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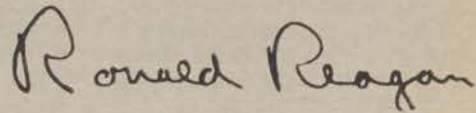
The President

Intention To Enter Into a Trade Agreement With Canada

On October 3, 1987, under section 102(e)(1) of the Trade Act of 1974, as amended, I notified the Congress of my intention to enter into a trade agreement with the Government of Canada on January 2, 1988, contingent upon a successful completion of negotiations.

Pursuant to section 102(e)(1) of that Act, this notice shall be published in the **Federal Register**.

THE WHITE HOUSE,
October 6, 1987.



[FR Doc. 87-23438

Filed 10-6-87; 2:38 pm]

Billing code 3195-01-M

RESOLUTIONS

Resolved, That the following Resolutions be adopted:

1. That the following Resolutions be adopted:

2. That the following Resolutions be adopted:

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24. That the following Resolutions be adopted:

25. That the following Resolutions be adopted:

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Federal Register

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21 and 23

[Docket No. 034CE, Special Conditions No. 23-ACE-31]

Special Conditions; Fairchild Model SA227-AC Airplanes [Type Certificate No. A8SW], Incorporating Emergency Lighting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued to become part of the type certification basis for the Fairchild Aircraft Corporation Model SA227-AC Airplanes incorporating an emergency lighting system as an aid for emergency evacuation. The applicable requirements for these airplanes do not contain adequate or appropriate safety standards for these systems. These special conditions contain the additional airworthiness standards which the Administrator finds necessary to establish a level of safety equivalent to the airworthiness standards applicable to these airplanes.

EFFECTIVE DATE: November 9, 1987.

FOR FURTHER INFORMATION CONTACT: Ervin Dvorak, Aerospace Engineer, Standards Office (ACE-110), Aircraft Certification Division, Central Region, Federal Aviation Administration, Room 1656, 601 East 12th Street, Federal Office Building, Kansas City, Missouri 64106; telephone (816) 374-5688.

SUPPLEMENTARY INFORMATION:

Background

On August 6, 1986, Fairchild Aircraft Corporation, Post Office Box 32486, San Antonio, Texas 78284, made application to the FAA for approval of type design changes necessary to incorporate an

emergency lighting system on the Fairchild Aircraft Corporation Model SA227 Series Airplane.

Fairchild Aircraft Corporation has certified a 19-place airplane which complies with SFAR 41 and incorporates three window exits and a main cabin door for egress from the airplane. Their proposal is to change the interior configuration such that one window emergency exit is eliminated, to decrease the passenger capacity from 19 to 10-12, and to install an emergency lighting system for use during emergency evacuation. Since the airplane type certification basis includes SFAR-41, an emergency evacuation demonstration is required, but an emergency lighting system is not required.

Past emergency evacuation demonstrations on these airplanes have shown that the most critical aspect of the evacuation is for the passengers to find the location of emergency exits. The passenger cabin length is approximately 25 feet with the entrance door at one end of the cabin and the window exits about in the middle of the cabin.

Since the installation of emergency lighting systems was not envisioned when the applicable requirements for the subject airplanes were promulgated, special conditions are being issued. Special conditions may be issued and amended, as necessary, as a part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.101(b)(2) do not contain adequate or appropriate safety standards because of the novel and unusual design features of the airplane. Special conditions, as appropriate, are issued in accordance with § 11.49 after public notice, as required by §§ 11.28 and 11.29(b), effective October 14, 1980, and will become part of the type certification basis, as provided by § 21.101(b)(2).

For the affected airplane, an emergency evacuation demonstration is required by the applicable regulations, but it does not contain a requirement or design criteria for emergency lighting systems to aid in emergency evacuation. If Fairchild Aircraft Corporation chooses to install and to use emergency lighting system in the Model SA227 Series Airplane to aid the required emergency evacuation demonstration, these appropriate standards must be adopted to assure that the lighting used to qualify

the airplane design during certification testing is available in survivable crashes and that future changes to the airplane design do not adversely affect the emergency lighting system.

Because the emergency lighting is not required, when an applicant chooses to provide such lighting, the FAA must evaluate such lighting relative to its intended function. If that intended function would affect the showing of compliance with an existing requirement, the FAA must assure that the additional system performs its intended function when the critical event occurs, in this case, an actual emergency evacuation. The FAA concluded that specific criteria is necessary.

Type Certification Basis

The type certification basis for the Fairchild Aircraft Corporation Model SA227-AC Airplane is as follows: Part 23 of the Federal Aviation Regulations, effective February 1, 1965, as amended by Amendments 23-1 through 23-6; § 23.175(d) as amended by Amendment 23-14, effective December 20, 1973; special conditions outlined in FAA letters dated November 19, 1965, August 19, 1967, February 5, 1968, and April 4, 1968; SFAR 23; Amendment C of SFAR No. 41, including paragraph 4(c) and the compartment interior requirements of § 25.853 (a), (b), (b-1), (b-2), and (b-3) effective September 26, 1978; Part 36, Appendix F, effective December 1, 1969, as amended by Amendments 36-1 through 36-6; special conditions number 23-ACE-15, effective October 1, 1986, and these special conditions.

Discussion of Comments

There were two sets of comments received by FAA in response to Notice No. 23-ACE-31, which were published in the Federal Register on March 30, 1987 [52 FR 10111]. The comment period closed April 30, 1987. Comments were received from Fairchild Aircraft Corporation and the Aerospatiale Helicopter Corporation.

The first comments being discussed are those comments that did not address specific proposed special conditions, but were of a general nature. Comments discussed later are those comments directed toward specific proposed special conditions.

