments, all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth St., NW., Washington, DC 20549. Copies of the filing will also be available for inspection and copying at the principal office of PCC. All submissions should refer to File No. SR–PCC–86–09 and should be submitted by January 26, 1987.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: December 23, 1986.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–67 Filed 1–2–87; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–23928; File No. SR–PSDTC–84–14]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by Pacific Securities Depository Trust Company Amending Its Participants Fund Agreement

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on December 11, 1986, the Pacific Securities Depository Trust Company ("PSDTC") filed with the Commission the proposed rule change described below. The Commission is publishing this notice to solicit comments on the proposed rule change.

PSDTC's proposed rule change amends its existing Participants Fund Agreement. The currently-used Agreement is a combined PSDTC/Pacific Clearing Corporation ("PCC")/Pacific Stock Exchange ("PSE") version. The existing Agreement was formulated in 1975 when PSDTC was still under the direct control of PSE and the PSDTC Rules were still integrated into the PSE Rules. PSDTC states that the proposed rule change provides for a separate Participants Fund Agreement for PSDTC participants and updates the Agreement to reflect changes made to PSDTC's By-laws, Rules and Procedures.

Furthermore, PSDTC states that the proposed rule change is consistent with section 17A(b)(3)(F) of the Act in that the proposal promotes the prompt and accurate clearance and settlement of securities transactions and assures the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible.

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of the Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate the change if it appears to the Commission that it is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the proposal. Persons making written submissions should file six copies with the Secretary, Securities and Exchange Commission, 450 Fifth St., NW, Washington, DC 20549. Copies of the filing, all subsequent amendments, all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth St., N.W., Washington, D.C. 20549. Copies of the filing will also be available for inspection and copying at the principal office of PSDTC. All submissions should refer to File No. SR–PSDTC–86–14 and should be submitted by January 26, 1987.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: December 23, 1986.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–68 Filed 1–2–87; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

[Docket No. 44585]

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended December 26, 1986

The following applications for certificates of public convenience and necessity and foreign air carrier permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et. seq.). The due date for answers, conforming application, or motion to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket No. 44585

Date Filed: December 23, 1986.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: January 20, 1987.

Description: Application of Aztec Aviation Consulting Ltd., pursuant to Section 402 of the Act and Subpart Q of the Regulations, requests a foreign air carrier permit authorizing it to engage in passengers, property and mail between Abbotsford, British Columbia, Canada and Seattle, Washington, U.S.A., with all flights to the U.S. originating or terminating in Abbotsford.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 87–81 Filed 1–2–87; 8:45 am]

BILLING CODE 4910–62–M

[Docket 44432]

U.S.-London Gateways Case; Revised Notice of Hearing

Notice is hereby given that in order to accommodate the appearance of several U.S. Senators the time for commencement of the hearing in the above-titled proceeding will be advanced by one-half hour. The hearing will now commence on January 6, 1987, at 9:30 a.m. (local time), in Room 5332, Nassif Building, 400 7th Street SW, Washington, DC, before the undersigned administrative law judge.

William A. Kane, Jr.,

Administrative Law Judge.

[FR Doc. 87-82 Filed 1-2-87; 8:45 am]

BILLING CODE 4910-62-M

Federal Aviation Administration

Air Traffic Procedures Advisory Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the Federal Aviation Administration (FAA) Air Traffic Procedures Advisory Committee (ATPAC) to be held from January 13, at 9 a.m., through January 16, 1987, at 4 p.m., at Inn Suites Inn, 1651 West Baseline Rd., Tempe, Arizona.

The agenda for this meeting is as follows: A continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures. It will also include:

1. Approval of minutes.
2. Discussion of agenda items.
3. Discussion of urgent priority items.
4. Report from Executive Director.
5. Old Business.
6. New Business.
7. Discussion and agreement of location and dates for subsequent meetings.

Attendance is open to the interested public, but limited to the space available. With the approval of the Chairperson, members of the public may present oral statements at the meeting. Persons desiring to attend and persons desiring to present oral statements should notify, not later than January 9, 1987, Mr. Walter H. Mitchell, Executive Director, ATPAC, Air Traffic, Acting ATO-100, 800 Independence Avenue, SW., Washington, DC, 20591, telephone (202) 267-9358. Information may be obtained from the same source.

The next quarterly meeting of the FAA ATPAC is planned to be held from April 6 through April 10, 1987, in Washington, DC.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, DC, on December 29, 1986.

Walter H. Mitchell,

Executive Director, Air Traffic Procedures Advisory Committee.

[FR Doc. 87-91 Filed 1-2-87; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Montgomery County, MD, Route 28

AGENCY: Federal Highway Administration (FHWA) DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement is being prepared for the proposed widening of Maryland Route 28 and the widening and extension of Key West Avenue.

FOR FURTHER INFORMATION CONTACT: Mr. Edward A. Terry, Jr., Field Operations Engineer, Federal Highway Administration, The Rotunda, Suite 220, 711 W. 40th Street, Baltimore, Maryland 21211, telephone 301/962-4010, and/or Mr. Louis Ege, Jr., Deputy Director, Project Development Division, Maryland State Highway Administration, 707 North Calvert Street, Room 310, Baltimore, Maryland 21202, telephone 301/333-1130.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Maryland State Highway Administration, is preparing an environmental impact statement to develop an acceptable alternate to widen approximately a six-mile portion of existing Maryland Route 28 to six lanes. The widening would begin in the vicinity of Jones Lane and would gradually transition to a six-lane facility west of Quince Orchard Road (Maryland Route 124). The eastern terminus of the project would be the I-270 interchange.

In addition to the No-Build alternate and an alternate(s) which would widen the existing alignment to six lanes, an alternate is proposed which consists of a combination of widening and relocation. This alternate (which is the preferred) would widen the existing alignment to six lanes as far east as Key West Avenue. Maryland Route 28 would then be redirected to follow Key West Avenue. Key West Avenue would be widened to six lanes to its existing terminus at Shady Grove Road, and would be extended as a six-lane facility on new location, tieing back into Maryland Route 28 in the vicinity of Hiwood Drive, completing a bypass of the proposed 1150-acre Research and Development Village.

Also included in the study is the proposed widening of Quince Orchard Road (Maryland Route 124) to a six-land divided highway from just south of Maryland Route 28 northward 4000 feet to the existing dualized roadway.

A public meeting to discuss the preliminary alternates has been held. A public hearing will be held after circulation of the DEIS. A public notice will give the time and place of the public hearing, and individual notices will be sent to those agencies, groups, and individuals on the mailing list. The DEIS will be available for public and agency review and comment prior to the public hearing. To ensure that the full range of issues relating to this proposal are addressed and all significant issues identified, comments and suggestions are invited from all interested parties.

(Catalog of Federal Domestic Assistance Program Number 20.025, Highway Research, Planning and Construction. The provisions of Executive Order 12372 regarding State and local review of Federal and federally assisted programs and projects apply to this program)

Fred J. Hempel,

Assistant Division Administrator, Baltimore, MD.

[FR Doc. 87-8 Filed 1-2-87; 8:45 am]

BILLING CODE 4910-22-M

Urban Mass Transportation Administration

Intent To Prepare an Alternatives Analysis/Environmental Impact Statement and To Conduct a Scoping Meeting on Alternative Transit Improvements in San Mateo County, CA Region

December 15, 1986.

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Notice to prepare an alternatives analysis/ environmental impact statement.

SUMMARY: The Urban Mass Transportation Administration (UMTA) and the San Mateo County Transit District (SamTrans) are undertaking the preparation of an Alternatives Analysis/Environmental Impact Statement (AA/EIS) for alternative transit improvements in the Daly City-Colma study area in northern San Mateo County, California. The AA/EIS is being prepared pursuant to the National

Environmental Policy Act (42 U.S.C. 4321), the Council on Environmental Quality's implementing regulations (40 CFR Part 1500), the Federal Highway Administration and Urban Mass Transportation Administration Environmental Impact and Related Procedures (49 CFR Part 622) and related statutes and orders including Executive Order 11990 on the Protection of Wetlands and Executive Order 11988 on Floodplain Management.