One of the commenters stated that instead of issuing special conditions for

the emergency lighting systems, an applicant should be able to elect the appropriate section(s) of Part 25 for compliance which would become part of the type certification basis for an airplane even if it was certified under Part 23. The requirements for designating applicable regulations are in Part 21. As established under the provisions of § 21.101 an applicant must comply with either the regulations incorporated by reference in the type certificate or with the applicable regulations in effect on the date of the application, plus any other amendments. If the regulations incorporated by reference in the type certificate do not provide adequate standards with respect to the proposed change, the applicant must comply with the applicable provisions of this subchapter and any special conditions, and amendments to those special conditions, which the Administrator finds necessary to provide a level of safety equal to that established by the regulations incorporated by reference in the type certification basis.

The words "the applicable provisions of this subchapter" in § 21.101 came from the recodifications of the predecessor Civil Air Regulations (CAR) wording which was "with the provisions of this Part." To consolidate the procedural requirements into one Part (Part 21) during the recodification from separate Parts of the CARs, the wording was changed to "applicable provisions of this subchapter", which intends to mean the applicable Part. The applicability section in each Part prescribes the airworthiness standards for the issue of type certificates, and changes to those certificates, for a specified category of airplane; i.e., normal, utility, commuter, transport, etc. For an affected product category, the prescribed airworthiness standards are the regulations in the same Part and not in another Part for a different product category. For this case, special conditions are appropriate for the type certification basis since the airplane has novel or unusual design features not envisaged in the applicable airworthiness standards and the applicable standards do not contain adequate or appropriate airworthiness standards.

One commenter requested that these special conditions be applicable to the Fairchild Model SA227-CC Airplanes and subsequent similar models added to the same type certificate. The Model SA227-CC series is planned to be approved under the recent new airworthiness standards for commuter category airplanes in Part 23.

Certification basis for the commuter category will be different from that identified herein; therefore, separate special conditions will be necessary for the Model SA227-CC series.

One commenter questioned listing a specific special condition as part of an airplane model's certification basis when the special condition was not issued in response to an application by the airplane manufacturer, but was instead issued in response to an application by an airplane modifier. The special condition of concern was issued to become part of the type certification basis for the Fairchild Model SA227 Series Airplanes in response to an application by King Radio Corporation to install an Electronic Flight Instrument System (EFIS). Although the STC issued to King Radio is proprietary, the criteria for certification is not proprietary, and therefore the FAA issued the special conditions for any EFIS installed in any affected airplane by any applicant. This is consistent with the practice of special conditions issued in response to applications from airplane manufacturers being applicable to all modifications of the affected airplane, regardless of who modifies the airplane.

The type certification basis for each affected product is included when special conditions are proposed or issued in the **Federal Register** for public information. The type certification basis identifies not only the applicable regulations, but also includes special conditions, all exemptions pursuant to Part 11, together with "equivalent safety findings" made in accordance with § 21.21(b)(1). Regardless of this inclusion of the certification basis in the preamble to special conditions, the controlling document for a product's type certification basis remains the product's type certificate data sheet.

One commenter suggested that the emergency lights be automatically activated upon interruption of the airplane's normal electric power rather than the loss of engine-driven electrical generator power, as proposed. The justification given was that in case of a failure in-flight of the engine-driven electrical generator, the emergency power source could be depleted during flight. The proposal contained a requirement that the emergency lights would be automatically activated in a survivable crash in case the cockpit crew may be disabled and unable to turn on the emergency lights. The FAA agrees with this comment that the system should be configured to reduce the possibilities of the emergency lights draining the emergency battery during flight. Therefore, paragraph (c)(1) is

revised to require automatic activation to occur upon interruption of the airplane's normal electric power and paragraph (c) is revised so the emergency lights are armed or turned on during taxiing, takeoff, and landing.

One commenter stated that proposed paragraph 1.(g) should be deleted because an airplane of this size would not break up in a survivable crash, especially for the Fairchild Model SA227 Series Airplanes. Regardless of the commenter's contention, the FAA considers an accident severe enough to cause a single transverse vertical separation of a fuselage to be survivable. After a survivable crash, it is not desirable to have the entire emergency lighting system inoperative.

Conclusion

This action affects only the Fairchild Model SA227-AC Airplanes incorporating emergency lighting system as an aid for emergency evacuation. It is not a rule of general applicability and applies only to the series and model of airplane identified in these special conditions.

List of Subjects in 14 CFR Parts 21 and 23

Aviation safety, Aircraft, Air transportation, Safety.

The authority citation for these Special Conditions is as follows:

Authority: Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; as amended (49 U.S.C. 1354(a), 1421, and 1423); 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 21.16 and 21.101; and 14 CFR 11.28 and 11.29(b).

Adoption of Special Conditions

In consideration of the foregoing, the following special conditions are issued as a part of the type certification basis for the Fairchild Aircraft Corporation Model SA227-AC Airplanes when equipped with an emergency lighting system intended for use during emergency evacuation of the affected airplanes.

PARTS 21 AND 23—[AMENDED]

Emergency Lighting

1. If an emergency lighting system is installed and used as an aid in showing compliance with any applicable regulatory requirement, including emergency evacuation demonstrations, the following special conditions apply:

(a) The source of illumination may be common to both the emergency and the main lighting systems if the power supply to the emergency lighting system

is independent of the power supply to the main lighting system.

(b) There must be a caution light which illuminates in the cockpit when power is on in the airplane and the emergency lighting control device is not armed.

(c) The emergency lights must be operable manually from the flightcrew station and be provided with automatic activation. The cockpit control device must have an "on", "off", and "armed" position so that, when armed in the cockpit, the lights will operate by automatic activation. The emergency light must be armed or turned on during taxiing, takeoff, and landing. For automatic activation of the system, the sensor must—

(1) Activate when airplane's normal electrical power is lost, or

(2) Activate when subjected to a force of 5.0, +2, -0 g. and greater for a duration of 11, +5, -0 milliseconds and greater in the direction of the longitudinal axis of the airplane; must not be activated under conditions less severe; and, after activation, must remain activated when subsequently subjected to shock forces in any direction of up to 50 g and having durations up to 11, +5, -0 milliseconds; or

(3) Activate when subjected to alternate crash forces approved by the FAA; and

(4) Regardless of sensor type, must be capable of being reset by the flightcrew if activated by any occurrence other than a survivable crash.