FOR FURTHER INFORMATION CONTACT:

Mr. Stuart Eurman, Urban Mass Transportation Administration, 211 Main Street, Suite 1160, San Francisco, CA 94105; Telephone (415) 974–7543

or

Mr. Larry Stueck, Project Manager, Colma BART Station AA/EIS, San Mateo County Transit District, 945 California Drive, Burlingame, CA 94010; Telephone (415) 340–6226

SUPPLEMENTARY INFORMATION:

Scoping Meeting

One public scoping meeting will be held during the scoping period to facilitate receipt of comments. This meeting is scheduled for Wednesday, February 4, 1986, at 7:30 p.m. It will be held in the Board Room at the SamTrans offices, 945 California Drive, Burlingame, California. Public comments are being solicited to help establish the purpose, scope, framework and approach for the analysis. At the scoping meeting, staff will present a description of the proposed scope of the study using maps and visual aids, as well as a plan for citizen involvement, and a projected work schedule. Members of the public and interested Federal, State and local agencies are invited to comment on the proposed scope of work, impacts to be assessed and evaluation criteria to be used to arrive at a decision. Comments may be made either orally at the meeting or in writing.

In order that comments may be considered in a timely fashion, correspondence should be received not later than 15 days after the scoping meeting.

Study Area Description

A proposal has been advanced by the San Mateo County Transit District to construct a passenger loading facility and parking structure at the site of the "currently being constructed" Bay Area Rapid Transit District's (BART) vehicle storage yard in Colma. The new station is proposed in order to alleviate substantial overloading problems at the Daly City BART Station and will serve patrons primarily originating in northern San Mateo County and destined for San Francisco or the east bay.

Alternatives

The proposed transportation improvements in the study area are based on a number of System Planning Studies undertaken recently. Three alternatives were selected for further study in the AA/EIS.

The range of alternatives to be evaluated in detail includes the No Action Alternative, a Transportation System Management (TSM) Alternative, and the Colma BART Station Alternative. One of the first tasks of the Alternatives Analysis will be to refine the list of three alternatives developed from the System Planning Studies.

Probable Effects

The proposed actions could involve the construction of up to 1600 yards of new track, a passenger boarding facility, a parking structure, and other supporting systems on alignments partially at grade, elevated and in subways. Much of the Study Area to be evaluated is within the boundaries of the current BART Tailtrack/Storage Yard project. Impacts that could occur during construction include right-of-way acquisition, the generation of noise, vibration and dust, disruption of auto circulation, disruption of existing recreational areas or parklands, and disturbance of archeological and historical resources. Changes in land use patterns, auto circulation patterns, transit service and patronage and increases in noise levels near the completed station are among the potential long-term adverse impacts. Beneficial impacts resulting from improved transit service would occur.

Comments at the scoping meeting should focus on the appropriateness of the alternatives and other options for consideration in the study and the completeness of the proposed sets of impacts and evaluation criteria, not on individual preferences for a particular alternative as most desirable for implementation.

Issued on: December 23, 1986.

Brigid Hynes-Cherin,

Regional Administrator, UMTA, Region IX.

[FR Doc. 87–86 Filed 1–2–87; 8:45 am]

BILLING CODE 4910–57–M

UMTA Section 3 and 9 Grant Obligations

AGENCY: Urban Mass Transportation Administration (UMTA), DOT.

ACTION: Notice.

SUMMARY: Pub. L. 99–500 signed into law by President Reagan on October 18, 1986, contained a provision requiring the Urban Mass Transportation Administration to publish an announcement in the **Federal Register** each time a grant is obligated pursuant to Sections 3 and 9 of the Urban Mass Transportation Act of 1964, as amended. The statute requires that the announcement include the grant number, the grant amount, and the transit property receiving each grant. This notice provides the information as required by statute.

FOR FURTHER INFORMATION CONTACT: Edward R. Fleischman, Chief, Resource Management Division, (202) 366–2053, 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: The Section 3 program was established by the Urban Mass Transportation Act of 1964 to provide capital assistance to eligible recipients in urban areas. Funding for this program is distributed on a discretionary basis. The Section 9 formula program was established by the Surface Transportation Assistance Act of 1982. Funds appropriated to this program are allocated on a formula basis to provide capital and operating assistance in urbanized areas. Pursuant to Pub. L. 99–500, UMTA reports the following grant information:

Transit Property	Grant No.	Grant amount	Date obligated
UMTA Section 3 Grants: Regional Transit Authority (New Orleans, LA).	LA-03-0045	$2,034,000	12-19-86
UMTA Section 9 Grants..			
Capitol Region Council of Governments (Hartford, CT).	CT-90-X084	80,000	12-19-86
Worcester Regional Transit Authority (Worcester, MA).	MA-90-X062	1,832,239	12-19-86
Berkshire Regional Transit Authority (Pittsfield, MA).	MA-90-X063	313,997	12-19-86
Massachusetts Bay Transportation (Boston, MA).	MA-90-X060	20,544,621	12-19-86

Transit Property	Grant No.	Grant amount	Date obligated
Massachusetts Bay Transportation (Boston, MA).	MA-90-X060-01	22,563,200	13-29-86
Massachusett Regional Transit Authority (Fitchburg-Leominster, MA).	MA-90-X061	326,996	12-19-86
Massachusetts Bay Transportation Authority (Boston, MA).	MA-90-X060-01	22,563,200	12-19-86
Greater Portland Transit District (Portland, ME).	ME-90-X028	454,378	12-19-86
City of Nashua (Nashua, NH).	NH-90-X008	92,388	12-19-86
Rhode Island Department of Transportation (Providence, RI).	RI-90-X008	10,866,193	12-19-86
Rhode Island Department of Transportation (Providence, RI).	RI-90-X009	488,424	12-19-86
Chittenden County Transportation Authority (Burlington, VT).	VT-90-X008	477,767	12-19-86
UMTA Section 9 Grants:			
City of Bridgeport (Bridgeport, CT).	CT-90-X016	176,240	12-19-86
Norwalk Transit District (Norwalk, CT).	CT-90-X076	75,000	12-19-86
Rockland County Dept. of Public Transportation & Cap. Asst. (Rockland County, NY).	NY-90-X100	500,000	12-19-86
New Jersey Transit Corporation (Statewide, NJ).	NJ-90-X021	41,845,973	12-19-86
Greater Glens Falls Transit System (Glens Falls, NY).	NY-90-X101	185,400	12-19-86
Delaware Transportation (Wilmington, DE).	DE-90-X006-00	8,358,557	12-29-86
Saratoga County for Operate Transit (Saratoga County, NY).	NY-90-X061-01	37,848	12-19-86
Ashland Bus System (Ashland, KY).	KY-90-X029	527,414	12-19-86
State Railroad Administration (Baltimore, MD).	MD-90-X023-02	4,240,000	12-19-86
North Carolina Department of Transportation (Raleigh, NC).	NC-90-X058	96,000	12-19-86
Cambria County Transit Authority (Johnstown, PA).	PA-90-X102-01	107,200	12-19-86
County of Lackawanna Transit System (Scranton, PA).	PA-90-X109	3,037,833	12-19-86
Luzerne County Transit Authority (Wilkes-Barre, PA).	PA-90-X106-01	1,110,735	12-19-86
Mid-Mon Valley Transit Authority (Monessen, PA).	PA-90-X107	239,520	12-19-86
Southeastern Pennsylvania Transportation Authority (Philadelphia, PA).	PA-90-X108	30,736,018	12-19-86
Transportation and Motor Buses for Public Use Authority (Altoona, PA).	PA-90-X094	209,336	12-19-86
Williamsport Bureau of Transportation (Williamsport, PA).	PA-90-X113	768,000	12-19-86
Centre Area Transit Authority (State College, PA).	PA-90-X112	302,129	12-19-86
Williamsport Bureau of Transportation (Williamsport, PA).	PA-90-X111	80,000	12-19-86
Beaver County Transit Authority (Beaver, PA).	PA-90-X110	342,275	12-19-86
Greenville Transit Authority (Greenville, SC).	SC-90-X015	75,120	12-19-86
City of Memphis/ Memphis Area Transit Authority (Memphis, TN).	TN-90-X045	4,185,661	12-19-86
Metropolitan Transit Authority (Nashville, TN).	TN-90-X043	4,252,483	12-19-86
City of Knoxville, Knoxville Transportation Authority (Knoxville, TN).	TN-90-X044	1,995,369	12-19-86
Memphis Area Transit Authority (Memphis, TN).	TN-90-X047	3,524,000	12-19-86
Petersburg Area Transit (Petersburg, VA).	VA-90-X044	223,397	12-19-86
Charlottesville Transit Service (Charlottesville, VA).	VA-90-X041	683,891	12-19-86
Peninsula Transportation District Commission (Hampton, VA).	VA-90-X036-01	967,970	12-19-86

Transit Property	Grant No.	Grant amount	Date obligated
Tidewater Transportation District Commission (Norfolk, VA).	VA-90-X007-03	1,840,000	12-19-86
Greater Richmond Transit Company (Richmond, VA).	VA-90-X042	4,713,810	12-19-86
City of Gadsden (Gadsden, AL).	AL-90-X018	60,000	12-19-86
Alabama Highway Department (Decatur, AL).	AL-90-X019	144,693	12-19-86
Pinellas Suncoast Transit Authority (Clearwater, FL).	FL-90-X047-01	429,576	12-19-86
Lakeland Area Mass Transit District (Lakeland, FL).	FL-90-X081	452,400	12-19-86
Orange-Seminole-Osceola Transportation Authority (Orlando, FL).	FL-90-X073	3,866,902	12-19-86
Hattiesburg Area Readi-transit (Hattiesburg, MS).	MS-90-X012	409,200	12-19-86
Department of Transportation and Public Works (Vega Baja, PR).	PR-90-X024	920,876	12-19-86
Department of Transportation and Public Works (Puerto Rico, PR).	PR-90-X025	192,000	12-19-86
Department of Transportation and Public Works (Arecibo, PR).	PR-90-X026	823,948	12-19-86
Metropolitan Bus Authority (Hato Rey, PR).	PR-90-X027	8,467,949	12-19-86
Bloomington-Normal Public Transit System (Bloomington-Normal, IL).	IL-90-X090	471,130	12-19-86
Pekin Municipal Bus System (Pekin, IL).	IL-90-X091	115,328	12-19-86
Loves Park Transit (Loves Park, IL).	IL-90-X084	106,383	12-19-86
Springfield Mass Transit District (Springfield, IL).	IL-90-X089	715,100	12-19-86
Greater Lafayette Public Transportation Corporation (Lafayette, IN).	IN-90-X086	1,276,524	12-19-86
Hammond Transit System (Hammond, IN).	IN-90-X077-01	181,352	12-19-86
Muncie Indiana Transit System (Muncie, IN).	IN-90-X081	931,579	12-19-86
Fort Wayne Public Transportation Corporation (Fort Wayne, IN).	IN-90-X083	1,377,986	12-19-86
Southeastern Michigan Transportation Authority (Detroit, MI).	MI-90-X070	24,351,891	12-19-86
Twin Cities Area Transportation Authority (Benton Harbor, MI).	MI-90-X071	388,639	12-19-86
Bay County Metropolitan Transportation Authority (Bay City, MI).	MI-90-X072	729,229	12-19-86
Kalamazoo Metro Transit (Kalamazoo, MI).	MI-90-X073	962,115	12-19-86
Grand Rapids Area Transportation Authority (Grand Rapids, MI).	MI-90-X074	3,805,990	12-19-86
Steel Valley Transit Corp. (Steubenville, OH).	OH-90-X041-01	9,367	12-19-86
Central Arkansas Transit (Little Rock, AR).	AR-90-X008	1,270,000	12-19-86
City of Monroe, Monroe Transit System (Monroe, LA).	LA-90-X055	444,590	12-19-86
City of Albuquerque (Albuquerque, NM).	NM-90-X010	1,962,764	12-19-86
Tulsa Transit (Tulsa, OK).	OK-90-X016	1,825,292	12-19-86
Island Transit (Galveston, TX).	TX-90-X074	940,500	12-19-86
City of Longview (Longview, TX).	TX-90-X075	24,400	12-19-86
Sun City Area Transit (El Paso, TX).	TX-90-X080	2,279,297	12-19-86
Fort Worth Transportation Authority (Fort Worth, TX).	TX-90-X043-02	268,212	12-19-86
Lower Rio Grande Valley Development Council (Mcallen, TX).	TX-90-X084	28,000	12-19-86
Sioux City Board of Transit Trustees (Sioux City, IA).	IA-90-X062	433,368	12-19-86
Metropolitan Transit Authority of Black Hawk County (Waterloo, IA).	IA-90-X059-01	509,305	12-19-86
City of Iowa City (Iowa City, IA).	IA-90-X063	12,000	12-19-86
City of Coralville (Iowa City, IA).	IA-90-X064	27,320	12-19-86

Transit Property	Grant No.	Grant amount	Date obligated
Lawrence-Douglas County Planning Office (Lawrence, KA).	KS-90-X020	28,500	12-19-86
City Utilities of the City of Springfield (Springfield, MO).	MO-90-X036	898,390	12-19-86
City of St. Joseph (St. Joseph, MO).	MO-90-X032	585,833	12-19-86
Pueblo County (Pueblo, CO).	CO-90-X025	26,219	12-19-86
Greeley County (Greeley, CO).	CO-90-X019-01	169,476	12-19-86
City of Grand Forks (Grand Forks, ND).	ND-90-X011	20,000	12-19-86
City of Fargo (Fargo, ND).	ND-90-X010	20,000	12-19-86
Rapid City County (Rapid City, SD).	SD-90-X006	169,440	12-19-86
Sioux Falls County (Sioux Falls, SD).	SD-90-X009	15,654	12-19-86
Utah Transit Authority (ALC, OGDEN, PROVO/OREM, UT).	VT-90-X007	4,794,102	12-19-86
Orange County Transit District (Garden Grove, CA).	CA-90-X211	6,597,400	12-19-86
City of Modesto (Modesto, CA).	CA-90-X212	1,337,969	12-19-86
City of Norwalk (Norwalk, CA).	CA-90-X213	265,000	12-19-86
Regional Transportation Commission of Clark County (Las Vegas, NV).	NV-90-X005	600,000	12-19-86
Tri-County Metropolitan Transportation District of OR (Portland, OR).	OR-90-X019	4,488,100	12-19-86
Salem Area Mass Transit District (Salem, OR).	OR-90-X020	615,000	12-19-86
Rogue Valley Transportation District (Medford, OR).	OR-90-X018-01	100,000	12-19-86
Ben Franklin Transit (Richland, WA).	WA-90-X066	2,000,000	12-19-86

Issued On: December 29, 1986.

Ralph L. Stanley,

Administrator.

[FR Doc. 87-85 Filed 1-2-87; 8:45 am]

BILLING CODE 4910-57-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Debt Management Advisory Committee; Meeting

Notice is hereby given, pursuant to section 10 of Pub. L. 92-463, that a meeting will be held at the U.S. Treasury Department in Washington, D.C., on January 27 and January 28, 1987 of the following debt management advisory committee:

Public Securities Association
U.S. Government and Federal Agencies Securities Committee

The agenda for the Public Securities Association U.S. Government and Federal Agencies Securities Committee meeting provides for a working session on January 27 and the preparation of a written report to the Secretary of the Treasury on January 28, 1987.

Pursuant to the authority placed in Heads of Departments by section 10(d) of Pub. L. 92-463, and vested in me by Treasury Department Order 101-5, I hereby determine that this meeting is concerned with information exempt from disclosure under section 552b(c) (4) and (9)(A) of Title 5 of the United States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community, which committees have been utilized by the Department at meetings called by representatives of the Secretary. When so utilized, such a committee is recognized to be an advisory committee under Pub. L. 92-463. The advice provided consists of commercial and financial information given and received in confidence. As such debt management advisory committee activities concern matters which fall within the exception covered by section 552(c)(4) of Title 5 of the United States Code for matters which are "trade secrets and commercial or financial information obtained from a person and privileged or confidential."

Although the Treasury's final announcement of financing plans may not reflect the recommendation provided in reports of an advisory committee, premature disclosure of these reports would lead to significant financial speculation in the securities market. Thus, these meetings also fall within the exemption covered by section 552b(c)(9)(A) of Title 5 of the United States Code.

The Assistant Secretary (Domestic Finance) shall be responsible for maintaining records of debt management advisory committee meetings and for providing annual reports setting forth a summary of committee activities and such other matters as may be informative to the public consistent with the policy of section 552b of Title 5 of the United States Code.

Dated: December 29, 1986.

William J. Bremner,

Acting Assistant Secretary (Domestic Finance).

[FR Doc. 87-5 filed 1-2-87; 8:45 am]

BILLING CODE 4810-25-M

Public Information Collection Requirements Submitted to OMB for Review

Dated: December 29, 1986.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding these information collections should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Room 7313, 1201

Constitution Avenue, NW., Washington, DC 20220.

Comptroller of the Currency

OMB Number: 1557–0081
Form Number: FFEIC 031–034
Type of Review: Revision
Title: Reports of Condition and Income (Interagency Call Report)

Clearance Officer: Eric Thompson, Comptroller of the Currency, 5th Floor, L'Enfant Plaza, Washington, DC 20219.

OMB Reviewer: Robert Neal (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Internal Revenue Service

OMB Number: 1545–0804
Form Number: None
The of Review: Extension
Title: Floor Stocks Tax and Floor Stocks on Unused Tires, Inner Tubes, and Thread Rubber Held for Sale on January 1, 1984 (LR–148–83 TEMP (TD7930))

Clearance Officer: Garrick Shear (202) 566–6150, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20530.