(d) The energy supply to each emergency lighting unit must provide the required level of illumination for at least 10 minutes at the critical ambient condition after emergency landing.

(e) If rechargeable batteries are used as the energy supply for the emergency lighting system, the charging circuit must be designed to preclude inadvertent battery discharge into charging circuit faults. If the emergency lighting system does not include a charging circuit, then battery condition monitors are required.

(f) Components of the emergency lighting system, including batteries, wiring relays, lamps, and switches must be capable of normal operation after having been subjected to the inertia forces listed in § 23.561(b).

(g) The emergency lighting system must be designed so that a single probable failure, or probable system damage following a survivable crash, will not render the entire emergency lighting system inoperative. Single transverse vertical separation of the fuselage is considered a probable event

during a survivable crash. The minimum emergency illumination, after a single probable failure, must be specified by the applicant and during an emergency evacuation demonstration, the maximum emergency illumination must be equal to or less than the specified level.

Issued in Kansas City, Missouri, on September 14, 1987.

Jerold M. Chavkin,

Acting Director, Central Region.

[FR Doc. 87-23249 Filed 10-7-87; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-3218]

Alleghany 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 allows, among other things, a New York City title insurance company to acquire Safeco Title Insurance Co. by requiring respondent to divest two title plants to alleviate concerns that the acquisition could reduce competition in the production and sale of title information in Cook County, Ill. and Los Angeles County, Calif. Respondent is also required to continue to honor all Chicago Title and Trust Company and Safeco plant access contracts that expire pending divestiture.

DATE: Complaint and Order issued September 9, 1987.¹

FOR FURTHER INFORMATION CONTACT: FTC/A-2308, Michael E. Aptalics, Washington, DC 20580. (202) 326-2682.

SUPPLEMENTARY INFORMATION: On Tuesday, February 3, 1987, there was published in the *Federal Register*, 52 FR 3252, a proposed consent agreement with analysis in the Matter of Alleghany 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.

Comments were filed and considered

¹ Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the modified agreement, made its jurisdictional findings and entered its order to divest in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Acquiring Corporate Stock Or Assets: Section 13.5 Acquiring corporate stock or assets; S.13.5-20 Federal Trade Commission Act. Subpart—Combining Or Conspiring: S.13.470 To Restrain and monopolize trade. Subpart—Corrective Actions And/Or Requirements: S.13.533 Corrective actions and/or requirements; S.13.533-50 Maintain means of communication.

List of Subjects in 16 CFR Part 13

Title insurance, Trade practices.

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

Emily H. Rock,

Secretary.

[FR Doc. 87-23316 Filed 10-7-87; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 13

[Docket No. C-3217]

Puritan-Bennett Aero Systems Co.; 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, an El Segundo, California seller of fire and smoke protection masks from making deceptive advertising claims that any emergency escape mask or hood can absorb, remove or filter out any hazardous gas association with fire, or that any mask or hood can protect users from any fire hazards, unless the claim is substantiated and supported by a scientific test. Respondent is required to retain for three years all test reports or materials it uses as substantiation for claims and is also required to make specified disclosures on its packaging and in advertisements.

DATE: Complaint and Order issued August 25, 1987.¹

FOR FURTHER INFORMATION CONTACT: FTC/S-4002, Joel Winston, Washington, DC 20580. (202) 326-3153.

SUPPLEMENTARY INFORMATION: On Wednesday, June 3, 1987, there was published in the *Federal Register*, 52 FR 20723, a proposed consent agreement with analysis in the Matter of Puritan-Bennett Aero Systems Company, for the purposes 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: Section 13.10 Advertising falsely or misleadingly; S.13.170 Qualities or properties of product or service; S.13.170-40 Fire-extinguishing or fire-resistant; S.13.190 Results; S.13.195 Safety; S.13.205 Scientific or other relevant facts. Subpart—Corrective Actions And/Or Requirements: S.13.533 Corrective actions and/or requirements; S.13.533-10 Corrective advertising; S.13.533-20 Disclosures; S.13.533-45 Maintain records; S.13.533-45(a) Advertising substantiation. Subpart—Misrepresenting Oneself And Goods—Goods: S.13.1590-20 Federal Trade Commission Act; S.13.1730 Results; S.13.1740 Scientific or other relevant facts. Subpart—Neglecting, Unfairly Or Deceptively, To Make Material Disclosure: S.13.1863 Limitations of product; S.13.1895 Scientific or other relevant facts.

List of Subjects in 16 CFR Part 13

Fire and smoke protection masks, 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)

Emily M. Rock,
Secretary.

[FR Doc. 87-23317 Filed 10-7-87; 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 Street and Pennsylvania Avenue, NW, Washington, DC 20580.

DELAWARE RIVER BASIN COMMISSION

18 CFR Part 401

Amendments to the Administrative Manual—Rules of Practice and Procedure

AGENCY: Delaware River Basin Commission.

ACTION: Final Rule.

SUMMARY: At its September 22, 1987 business meeting the Delaware River Basin Commission amended its Administrative Manual, *Rules of Practice and Procedure*, in relation to penalties and settlements in lieu of penalties. The amendment addresses notice to possible violators, records for decision-making, adjudicatory hearings, factors to be applied in assessing the amounts of penalties, enforcement, settlement by agreement in lieu of penalty and penalty suspension or modification.

EFFECTIVE DATE: September 22, 1987.

ADDRESS: Copies of the Commission's Administrative Manual, *Rules of Practice and Procedure*, are available from the Delaware River Basin Commission, P.O. Box 7360, West Trenton, New Jersey 08628.

FOR FURTHER INFORMATION CONTACT: Susan M. Weisman, Commission Secretary, Delaware River Basin Commission: Telephone (609) 883-9500.