Douglas J. Colley,

Departmental Reports Management Office.

[FR Doc. 87–93 Filed 1–2–87; 8:45 am]

BILLING CODE 4810-25-M

VETERANS ADMINISTRATION

Privacy Act of 1974; Amendment of System of Records

Notice is hereby given that the Veterans Administration is considering amending a system of records entitled, "Patient Medical Records-VA" (24VA136) which is set forth on pages 712 and 713 of the **Federal Register** publication, "Privacy Act Issuances, 1984 Compilation, volume V" and amended at 50 FR 11610, March 22, 1985 and 51 FR 25968, July 17, 1986. The system is being amended to include record information that is stored in the Decentralized Hospital Computer Program (DHCP) system at each VA medical center. The system also is being rewritten in order to better identify to the public the types of individuals covered by the system of records and the types of records that are being maintained by the VA.

The purpose of this system of records is to document and store, in a consolidated health record, information concerning individuals who have made application for VA health care benefits. The records include information that is relevant to examinations, evaluations, and medical care that is provided to individuals in a VA clinic, medical center, nursing home care unit, and/or domiciliary, and information concerning medical care that is provided under VA authorization by non-VA health care providers.

In addition to the change to include the patient medical record information that is stored in the DHCP, the system location, authority for maintenance of the system, the categories of individuals, the categories of records, storage practices, safeguards, retention and disposal, and record source categories have generally been updated and rewritten to be more specific. No routine use changes are being made.

The system includes paper records that are maintained at all VA health care facilities and magnetic media storage information that is maintained at the VA health care facilities, VA Central Office, and the VA Data Processing Center in Austin, Texas. The system has been rewritten in a clearer and more concise manner to better inform the public of the paper and automated records that are included in the system of records.

The paper record includes application and eligibility information that is maintained in an administrative record folder and information is compiled by VA professional staff and non-VA health care providers that is maintained in a medical record folder. The administrative record folder includes the individual's name, address, social security number, correspondence about the individual, and eligibility, employment, health insurance, financial and next of kin information. The medical record folder includes a cumulative account of sociological, diagnostic, medical, surgical, dental, psychological, and/or psychiatric information. The information serves as a basis for planning patient care and provides for continuity in the evaluation of the patient's condition and treatment. The system includes subsidiary record information including tumor registry, pharmacy, clinical laboratory, radiology, and patient scheduling. The automated records include administrative and clinical information that is included in the patient medical record. The automated records at the health care facilities include record information that is stored in the DHCP. The automated records at the Austin VA Data Processing Center contain administrative and clinical information that is included in and abstracted from the patient medical record. This information is used to produce various management reports, for patient monitoring and follow-up (e.g., Agent Orange and Cardiac Pacemaker Registries), to allocate resources to medical centers, for resource planning, and is used in epidemiological, research and other health care related studies. The information included in the automated records that are maintained in VA Central Office are extracts and/or duplicates of information maintained at the health care facilities and the Austin VA Data Processing Center.

The Decentralized Hospital Computer Program is an automated integrated information system that has been installed at each VA medical center which provides comprehensive support for medical center specific clinical and administrative needs, as well as for VA-wide management information. The DHCP system provides data processing support to clinical and administrative functions involved with direct patient care. The DHCP is organized into modules which support or draw from an integrated patient data base which permit patient information to be entered once at registration and accessed later by other functional areas such as the laboratory and pharmacy. The DHCP software applications are being developed and implemented in a phase approach.

The initial applications provide support to the areas of medical administration, patient scheduling and outpatient pharmacy. These functions make it possible for medical center staff to simplify patient registration; to admit, discharge, transfer and track patient status and location; to generate daily admission and discharge rosters, ward rosters and bed census reports; and to schedule patients for clinic appointments. In addition, the outpatient pharmacy application enables staff to produce prescription labels, check drug interactions and maintain patient medication profiles and drug inventory control. Patient information that is stored in DHCP includes medical benefit application information such as name, address, social security number, and eligibility, employment, financial and next of kin information.

The DHCP stores and compiles data for local management purposes as well as for input to nationwide VA statistical and patient related data bases. Access to DHCP file information is controlled by a series of individually unique passwords/codes which are issued to authorized employees that are entered as a part of each data message.

Employees who are authorized access to the system are limited to only that information in the file which is needed in the performance of their official duties.

A "Report of Altered System" and an advance copy of the revised system notice were sent on 12/18/86 to the Speaker of the House, the President of the Senate, and the Office of Management and Budget (OMB), as required by 5 U.S.C. 552a(o) (Privacy Act) and guidelines issued by the Office of Management and Budget (50 FR 52730), December 24, 1985.

The OMB requires that an altered system report be distributed no later than 60 days prior to the implementation of an altered system. The Office of Management and Budget has been requested to waive this requirement.

These changes are administrative in nature, therefore, no public comment is required.

Approved: December 18, 1986.

Thomas K. Turnage,

Administrator.

Notice of Amendments to System of Records

The system identified as 24VA136, "Patient Medical Records-VA", appearing on pages 712 and 713 of the **Federal Register** publication, "Privacy Act Issuances, 1984 Compilation, Volume V" and amended at 50 FR 11610, March 22, 1985, and 51 FR 25968, July 17, 1986, is amended by revising the entries for system location; Categories of individuals covered by the system; Categories of records in the system; Authority for maintenance of the system; Storage; Retrievability; Safeguards; Retention and disposal; Notification procedure; Record access procedures; and Record source categories to read as follows:

System name:

Patient Medical Records-VA.

System location:

Paper records are maintained at the VA health care facilities and Federal record centers. Paper record abstract information is stored in automated storage media records that are maintained at the health care facilities, VA Central Office, and the VA Data Processing Center at Austin, Texas. Active paper records are generally maintained by the last health care facility where care was rendered.

Categories of individuals covered by the system:

1. Veterans who have applied for health care services under Title 38, United States Code, Chapter 17, and in certain cases members of their immediate families.

2. Survivors and dependents of certain veterans who have applied for health care services under Title 38, United States Code, Chapter 17.

3. Beneficiaries of other Federal agencies.

4. Individuals examined or treated under contract or resource sharing agreements.

5. Individuals examined or treated for research or donor purposes.

6. Individuals who have applied for Title 38 benefits but who do not meet the requirements under Title 38 to receive such benefits.

7. Individuals who were provided medical care under emergency conditions for humanitarian reasons.

Categories of records in the system:

The patient medical record is a consolidated health record (CHR) which may include an administrative record folder (e.g., medical benefit application and eligibility information, correspondence about the individual), medical record folder (a cumulative account of sociological, diagnostic, counseling, rehabilitation, drug and alcohol, dietetic, medical, surgical, dental, psychological, and/or psychiatric information compiled by VA professional staff and non-VA health care providers), and subsidiary record information (e.g., tumor registry, dental, prosthetic, pharmacy, nuclear medicine, dietetic, social work, clinical laboratory, radiology, and patient scheduling information). The consolidated health record may include identifying information (e.g., name, address, social security number), military service information (e.g., dates, branch and character of service, medical information), family information (e.g., next of kin and person to notify in emergency address information, family medical history information), employment information (e.g., occupation, employer name and address, income information), third-party health plan contract information (e.g., health insurance carrier name and address, policy number, amounts billed and paid) and information pertaining to the individual's medical, dental, and/or psychological examination, evaluation, and/or treatment (e.g., information related to diagnostic, therapeutic, and special examinations, operations, medical history, medications, treatment plan and progress, consultations). Patient medical record abstract information is maintained in auxiliary automated records (e.g., Patient Treatment File (data from inpatient episodes of care), Agent Orange Registry (veterans examined for Agent Orange exposure), Former Prisoner of War Tracking System (former POW's who have received a medical evaluation), outpatient visit file (data relating to outpatient visits), Annual Patient Census File (data on a cross-section of patients in VA health care facilities), cardiac pacemaker registry (patients implanted with a cardiac pacemaker), Hospital Based Home Care Program (patients provided medical services at home)) which produce various management and patient follow-up reports, used for epidemiological research, and other health care related studies, for resource allocation and planning, and to provide clinical and administrative support to patient medical care.

A perpetual medical record is established and maintained at the health care facility when a consolidated health record is transferred to a Federal record center for storage. The perpetual medical record consists of the application for medical benefits, hospital summary, operation report, and tissue examination for all periods of care.

Authority for maintenance of the system:

Title 38, United States Code, Chapter 3, Section 210(c)(1), and Chapter 17, Section 621(1).