SUPPLEMENTARY INFORMATION: The Commission held a public hearing on these amendments on August 5, 1987 as noticed in the June 30, 1987 and July 29, 1987 issues of the *Federal Register* (52 FR 24307 and 52 FR 28327). Based upon testimony received and further deliberation, the Commission has amended its Administrative Manual, *Rules of Practice and Procedure*.

List of Subjects in 18 CFR Part 401

Administrative practice and procedure, Environmental impact statements, Freedom of information, Water pollution control, Water resources.

The Commission's Administrative Manual, 18 CFR Subchapter A, Part 401, *Rules of Practice and Procedure* is amended as follows:

PART 401—[AMENDED]

1. The authority citation for Part 401 is revised to read as follows:

Authority: Delaware River Basin Compact (75 Stat. 688).

Subpart H (§§ 401.111—401.114) [Redesignated as Subpart I (§§ 401.121—401.124)]

2. Subpart H, consisting of §§ 401.111—401.114 is redesignated as Subpart I, §§ 401.121—401.124.

Subpart G (§§ 401.91—401.109) [Redesignated as Subpart H (§§ 401.101—401.119)]

3. Subpart G, consisting of §§ 401.91—401.109, is redesignated as Subpart H, §§ 401.101—401.119.

4. New Subpart G is added to read as follows:

Subpart G—Penalties and Settlements in Lieu of Penalties

- Sec.
- 401.91 Scope of subpart.
 - 401.92 Notice to possible violators.
 - 401.93 The record for decision-making.
 - 401.94 Adjudicatory hearings.
 - 401.95 Assessment of a penalty.
 - 401.96 Factors to be applied in fixing penalty amount.
 - 401.97 Enforcement of penalties.
 - 401.98 Settlement by agreement in lieu of penalty.
 - 401.99 Suspension or modification of penalty.

Subpart G—Penalties and Settlements in Lieu of Penalties

§ 401.91 Scope of subpart.

This subpart shall be applicable where the Commission shall have information indicating that a person has violated or attempted to violate any provision of the Commission's Compact or any of its rules, regulations or orders (hereafter referred to as possible violator). For the purposes of this Subpart, person shall include person, partnership, corporation, business association, governmental agency or authority.

§ 401.92 Notice to possible violators.

Upon direction of the Commission the Executive Director shall, and in all other instances, the Executive Director may require a possible violator to show cause before the Commission why a penalty should not be assessed in accordance with the provisions of these Rules and Section 14.17 of the Compact. The notice to the possible violator shall:

- (a) Set forth the date on which the possible violator shall respond; and
- (b) Set forth any information to be submitted or produced by the possible violator.

§ 401.93 The record for decision-making.

(a) *Written submission.* In addition to the information required by the Commission, any possible violator shall

be entitled to submit in writing any other information that it desires to make available to the Commission before it shall act. The Executive Director may require documents to be certified or otherwise authenticated and statements to be verified. The Commission may also receive written submissions from any other persons as to whether a violation has occurred and the adverse consequences resulting from a violation of the Commission's Compact or its rules, regulations and orders.

(b) *Presentation to the Commission.* At the date set in the Notice, the possible violator shall have the opportunity to supplement its written presentation before the Commission by any oral statement it wishes to present and shall be prepared to respond to any questions from the Commission or its staff or to the statements submitted by persons affected by the possible violation.

§ 401.94 Adjudicatory hearings.

(a) An adjudicatory hearing, which may be in lieu of or in addition to proceedings pursuant to § 401.93 at which testimony may be presented and documents received shall not be scheduled unless:

(1) The Executive Director determines that a hearing is required to have an adequate record for the Commission; or
(2) The Commission directs that such a hearing be held.

(b) If an adjudicatory hearing is scheduled, the possible violator shall be given at least 14 days written notice of the hearing date unless waived by consent. Notice of such a hearing may be given to the general public and the press in the manner provided in Section 14.4(b) of the Compact but may be waived by the Executive Director.

(c) Except to the extent inconsistent with the provisions of this Subpart adjudicatory hearings shall be conducted in accordance with the provisions of §§ 401.83 through 401.88 (including § 401.86 *et seq.*).

§ 401.95 Assessment of a penalty.

The Executive Director may recommend to the Commission the amount of the penalty to be imposed. Such a recommendation shall be in writing and shall set forth the basis for the penalty amount proposed. Based upon the record submitted to the Commission, the Commission shall decide whether a violation has occurred that justifies the imposition of a penalty pursuant to § 14.17 of the Compact. If it is found that such a violation has occurred, the Commission shall determine the amount of the penalty to be paid.

§ 401.96 Factors to be applied in fixing penalty amount.

(a) Consideration shall be given to the following factors in deciding the amount of any penalty or any settlement in lieu of penalty:

(1) Previous violation, if any, of the Commission's Compact and regulations;

(2) Whether the violation was unintentional or willful and deliberate;

(3) Whether the violation caused adverse environmental consequences and the extent of any harm;

(4) The costs incurred by the Commission or any signatory party relating to the failure to comply with the Commission's Compact and regulations;

(5) The extent to which the violator has cooperated with the Commission in correcting the violation and remediating any adverse consequences or harm that resulted therefrom; and

(6) Whether the failure to comply with the Commission's Compact and regulations was economically beneficial to the violator.

(b) The Commission retains the right to waive any penalty or reduce the amount of the penalty should it determine that, after consideration of the factors in paragraph (a) of this section, extenuating circumstances justify such action.

§ 401.97 Enforcement of penalties.

Any penalty imposed by the Commission shall be paid within 30 days or such further time period as shall be fixed by the Commission. The Executive Director and Commission counsel are authorized to take such action as may be necessary to assure enforcement of this Subpart. If a proceeding before a court becomes necessary, the action of the Commission in determining a penalty amount shall constitute the penalty amount recommended by the Commission to be fixed by the court pursuant to § 14.17 of the Compact.