* * * * *

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:

Storage:

Records (or information contained in records) are maintained on paper documents in the consolidated health record at the last health care facility where care was rendered and at Federal record centers. Subsidiary record information is stored in the consolidated health record and at the various respective services at the health care facility (e.g., Pharmacy Service, Clinical Laboratory Service, Radiology Service). Information on automated storage media (e.g., microfilm, microfiche, magnetic tape and magnetic disks) are stored at the health care facilities (includes record information stored in the Decentralized Hospital Computer Program DHCP) system), VA Central Office, and the VA Data Processing Center at Austin, Texas.

Retrievability:

Patient medical record folders are indexed by name and social security number and maintained in terminal digit

order. Automated records are indexed by name and social security number.

Safeguards:

1. Access to working spaces and patient medical record storage areas in VA health care facilities is restricted to VA employees on a "need-to-know" basis. Generally, file areas are locked after normal duty hours and the health care facilities are protected from outside access by the Federal Protective Service or other security personnel. Access to patient medical records is restricted to VA employees who have a need for the information in the performance of their official duties. Employee patient medical records and records of public figures or otherwise sensitive patient medical records are generally stored in separate locked files. Strict control measures are enforced to ensure that access to and disclosures from these patient medical records are limited to a "need-to-know" basis.

2. Access to the DHCP computer rooms within the health care facilities is generally limited by appropriate locking devices and restricted to authorized VA employees and vendor personnel. ADP peripheral devices are generally placed in secure areas (areas that are locked or have limited access) or are otherwise protected. Information in the DHCP system may be accessed by authorized VA employees. Access to file information is controlled at two levels; the system recognizes authorized employees by a series of individually unique passwords/codes as a part of each data message, and the employees are limited to only that information in the file which is needed in the performance of their official duties.

3. Access to the VA data processing center is generally restricted to center employees, custodial personnel, Federal Protective Service and other security personnel. Access to computer rooms is restricted to authorized operational personnel through electronic locking devices. All other persons gaining access to computer rooms are escorted.

4. Access to records in VA Central Office is only authorized to VA personnel on a "need-to-know" basis. Records are maintained in manned rooms during working hours. During nonworking hours, there is limited access to the building with visitor control by security personnel.

Retention and disposal:

Individual consolidated health records are retained at each health care facility for a minimum of three (3) years after the last episode of care. After the third year of inactivity the paper record is screened, and vital documents are removed and retained for an additional fifty (50) years at the facility as a perpetual medical record. The remaining portion of the record is transferred to the nearest Federal Record Center for twelve (12) more years of storage. (*Note: All medical records of patients have been under moratorium against destruction since 1979. A revised record disposal appraisal for VA medical records is under review by the National Archives and Records Administration.*) Automated storage media is retained and disposed of in accordance with disposition authorization approved by the Archivist of the United States.

* * * * *

Notification procedure:

An individual who wishes to determine whether a record is being maintained in this system under his or her name or other personal identifier, or wants to determine the contents of such record, should submit a written request or apply in person to the last VA health care facility where care was rendered. Addresses of VA health care facilities may be found in VA Appendix 1 at the end of this document. All inquiries must reasonably identify the portion of the medical record involved and the place and approximate date that medical care was provided. Inquiries should include the patient's full name, social security number and return address.

Record access procedures:

Individuals seeking information regarding access to and contesting of VA medical records may write, call or visit the last VA facility where medical care was provided.

* * * * *

Record source categories:

The patient, family members or accredited representative, and friends, employers or other third parties when otherwise unobtainable from the patient or family; military service departments; health insurance carriers; private medical facilities and health care professionals; State and local agencies; other Federal agencies; VA regional offices; Department of Veterans Benefits automated record systems; and, various automated systems providing clinical and managerial support at VA health care facilities.

[FR Doc. 87-46 Filed 1-2-87; 8:45 am]
BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 52, No. 2
Monday, January 5, 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).

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Thursday, January 8, 1987.

LOCATION: Room 456, Westwood, Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Closed to the Public.

MATTERS TO BE CONSIDERED:

Enforcement Matter OS #3408

The staff will brief the Commission on issues related to enforcement matter OS #3408.

FOR A RECORDED MESSAGE CONTINING THE LATEST AGENDA INFORMATION, CALL: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, MD 20207 301–492–6800.

Sheldon D. Butts,

Deputy Secretary.

December 31, 1986.

[FR Doc. 86–29538 Filed 12–31–86; 3:55 pm]

BILLING CODE 6355–01–M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: 2:00 p.m. (eastern time) Monday, January 12, 1987.

PLACE: Clarence M. Mitchell, Jr., Conference Room No. 200–C on the 2nd Floor of the Comumbia Plaza Office Building, 2401 "E" Street, NW., Washington, DC 20507.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED:

Open

1. Announcement of Notation Vote(s)
2. A Report on Commission Operations (Optional)
3. Proposed Compliance Manual, Volume II, Section 627, Employee Benefit Plans
4. Proposed Compliance Manual, Volume II, Section 604, Theories of Discrimination

Closed

Litigation Authorization; General Counsel Recommendation

Note:—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the Federal Register, the Commission also provides a recorded announcement a full week in advance on future Commission sessions. Please telephone (202) 634–6748 at all times for information on these meetings.)

CONTACT PERSON FOR MORE INFORMATION: Cynthia C. Matthews, Executive Officer at (202) 634–6748.

This Notice Issued December 31, 1986.

Pamela Talkin,

Special Assistant to the Chairman.

[FR Doc. 86–29536 Filed 12–31–86; 2:37 pm]

BILLING CODE 6750–06–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Tuesday, January 6, 1987, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 46,745–L
The First National Bank of Midland, Midland, Texas
Case No. 46,812–L
United Southern Bank of Nashville, Nashville, Tennessee, and
United American Bank in Knoxville, Knoxville, Tennessee, and
Farmers Bank and Trust, Winchester, Tennessee
Case No. 46,825–L
Lake National Bank, Lake Ozark, Missouri
Case No. 46,834–L
Northshore Bank, Houston, Texas
Case No. 46,836–L
The First National Bank of Midland, Midland, Texas

Memorandum and resolution re: Final amendment to Part 341 of the Corporation's rules and regulations, entitled "Registration of Securities Transfer Agents," which 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.

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications, requests, or actions involving administrative enforcement proceedings approved by the Director or an Associate Director of the Division of Bank Supervision and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Reports of the Director, Office of Corporate Audits and Internal Investigations:

Summary Audit Report re:
Center National Bank, Los Angeles (Woodland Hills), California (2550) (Memo dated December 3, 1986)
Summary Audit Report re:
Valencia Bank, Placentia, California (Memo dated November 10, 1986)
Summary Audit Report re:
Park Bank of Florida, St. Petersburg, Florida (2536) (Memo dated November 14, 1986)
Summary Audit Report re:
The Bedford National Bank, Bedford, Iowa (2555) (Memo dated December 3, 1986)
Summary Audit Report re:
First National Bank of Tipton, Tipton, Iowa (2535) (Memo dated November 14, 1986)
Summary Audit Report re:
Williams Savings Bank, Williams, Iowa (2541) (Memo dated December 3, 1986)
Summary Audit Report re:
First State Bank, White Cloud, Kansas (2542) (Memo dated December 3, 1986)
Summary Audit Report re:
Farmers and Merchants State Bank of Lamberton, Lamberton, Minnesota (6667) (Memo dated December 3, 1986)
Summary Audit Report re:
Farmers and Merchants Bank of Huntsville, Missouri, Huntsville, Missouri (6672) (Memo dated December 3, 1986)
Summary Audit Report re:
Elk City State Bank, Elk City, Oklahoma (6661) (Memo dated November 17, 1986)
Summary Audit Report Re:
Union County Bank, Maynardville, Tennessee (6681) (Memo dated November 18, 1986)
Summary Audit Report Re:
Executive Center Bank, National Association, Dallas, Texas (5660) (Memo dated December 3, 1986
Summary Audit Report Re:

The First National Bank of Gorman, Gorman, Texas (2537) (Memo dated November 18, 1986)
Summary Audit Report Re:
The City National Bank of Plainview, Plainview, Texas (2540) (Memo dated December 3, 1986)
Summary Audit Report Re:
Family Bank, Ogden, Utah (2545) (Memo dated December 3, 1986)
Summary Audit Report Re:
First National Bank at Douglas, Douglas, Wyoming (2538) (Memo dated December 3, 1986)
Summary Audit Report Re:
Assessment Collection and Refund Procedures, Based on Certified Statements (Memo dated November 24, 1986)
Summary Audit Report Re:
Teleprocessing Security Audit Report, (Memo dated November 26, 1986)
Summary Audit Report Re:
Review of Financial Information System/ Accounts, Payable Processing (Memo dated November 28, 1986)
Trend Analysis Report Re:
Analysis of Regional/Consolidated, Office Audit Results (Memo dated December 3, 1986)

Discussion Agenda:

Memorandum and resolution re: Final amendments to Part 326 of the Corporation's rules and regulations, entitled, "Minimum Security Devices and Procedures for Insured Nonmember Banks," which require regulated institutions to establish and maintain procedures to comply with the requirements of the Money Laundering Control Act of 1986.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation at (202) 898–3813.