§ 401.98 Settlement by agreement in lieu of penalty.

A possible violator may request settlement of a penalty proceeding by agreement. If the Executive Director determines that settlement by agreement in lieu of a penalty is in the best interest of the Commission, he may submit to the Commission a proposed settlement agreement in lieu of a penalty. No settlement will be considered by the Commission unless the possible violator has indicated to the Commission acceptance of the terms of the agreement and the intention to comply with all requirements of the settlement agreement including payment of any settlement amount within the time

period provided. If the Commission determines not to approve a settlement agreement, the Commission may proceed with a penalty action in accordance with this Subpart.

§ 401.99 Suspension or modification of penalty.

The Commission may postpone the imposition of a penalty or provide for reconsideration of the penalty amount imposed pending correction of the condition that gave rise to the violation or pending a satisfactory resolution of any adverse consequences that resulted from the violation.

(Delaware River Basin Compact, 75 Stat. 688)

Susan M. Weisman,

Secretary, September 28, 1987.

[FR Doc. 87-22893 Filed 10-7-87; 8:45 am]

BILLING CODE 6360-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Parts 404 and 416

Application of Dependency Test to Adopted Great-Grandchildren and Demonstration Projects Under the Disability Insurance and Supplemental Security Income Programs

AGENCY: Social Security Administration, HHS.

ACTION: Final rules.

SUMMARY: The Social Security Administration (SSA) is amending its regulations to implement sections 12101 and 12104 of Pub. L. 99-272 (the Consolidated Omnibus Budget Reconciliation Act of 1985). Section 12101 of Pub. L. 99-272 extends the Secretary's waiver authority on demonstration projects in the title II disability insurance program which was originally provided for by section 505(a)(3) of the Social Security Disability Amendments of 1980 (Pub. L. 96-265). Section 12101 also effectively makes the waiver authority for title XVI demonstration projects permanent. Section 12104 of Pub. L. 99-272 amends section 202(d)(8)(D)(ii)(III) of the Social Security Act (the Act) to provide that great-grandchildren of a Social Security beneficiary or his or her spouse may be entitled to child's insurance benefits as grandchildren currently are, applying the dependency test for legally adopted children.

DATES: These regulations are effective October 8, 1987. The statutory change regarding great-grandchildren which

these regulations reflect is effective with respect to benefits for which applications for child's insurance benefits are filed April 8, 1986 or later. We will consider any comments concerning these rules that we receive on or before December 7, 1987 and will revise such rules if public comments warrant.

ADDRESSES: Send your written comments to the Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203, or deliver them to the Office of Regulations, Social Security Administration, 3-B-4 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235 between 8:00 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during these same hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: Henry D. Lerner, Legal Assistant, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594-7463.

SUPPLEMENTARY INFORMATION: We published final regulations covering the rules on demonstration projects in the disability insurance and Supplemental Security Income (SSI) programs on February 23, 1983 (48 FR 7573). The rules implemented section 505 of the Social Security Disability Amendments of 1980 (Pub. L. 96-265). Section 505 directed the Secretary of Health and Human Services to develop and carry out experiments and demonstration projects to test the advantages of various ways to facilitate and encourage the return to employment of individuals who would otherwise remain dependent on disability benefits. A key element in conducting these demonstration projects is the authority for the Secretary to waive requirements of the Act related to the subject matter of the projects. A provision of the 1980 amendments calling for a final report within 5 years of the enactment of that statute (no later than June 9, 1985) was interpreted as terminating the Secretary's authority to initiate projects for which such waivers could be made. Without this waiver authority the Secretary was unable to carry out demonstration projects that had not been implemented when the authority expired.

Section 12101 of Pub. L. 99-272 amends section 505(a)(3) of Pub. L. 96-265 by extending the Secretary's waiver authority for 5 years. The deadline for a final report on the disability insurance projects is extended to June 9, 1990. This requirement is made applicable only to

the disability program under title II of the Act (section 505(a) of Pub. L. 96-265). Section 12101 effectively grants a permanent extension of the authority to waive the SSI program rules under title XVI which had been provided by section 505(b) of Pub. L. 96-265.

Section 12104 of Pub. L. 99-272 amends section 202(d)(8)(D)(ii)(III) of the Act to provide that great-grandchildren of a Social Security beneficiary or the beneficiary's spouse may be entitled to child's insurance benefits, as grandchildren currently are, applying the dependency test for legally adopted children. Effective for applications filed on April 8, 1986, or later, a great-grandchild may be entitled to benefits if the child is adopted by and lives with the great-grandparent in the United States for at least 1 year before applying for benefits and received at least one-half of his or her support from the beneficiary for at least 1 year; if the child is born within this 1-year period the child must have lived with the beneficiary and received at least one-half of his or her support from the beneficiary for substantially all of the period that begins on the date of the child's birth.

Justification for Final Rules

The Department, even when not required by statute, as a matter of policy, generally follows the Administrative Procedure Act (APA) Notice of Proposed Rulemaking and public comment procedures specified in 5 U.S.C. 553 in the development of its regulations. The APA provides exceptions to its notice and public comment procedures when an agency finds there is good cause for dispensing with such procedures on the basis that they are impracticable, unnecessary, or contrary to the public interest. We have determined that under 5 U.S.C. 553(b)(B), good cause exists for waiver of Notice of Proposed Rulemaking and public comment procedures on this regulation since opportunity for public comment is unnecessary in this case because the statutory provisions upon which the regulations are based simply extend the Secretary's waiver authority on demonstration projects and entitlement to child's insurance benefits to certain great-grandchildren of Social Security beneficiaries. The title II and XVI provisions on demonstration projects and the title II great-grandchildren provisions reflect the statute, are technical in nature and do not provide additional implementing rules. Therefore, these rules will become effective on the date they are published in the Federal Register.

Executive Order 12291

The Secretary has determined that these are not major rules under Executive Order 12291 because these regulations do not meet any of the threshold criteria for a major rule. Therefore, a regulatory impact analysis is not required.

Regulatory Flexibility Act

We certify that these regulations will not have a significant economic impact on a substantial number of small entities because these rules affect only individuals and States. Therefore, a regulatory flexibility analysis as provided in Pub. L. 96-354, the Regulatory Flexibility Act, is not required.

Paperwork Reduction Act

These regulations impose no additional reporting or recordkeeping requirements requiring Office of Management and Budget clearance.

(Catalog of Federal Domestic Assistance Program No. 13802, Social Security—Disability Insurance, 13.803 Social Security—Retirement Insurance, 13.805 Social Security—Survivors Insurance; No. 13807, Supplemental Security Income Program)

List of Subjects in 20 CFR Part 404

Administrative practice and procedure, Death benefits, Disability benefits, Old-Age, Survivors and Disability Insurance

List of Subjects in 20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disability benefits, Public assistance programs, Supplemental Security Income.

Dated: February 27, 1987.

Dorcas R. Hardy,
Commissioner of Social Security.

Approved: April 9, 1987.

Otis R. Bowen,
Secretary of Health and Human Services.

Subparts D and P of Part 404 of Chapter III of Title 20 of the Code of Federal Regulations are amended as follows:

PART 404—[AMENDED]

1. The authority citation for Subpart D of Part 404 continues to read as follows:

Authority: Secs. 202, 203 (a) and (b), 205(a), 216, 223, 228(a)–(e), and 1102 of the Social Security Act; 42 U.S.C. 402, 403 (a) and (b), 405(a), 416, 423, 428(a)–(e), and 1302.

§ 404.362 [Amended]

2. In § 404.362, paragraph (b)(2) is amended by inserting "or great-grandchild" after "grandchild" in the title and introductory sentence.

3. The authority citation for Subpart P of Part 404 continues to read as follows:

Authority: Secs. 202, 205 (a), (b), and (d)-(h), 216(i), 221 (a) and (i), 222(c), 223, 225 and 1102 of the Social Security Act; 42 U.S.C. 402, 405 (a), (b), and (d)-(h), 416(i), 421 (a) and (i), 422(c), 423, 425 and 1302; sec. 505(a) of Pub. L. 96-265, 94 Stat. 473; secs. 2(d)(2), (5), (6), and (15) of Pub. L. 98-460, 98 Stat. 1797, 1801, 1802, and 1808.

§ 404.1599 [Amended]

4. In § 404.1599, the third sentence of paragraph (e) is amended by removing "1985" and adding "1990".

Subpart B of Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

PART 416—[AMENDED]

5. The authority citation for Subpart B of Part 416 continues to read as follows:

Authority: Secs. 1102, 1110(b), 1602, 1611, 1614, 1615(c), 1619(a), 1631, and 1634 of the Social Security Act; 42 U.S.C. 1302, 1310(b), 1381a, 1382, 1382c, 1382d(c), 1382h(a), 1383, and 1383c; secs. 211 and 212 of Pub. L. 93-66, 87 Stat. 154 and 155; sec. 502(a) of Pub. L. 94-241, 90 Stat. 268; and sec. 2 of Pub. L. 99-643, 100 Stat. 3574.

§ 416.250 [Amended]

6. In § 416.250, paragraph (e) is amended by removing the second and third sentences.

[FR Doc. 87-23296 Filed 10-7-87; 8:45 am]

BILLING CODE 4190-11-M

Food and Drug Administration

21 CFR Part 680

[Docket No. 84N-0349]

Additional Standards for Miscellaneous Products; Allergenic Products; Potency Tests

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the additional standards for allergenic products by adding a reference to the potency test requirement applicable to all biological products under the general biological products standards. The amendment is consistent with the reference in the additional standards for allergenic products to other testing requirements in the general biological regulations, such as identity, safety, and sterility testing. The amendment also provides by regulation for the use of potency testing of allergenic products by methods that measure the allergenic activity of the products. FDA is also removing from its regulations the

specific potency test procedure for short ragweed pollen extracts.

DATE: This regulation becomes effective on November 9, 1987.

FOR FURTHER INFORMATION CONTACT: M. Christine Anderson, Center for Drugs and Biologics (HFN-853), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20892, 301-496-4204.

SUPPLEMENTARY INFORMATION:

I. Background

The additional standards for specific biological products are prescribed under 21 CFR Parts 620 through 680. The additional standards for allergenic products under 21 CFR Part 680 contain specific requirements that supplement the general requirements for all biological products under 21 CFR Part 610 and the current good manufacturing practice requirements under 21 CFR Parts 210 and 211. Sections 610.1 and 610.10 of the general biological regulations require that manufacturers perform a potency test on each lot of licensed biological product before it is released for commercial distribution.

Historically, FDA has permitted manufacturers to label allergenic products with an unstandardized potency level based on a simple weight of allergen to volume of extracting fluid ratio (W/V) or a determination of the protein nitrogen units (PNU) in each lot of manufactured product. Those allergenic products that have potency levels based on W/V or PNU must include the phrase "No U.S. Standard of Potency" on the label. The uncodified procedures for determining W/V or PNU do not result in reliable measures of biological or allergenic activity. FDA believes, consistent with the recommendations of the Panel on Review of Allergenic Extracts (50 FR 3112; January 23, 1985), that these designations should be replaced as soon as practicable by a designation that reflects allergenic activity. FDA recognizes that test methods for measuring the potency of allergenic products are analytical test methods, which may be lengthy, complex, and subject to frequent amendment. See 21 CFR 10.90(b).

Thus far, only extracts of several hymenoptera venoms and short ragweed pollen extracts have been standardized for potency and have had their allergenic activity determined by all manufacturers of the products. In addition, FDA has approved five standardized cat extracts, two species of standardized mite extracts, two standardized extracts of alternaria, and several standardized grass pollen extracts. FDA is reviewing other

amendments to manufacturers' license applications for standardized allergenic extracts. Because approximately 1,800 to 2,000 generic allergenic products are marketed, FDA believes that it is impractical to codify a description of each new specific potency test procedure for a product as the procedure is developed, such as the procedure in § 680.4 for short ragweed pollen extract.