Dated: December 30, 1986.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 86–29530 Filed 12–31–86; 12:51 pm]

BILLING CODE 6714-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Tuesday, January 6, 1987, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b(c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names of locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of these matters will occur at the meeting.

Discussion Agenda:

Memorandum and resolution regarding amendments to the delegations of authority relating to supervisory activities.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898–3813.

Dated: December 30, 1986.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 86–29531 Filed 12–31–86; 12:52 pm]

BILLING CODE 6714-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 10:00 a.m., Thursday, January 8, 1987.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Summary Agenda

Because of its routine nature, no substantive discussion of the following items is anticipated. This matter will be voted on without discussion unless a member of the Board requests that the item be moved to the discussion agenda.

1. Proposed exemption from Regulation AA (Unfair or Deceptive Acts or Practices) for the state of New York. (Proposed earlier for public comment; Docket No. R–0581)

Discussion Agenda

2. Issues related to the Board's capital adequacy guidelines.
3. Proposed amendment to Regulation H (Membership of State Banking Institutions in the Federal Reserve System) Implementing the Bank Secrecy Act compliance provision of the Anti-Drug Abuse Act of 1986.
4. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, DC 20551.

CONTRACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: December 31, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86–29533 Filed 12–31–86; 1:47 pm]

BILLING CODE 6210-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: Approximately 12:00 noon, Thursday, January 8, 1987, following a recess at the conclusion of the open meeting.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Federal Reserve Bank and Branch director appointments.
2. Proposed establishment of a remote operations center within the Federal Reserve System.

3. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
4. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: December 31, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86–29534 Filed 12–31–86; 1:48 pm]

BILLING CODE 6210–01–M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of January 5, 12, 19, and 26, 1987.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, DC.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of January 5

Thursday, January 8

10:00 a.m
Briefing on Status of Safety Goal Implementation (Public Meeting)
2:00 p.m.
Discussion/Possible Vote on Full Power Operating License for Shearon Harris (Public Meeting)

Friday, January 9

10:00 a.m.
Affirmation/Discussion and Vote (Public Meeting)
a. Proposed Order on Shearon Harris (Tentative)

Week of January 12—Tentative

Wednesday, January 14

10:00 a.m.
Briefing on Status of Palisades (Public Meeting)

Thursday, January 15,

10:00 a.m.
Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)
2:00 p.m.
Discussion/Possible Vote of Full Power Operating License for Byron-2 (Public Meeting)
3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of January 19—Tentative

Thursday, January 22

3:00 p.m
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of January 26—Tentative

Wednesday, January 28

2:00 p.m.
Status Briefing on Rancho Seco (Public Meeting)

Thursday, January 29

10:00 a.m.
Periodic Briefing on Near Term Operating Licenses (NTOLs) (Open/Portion Closed—Ex. 5 & 7)
2:00 p.m.
Briefing on Advanced Reactor Designs (Public Meeting)
3:30 p.m.
Affirmation Meeting (Public Meeting) (If needed)

Friday, January 30

10:00 a.m.
Briefing on Final Version of Draft NUREG–1150 (Source Term) (Public Meeting)

TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING): (202) 634–1498.

CONTACT PERSON FOR MORE INFORMATION: Robert McOsker (202) 634–1410.

Dated: December 31, 1986.

Robert B. McOsker,

Office of the Secretary.

[FR Doc. 86–29535 Filed 12–31–86; 1:49 pm]

BILLING CODE 7590–01–M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

ACTION: Notice of meeting to be held pursuant to the Government in the Sunshine Act (5 U.S.C. 552b).

STATUS: Open.

TIME AND DATE: January 14–15, 1987, 9:00 a.m.

PLACE: Council Offices, 850 S.W. Broadway, Suite 1100, Portland, Oregon.

MATTERS TO BE CONSIDERED:

January 14

1. Action on Proposed Amendments to the Columbia River Basin Fish and Wildlife Program.
2. Council Decision on Amendments to the Model Conservation Standards.
3. Settlement of Petition by Citizens for an Adequate Supply of Energy.

January 15

4. Staff Analysis of Bonneville Power Administration's Washington Public Power Supply System Plants Study.
5. Public Comment on Bonneville Power Administration Power Work Plan.
6. Council Business.
7. Public Comment will follow items 3–6. Public comment has closed on items 1 and 2.

FOR FURTHER INFORMATION CONTACT: Ms. Bess Atkins at (503) 222–5161.

Edward Sheets,

Executive Director.

[FR Doc. 86–29529 Filed 12–31–86; 11:34 am]

BILLING CODE 0000–00–M

Corrections

Federal Register
Vol. 52, No. 2
Monday, January 5, 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 COMMERCE

Economic Development Administration

Availability of Funds in Fiscal Year 1987 for Economic Development Assistance Programs

Correction

In notice document 86-28532 beginning on page 45738 in the issue of Friday, December 19, 1986, make the following corrections:

1. On page 45743, under **VI. Program: Research and Evaluation Projects**, in the second column, under *Selection Criteria*, in the first item 6., the second sentence should begin a new paragraph.

2. On the same page, in the third column, under *Proposal Submission Procedures*, a portion of the text was omitted. The corrected material reads as follows:

Proposal Submission Procedures

Potential applicants should submit a brief and concise proposal. Proposals should avoid long background discussions and literature surveys, but should be reasonably detailed, particularly in explaining methodology. Econometric studies should include a preliminary list of variables to be used. Each proposal should include (1) a cover page giving a short descriptive project title, the name and address of the performing organization, the names and phone numbers of the project director and principal investigators, the project duration, the amount of EDA funds requested, and the program ("Research and Evaluation") that would provide the funds, (2) a brief scope-and-objectives section saying why the project is needed, giving its objectives, and providing a capsule description of the project, (3) a more detailed description of the project and its methodology, (4) a work plan showing different phases of the project and their timing, (5) a detailed budget showing cost breakdowns, with EDA-funded and any non-EDA-funded costs presented in separate columns and with the EDA-funded costs adding to the total shown on the cover page, (6) resumes for the principal investigators, and (7) a corporate or institutional capability statement, where appropriate. The cover letter accompanying the proposal should inform EDA of whether any other organization(s) or Federal agency(ies) is or will be considering the proposal. Any non-EDA contributions to the project, whether by the performing organization or third parties, should be identified.

Proposals should be submitted to Beverly L. Milkman, Deputy Director for Grant Programs, Attention: Research and Evaluation Program, Economic Development Administration, Room 7866, U.S. Department of Commerce, Washington, DC 20230.

Proposals postmarked after February 16, 1987, may not be considered.

BILLING CODE 1505-01-D

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-40

[FPMR Temp. Reg. A-30]

Use of Contract Airline/Rail Passenger Service Between Selected Cities/Airports

Correction

In rule document 86-25324 beginning on page 40805 in the issue of Monday, November 10, 1986, make the following corrections:

1. On page 40805, in the first column, in the **SUMMARY**, in the third line, "certified" should read "certificated".

2. On page 40806, in the second column, in the last paragraph, in the fourth line " "CA" " should read ". "—CA" ".

BILLING CODE 1505-01-D

Reader Aids

Federal Register

Vol. 52, No. 2

Monday, January 5, 1987

INFORMATION AND ASSISTANCE

SUBSCRIPTIONS AND ORDERS

Subscriptions (public)	202-783-3238
Problems with subscriptions	275-3054
Subscriptions (Federal agencies)	523-5240
Single copies, back copies of FR	783-3238
Magnetic tapes of FR, CFR volumes	275-1184
Public laws (Slip laws)	275-3030

PUBLICATIONS AND SERVICES

Daily Federal Register

General information, index, and finding aids	523-5227
Public inspection desk	523-5215
Corrections	523-5237
Document drafting information	523-5237
Legal staff	523-4534
Machine readable documents, specifications	523-3408

Code of Federal Regulations

General information, index, and finding aids	523-5227
Printing schedules and pricing information	523-3419

Laws 523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the President	523-5230
Weekly Compilation of Presidential Documents	523-5230