In the past, FDA has conducted workshops on standardization to assist manufacturers in the development of potency procedures for their allergenic products (see 45 FR 76251, November 18, 1980; 48 FR 52772, November 22, 1983; and 50 FR 52562, December 24, 1985). Those workshops have included discussion of methods of protein measurements, radial immunodiffusion test, radioallergosorbent tests (RAST), isoelectric focusing, and skin testing. FDA will consider conducting more workshops as needed to assist manufacturers in performing specific potency tests for allergenic products.

II. Proposed Rule

In the Federal Register of July 24, 1985 (50 FR 30211), FDA proposed to amend 21 CFR Part 680 concerning the additional standards for allergenic products by adding to § 680.3 *Tests* a new paragraph (e) *Potency*. Section 680.3 already requires that allergenic products meet the general biological testing provisions of 21 CFR Part 610 as those provisions concern identity, safety, and sterility testing. For consistency, § 680.3(e) refers to the general potency requirements under § 610.10. A new § 680.3(f) references the recordkeeping requirements related to the tests performed under § 680.3.

Under new § 680.3(e), the test methods used to measure the potency of allergenic products are required to measure the allergenic activity of the product. FDA will recommend potency test methods to manufacturers when FDA believes that the method results in a reliable measure of biologic or allergenic activity. To facilitate the transition from W/V or PNU to a potency method that measures allergenic activity, FDA will recommend a specific potency test method only after the method has been shown to be effective and has been discussed or demonstrated in one or more public workshops, has appeared in scientific publications, or has been discussed with individual manufacturers. The Director, Office of Biologics Research and Review, Center for Drugs and Biologics, will notify each affected manufacturer in writing of the recommended procedure. This notification will allow a reasonable

time period for manufacturers to begin potency testing based on the recommended procedure or another potency test method that also results in a reliable measure of the potency of the product. Manufacturers will be required to submit amendments to the product license application and to obtain FDA's approval of the amendments, including appropriate potency labeling and lot release requirements. On or after the date established by FDA for implementation of a potency test method that reflects allergenic activity, the agency will consider new lots of that product that are introduced initially into interstate commerce by the licensee to be safe and effective and not misbranded only if the product's potency has been measured under FDA approved procedures. The agency intends to initiate license revocation proceedings or other enforcement actions for any such product for which the potency is not measured in terms of allergenic activity.

As discussed above, when FDA recommends a potency test method for an allergenic product, each licensed manufacturer must submit to FDA and receive approval from FDA within a specified time period appropriate amendments to its license application showing that the recommended method (or an approved alternative method) is used and that labeling is revised if necessary. FDA analytical methods are available for public disclosure under 21 CFR Part 20 (see 21 CFR 10.90(b)(10)).

III. Antigen E Requirements

Section 680.4 has required the standardization of short ragweed pollen extracts based on a determination of the quantity of the major allergen (antigen E) that is present in each lot of the product. The method for performing antigen E testing is included in each manufacturer's license application. Section 680.4 has been the only codified requirement for a specific standardized potency test for an allergenic product. Because FDA is publishing new § 680.3(e) and (f), FDA is removing § 680.4 *Short ragweed pollen extracts*. This codified requirement for one product is unnecessary, because the antigen E requirement for short ragweed pollen extracts is replaced by the requirements in new § 680.3(e).

FDA is making available its recommended test procedures for short ragweed pollen extracts as authorized in 21 CFR 10.90(b)(10) of its administrative practices and procedures regulations. The recommended test procedures are described in a document entitled "Recommended Methods for Short Ragweed Pollen Extracts," Docket No.

84S-0344, available for public examination at the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. FDA also advises that short ragweed pollen extracts, or any mixed product containing short ragweed pollen extract as a component, continue to be subject to the antigen E method, as set forth in the license applications. The antigen E method is FDA's recommended test method for short ragweed pollen extracts.

IV. Comments

In response to the published proposal of July 24, 1985 (50 FR 30211), FDA received two letters of comment. The comments opposed the proposed rule on the basis that any required new standardized test methods that are not codified as step-by-step procedures may not benefit sufficiently from inputs of the industry, health professionals, scientific societies, researchers, and the general public. One of the comments stated that the promulgation of new specific potency test procedures falls within the scope of the rulemaking provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371) and the Administrative Procedure Act (5 U.S.C. 553). One of the comments said that the proposed standardization process could result in a substantial economic and administrative impact on manufacturers. The comments recommended, therefore, that FDA continue the antigen E requirements under § 680.4 and that all future individual official potency standards be codified.

FDA believes the comments misconstrued the intent of the rule. As stated in the preamble to the proposed rule and elsewhere in the preamble to this final rule, the agency believes that the traditional units used as an indicator of a product's potency (i.e., PNU and W/V) do not result in reliable measures of biological or allergenic activity and should be replaced by a designation that reflects allergenic activity. FDA recognizes that the comments may have misinterpreted the proposed rule as requiring manufacturers to adopt whatever particular test method the agency recommends for a specific product. The agency is therefore changing the language of § 680.3(e) to clarify that the rule does not require that manufacturers incorporate a specific test method recommended by FDA into the manufacturer's license application. Rather, the intent of the rule is to provide that the potency of allergenic products be measured by test methods that result in reliable measures of the

products' potency. Neither comment objected to the measurement of allergenic activity as the means by which the potency of allergenic products is determined.

With regard to manufacturers' concerns that they be involved in the implementation of potency test methods for specific allergenic products, FDA notes that manufacturers will have an opportunity to participate in any workshop conducted by FDA and may submit their views at any time on any potency test method including methods discussed in scientific publications.