United States Government Manual 523-5230

Other Services

Library	523-5240
Privacy Act Compilation	523-4534
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JANUARY

1-228.....2
229-388.....5

CFR PARTS AFFECTED DURING JANUARY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
5595.....229

Administrative Orders:
Memorandums:
December 30, 1986.....231, 233

5 CFR

534.....1
890.....2

7 CFR

2.....235
907.....240
910.....241
1036.....241
1944.....243
1951.....243

Proposed Rules:
301.....291
318.....292
1930.....296

8 CFR

103.....3

9 CFR

307.....3
318.....5
350.....3
351.....3
354.....3
355.....3
362.....3
381.....3

12 CFR

Proposed Rules:
563.....80

14 CFR

Proposed Rules:
71.....81, 297

15 CFR

22.....6

16 CFR

13.....253, 254

18 CFR

2.....9
37.....11

Proposed Rules:
11.....82

19 CFR

4.....254
24.....255

23 CFR

Proposed Rules:
658.....298

25 CFR

256.....38
272.....38

26 CFR

1.....39, 40
602.....40

Proposed Rules:
1.....83

29 CFR

1601.....42
2644.....256

Proposed Rules:
2520.....84

31 CFR

5.....43-51

32 CFR

Proposed Rules:
230.....90

33 CFR

Proposed Rules:
110.....90

38 CFR

Proposed Rules:
13.....300

39 CFR

Proposed Rules:
960.....301

40 CFR

52.....53, 54
80.....257
81.....54

Proposed Rules:
52.....91
704.....107
721.....107

41 CFR

101-40.....387

43 CFR

Proposed Rules:
426.....304

44 CFR

Proposed Rules:
6.....304
61.....112

45 CFR

30.....260
201.....273
304.....273

47 CFR

1.....273
65.....273
73.....57, 58, 275–277
97.....277, 278

Proposed Rules:

73.....113–115,305

48 CFR

525.....58, 278
552.....278
810.....280
836.....280
852.....280

Proposed Rules:

52.....226

49 CFR

544.....59

50 CFR

17.....283
642.....288

Proposed Rules:

17.....306
23.....309
611.....198
672.....198
675.....198

LIST OF PUBLIC LAWS

Note: The listing of public laws enacted during the second session of the 99th Congress has been completed.

Last listing: November 20, 1986.

The listing will be resumed when bills are enacted into public law during the first session of the 100th Congress which convenes on January 6, 1987.

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

New units issued during the week are announced on the back cover of the daily **Federal Register** as they become available.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription to all revised volumes is $595.00 domestic, $148.75 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, DC 20402. Charge orders (VISA, MasterCard, CHOICE, or GPO Deposit Account) may be telephoned to the GPO order desk at **(202) 783-3238** from 8:00 a.m. to 4:00 p.m. eastern time, Monday—Friday (except holidays).

Title	Price	Revision Date
1, 2 (2 Reserved)	$5.50	Jan. 1, 1986
3 (1985 Compilation and Parts 100 and 101)	14.00	[6] 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
7 Parts:		
0-45	24.00	Jan. 1, 1986
46-51	16.00	Jan. 1, 1986
52	18.00	Jan. 1, 1986
53-209	14.00	Jan. 1, 1986
210-299	21.00	Jan. 1, 1986
300-399	11.00	Jan. 1, 1986
400-699	19.00	Jan. 1, 1986
700-899	17.00	Jan. 1, 1986
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
1200-1499	13.00	Jan. 1, 1986
1500-1899	7.00	Jan. 1, 1986
1900-1944	23.00	Jan. 1, 1986
1945-End	23.00	Jan. 1, 1986
8	7.00	Jan. 1, 1986
9 Parts:		
1-199	14.00	Jan. 1, 1986
200-End	14.00	Jan. 1, 1986
10 Parts:		
0-199	22.00	Jan. 1, 1986
200-399	13.00	Jan. 1, 1986
400-499	14.00	Jan. 1, 1986
500-End	23.00	Jan. 1, 1986
11	7.00	Jan. 1, 1986
12 Parts:		
1-199	8.50	Jan. 1, 1986
200-299	22.00	Jan. 1, 1986
300-499	13.00	Jan. 1, 1986
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
200-1199	14.00	Jan. 1, 1986
1200-End	8.00	Jan. 1, 1986
15 Parts:		
0-299	7.00	Jan. 1, 1986
300-399	20.00	Jan. 1, 1986
400-End	15.00	Jan. 1, 1986

Title	Price	Revision Date
16 Parts:		
0-149	9.00	Jan. 1, 1986
150-999	10.00	Jan. 1, 1986
1000-End	18.00	Jan. 1, 1986
17 Parts:		
1-239	26.00	Apr. 1, 1986
240-End	19.00	Apr. 1, 1986
18 Parts:		
1-149	15.00	Apr. 1, 1986
150-399	25.00	Apr. 1, 1986
400-End	6.50	Apr. 1, 1986
19	29.00	Apr. 1, 1986
20 Parts:		
1-399	10.00	Apr. 1, 1986
400-499	22.00	Apr. 1, 1986
500-End	23.00	Apr. 1, 1986
21 Parts:		
1-99	12.00	Apr. 1, 1986
100-169	14.00	Apr. 1, 1986
170-199	16.00	Apr. 1, 1986
200-299	6.00	Apr. 1, 1986
300-499	25.00	Apr. 1, 1986
500-599	21.00	Apr. 1, 1986
600-799	7.50	Apr. 1, 1986
800-1299	13.00	Apr. 1, 1986
1300-End	6.50	Apr. 1, 1986
22	28.00	Apr. 1, 1986
23	17.00	Apr. 1, 1986
24 Parts:		
0-199	15.00	Apr. 1, 1986
200-499	24.00	Apr. 1, 1986
500-699	8.50	Apr. 1, 1986
700-1699	17.00	Apr. 1, 1986
1700-End	12.00	Apr. 1, 1986
25	24.00	Apr. 1, 1986
26 Parts:		
§§ 1.0-1.169	29.00	Apr. 1, 1986
§§ 1.170-1.300	16.00	Apr. 1, 1986
§§ 1.301-1.400	13.00	Apr. 1, 1986
§§ 1.401-1.500	20.00	Apr. 1, 1986
§§ 1.501-1.640	15.00	Apr. 1, 1986
§§ 1.641-1.850	16.00	Apr. 1, 1986
§§ 1.851-1.1200	29.00	Apr. 1, 1986
§§ 1.1201-End	29.00	Apr. 1, 1986
2-29	19.00	Apr. 1, 1986
30-39	13.00	Apr. 1, 1986
40-299	25.00	Apr. 1, 1986
300-499	14.00	Apr. 1, 1986
500-599	8.00	[1] Apr. 1, 1980
600-End	4.75	Apr. 1, 1986
27 Parts:		
1-199	20.00	Apr. 1, 1986
200-End	14.00	Apr. 1, 1986
28	21.00	July 1, 1986
29 Parts:		
0-99	16.00	July 1, 1986
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	[2] July 1, 1984
1920-End	29.00	July 1, 1986
30 Parts:		
0-199	16.00	[3] July 1, 1985
200-699	8.50	July 1, 1986
700-End	17.00	July 1, 1986
31 Parts:		
0-199	11.00	July 1, 1986
200-End	16.00	July 1, 1986

Title	Price	Revision Date
32 Parts:		
1–39, Vol. I	15.00	[4] July 1, 1984
1–39, Vol. II	19.00	[4] July 1, 1984
1–39, Vol. III	18.00	[4] July 1, 1984
1–189	17.00	July 1, 1986
190–399	23.00	July 1, 1986
400–629	21.00	July 1, 1986
630–699	13.00	July 1, 1986
700–799	15.00	July 1, 1986
800–End	16.00	July 1, 1986
33 Parts:		
1–199	27.00	July 1, 1986
200–End	18.00	July 1, 1986
34 Parts:		
1–299	20.00	July 1, 1986
300–399	11.00	July 1, 1986
400–End	25.00	July 1, 1986
35	9.50	July 1, 1986
36 Parts:		
1–199	12.00	July 1, 1986
200–End	19.00	July 1, 1986
37	12.00	July 1, 1986
38 Parts:		
0–17	21.00	July 1, 1986
18–End	15.00	July 1, 1986
39	12.00	July 1, 1986
40 Parts:		
1–51	21.00	July 1, 1986
52	27.00	July 1, 1986
53–60	23.00	July 1, 1986
61–80	10.00	July 1, 1986
81–99	25.00	July 1, 1986
100–149	23.00	July 1, 1986
150–189	21.00	July 1, 1986
190–399	27.00	July 1, 1986
400–424	22.00	July 1, 1986
425–699	24.00	July 1, 1986
700–End	24.00	July 1, 1986
41 Chapters:		
1, 1–1 to 1–10	13.00	[5] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)	13.00	[5] July 1, 1984
3–6	14.00	[5] July 1, 1984
7	6.00	[5] July 1, 1984
8	4.50	[5] July 1, 1984
9	13.00	[5] July 1, 1984
10–17	9.50	[5] July 1, 1984
18, Vol. I, Parts 1–5	13.00	[5] July 1, 1984
18, Vol. II, Parts 6–19	13.00	[5] July 1, 1984
18, Vol. III, Parts 20–52	13.00	[5] July 1, 1984
19–100	13.00	[5] July 1, 1984
1–100	9.50	July 1, 1986
101	23.00	July 1, 1986
102–200	12.00	July 1, 1986
201–End	7.50	July 1, 1986
42 Parts:		
1–60	15.00	Oct. 1, 1986
61–399	10.00	Oct. 1, 1986
400–429	16.00	Oct. 1, 1985
430–End	11.00	Oct. 1, 1985
43 Parts:		
1–999	14.00	Oct. 1, 1986
1000–3999	18.00	Oct. 1, 1985
4000–End	11.00	Oct. 1, 1986
44	13 00	Oct. 1, 1985
45 Parts:		
1–199	10.00	Oct. 1, 1985
200–499	7.00	Oct. 1, 1985
500–1199	18.00	Oct. 1, 1986
1200–End	9.00	Oct. 1, 1985
46 Parts:		
1–40	10.00	Oct. 1, 1985
41–69	10.00	Oct. 1, 1985
70–89	7.00	Oct. 1, 1986
90–139	11.00	Oct. 1, 1986
140–155	8.50	Oct. 1, 1985
156–165	14.00	Oct. 1, 1986
166–199	13.00	Oct. 1, 1986
200–499	15.00	Oct. 1, 1985
500–End	9.50	Oct. 1, 1986
47 Parts:		
0–19	13.00	Oct. 1, 1985
20–39	18.00	Oct. 1, 1986
20–69	21.00	Oct. 1, 1985
70–79	13.00	Oct. 1, 1985
80–End	18.00	Oct. 1, 1985
48 Chapters:		
1 (Parts 1–51)	21.00	Oct. 1, 1986
1 (Parts 52–99)	12.00	Oct. 1, 1985
2	15.00	Oct. 1, 1985
3–6	13.00	Oct. 1, 1985
7–14	17.00	Oct. 1, 1985
15–End	17.00	Oct. 1, 1985
49 Parts:		
1–99	7.00	Oct. 1, 1985
100–177	19.00	Nov. 1, 1985
178–199	19.00	Oct. 1, 1986
*200–399	17.00	Oct. 1, 1986
*400–999	21.00	Oct. 1, 1986
1000–1199	17.00	Oct. 1, 1986
1200–End	17.00	Oct. 1, 1986
50 Parts:		
1–199	11.00	Oct. 1, 1985
200–End	19.00	Oct. 1, 1985
CFR Index and Findings Aids	21.00	Jan. 1, 1986
Complete 1987 CFR set	595.00	1987
Microfiche CFR Edition:		
Complete set (one-time mailing)	155.00	1983
Complete set (one-time mailing)	125.00	1984
Complete set (one-time mailing)	115.00	1985
Subscription (mailed as issued)	185.00	1986
Subscription (mailed as issued)	185.00	1987
Individual copies	3.75	1987

[1] 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.

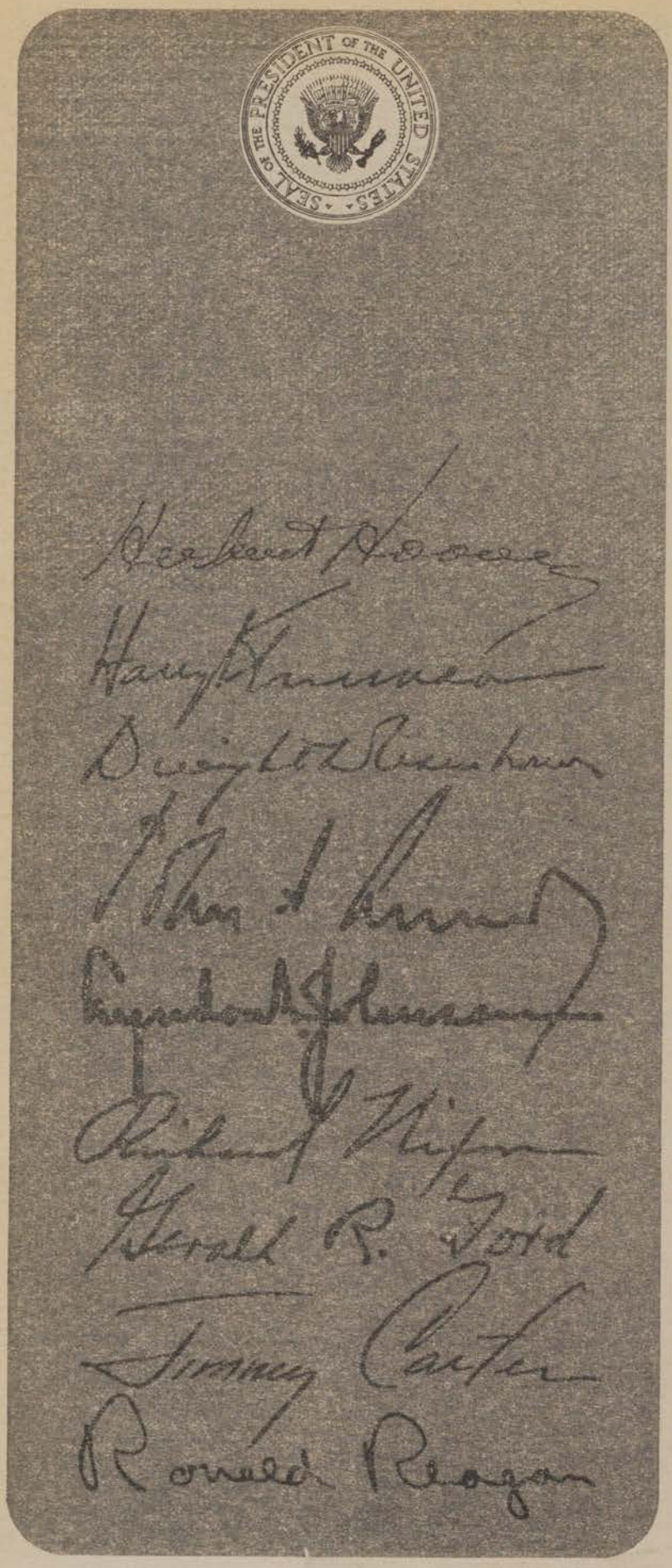
[2] No amendments to this volume were promulgated during the period July 1, 1984 to June 30, 1986. The CFR volume issued as of July 1, 1984, should be retained.

[3] 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.

[4] 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.

[5] 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.

[6] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.



Public Papers of the Presidents of the United States

Annual volumes containing the public messages and statements, news conferences, and other selected papers released by the White House.

Volumes for the following years are available; other volumes not listed are out of print.

Herbert Hoover

1930 ..... $19.00
1931 ..... $20.00
1932–33 ..... $24.00
Proclamations & Executive Orders—March 4, 1929 to March 4, 1933
2 Volume set $32.00

Harry Truman

1947 ..... $17.00
1950 ..... $19.00
1952–53 ..... $24.00

Dwight D. Eisenhower

1954 ..... $23.00
1955 ..... $20.00

Lyndon B. Johnson

1963–64
(Book I) $21.00
1968–69
(Book I) $20.00
1968–69
(Book I) $19.00

Richard Nixon

1974 ..... $18.00

Gerald R. Ford

1974 ..... $19.00
1975
(Book I) $22.00
1975
(Book II) $22.00
1976–77
(Book I) $23.00
1976–77
(Book III) $22.00

Jimmy Carter

1977
(Book I) $23.00
1977
(Book II) $22.00
1978
(Book I) $24.00
1978
(Book II) $25.00
1979
(Book I) $24.00
1979
(Book II) $24.00
1980–81
(Book I) $21.00
1980–81
(Book II) $22.00
1980–81
(Book III) $24.00

Ronald Reagan

1981 ..... $25.00
1982
(Book II) $25.00
1983
(Book I) $31.00
1983
(Book II) $32.00

Published by the Office of the Federal Register, National Archives and Records Administration

Order from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

(Rev. 7–1–86)