FDA will not recommend a test method until the method has been shown to be effective and has been discussed or demonstrated in public workshops, has appeared in scientific publications, or has been discussed with individual manufacturers.

Although the comments suggested that FDA promulgate specific potency test methods that apply to individual allergenic products, the codification of such methods is unnecessary, and could involve methods that are lengthy, complex, and subject to frequent changes so that their codification could interfere with timely amendments by manufacturers to their license applications to incorporate new advances in scientific procedures. FDA recognizes that more than one appropriate measurement of allergenic activity may exist for a specific allergenic product, and this rule provides flexibility so that more than one method may be used provided any methods used results in reliable measurements of a product's potency.

FDA recognizes that for the vast majority of allergenic products potency test methods have not yet been developed. Therefore, an exception has been built into the final rule to allow the continued use of the traditional units applied to allergenic extracts (i.e., PNU or W/V) until a potency test method that measures allergenic activity exists and FDA notifies manufacturers of the existence of such a test method.

FDA disagrees with the comment suggesting that standardization of allergenic extracts could result in a substantial economic impact on manufacturers. This comment was not accompanied by any data to support the comment. In the economic assessment of the final rule for short ragweed pollen extract, FDA concluded that the standardization of short ragweed pollen extract would not result in a significant adverse economic impact and, indeed, would provide an economic benefit to users of the product (see 46 FR 39131, item number 11, July 31, 1981). Since that

time, several manufacturers of other allergenic products have amended their license applications to include potency test methods which result in reliable measures of the allergenic activity of the products. The allergenic extracts which have been standardized by some manufacturers include, but are not limited to, cat extract, mite extract, purified hymenoptera venom extracts, and several pollen extracts, including extracts of orchard, red top, june, rye, and meadow fescue grasses. The well-established methods that are being used or are being considered for use as approved potency test procedures include radial immunodiffusion, isoelectric focusing, RAST inhibition, and for extracts of purified hymenoptera venoms, a hyaluronidase enzyme assay. FDA believes that testing by these potency procedures would result in better products and would not create a significant economic impact on manufacturers.

V. Environmental Impact

The agency has determined under 21 CFR 25.24(c)(10) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

VI. Paperwork Reduction Act

Section 680.3 contains collection of information requirements already submitted to and approved by the Office of Management and Budget (OMB) under section 3507 of the Paperwork Reduction Act of 1980. The requirements of § 680.3 express the requirements of 21 CFR 211.165, 211.167, 211.188, and 211.194 (OMB control number 0910-0139), as those requirements apply to allergenic products tests.

VII. Economic Impact

FDA has examined the regulatory impact and regulatory flexibility implications of the regulation in accordance with Executive Order 12291 and the Regulatory Flexibility Act (Pub. L. 96-354). Specifically, the regulation identifies in the additional standards for allergenic products the potency test requirement under § 610.10 and the requirements in various sections in Parts 210 and 211 that apply to all licensed biological products.

The regulation provides for the eventual standardization of allergenic extracts by well-established methods that will measure the quantity of allergenic activity in specific allergenic extracts. About 15 manufacturers of

allergenic extracts, approximately half of which are small establishments, will be affected by this rule. As technology for a new method is developed and the method becomes well-established, the new method or another reliable method would replace the weight-to-volume designation of potency or the PNU potency method as the acceptable potency test for a specific product. The costs to a manufacturer for standardizing a lot of a specific allergenic extract when standardization is required will vary from zero to several hundred dollars depending on whether the manufacturer produces that product and, if so, has already standardized the product or is in the process of standardizing it. A limited number of allergenic extracts produced by several manufacturers have already been standardized. The standardization of these allergenic extracts has not resulted in significant changes in manufacturing procedures or in the costs and availability of the products. Indeed, certain standardized allergenic extracts are sold at the same price as the corresponding unstandardized extracts. Therefore, the agency has concluded that any anticipated costs resulting from this rule are insufficient to warrant designation as a major rule under any of the criteria specified under section 1(b) of Executive Order 12291. Further, the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act.

List of Subjects in 21 CFR Part 680

Biologics, Allergenic products.
Therefore, under the Public Health Service Act and under the authority delegated to the Commissioner of Food and Drugs, Part 680 is amended as follows:

PART 680—ADDITIONAL STANDARDS FOR MISCELLANEOUS PRODUCTS

1. The authority citation for 21 CFR Part 680 continues to read as follows:

Authority: Sec. 215, 351, 58 Stat. 690 as amended, 702 as amended (42 U.S.C. 216, 262); 21 CFR 5.10.

2. In § 680.3 by reserving paragraph (d) and adding new paragraphs (e) and (f) and a parenthetical statement at the end of the section to read as follows:

§ 680.3 Tests.

(d) [Reserved]
(e) *Potency.* The potency of each lot of each Allergenic Product shall be determined as prescribed in § 610.10 of this chapter. Except as provided in this

section, the potency test methods shall measure the allergenic activity of the product. Until manufacturers are notified by the Director, Office of Biologics Research and Review, of the existence of a potency test that measures the allergenic activity of an allergenic product, manufacturers may continue to use unstandardized potency designations.

(f) *Records.* The records related to the testing requirements of this section shall be prepared and maintained as required by §§ 211.165, 211.167, 211.188, and 211.194 of this chapter.

(Collection of information requirements in this section were approved by the Office of Management and Budget under OMB control number 0910-0139.)

§ 680.4 [Removed]

3. By removing § 680.4 *Short ragweed pollen extracts.*

Dated: July 27, 1987.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 87-23256 Filed 10-7-87; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 201, 203, and 234

[Docket No. N-87-1738; FR-2111]

Mortgage Insurance; Changes to Maximum Mortgage Limits for Single Family Residences, Condominiums and Manufactured Homes and Lots

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

ACTION: Notice of revisions to FHA maximum mortgage limits for high-cost areas.

SUMMARY: This notice amends the listing of areas eligible for "high-cost" mortgage limits under certain of HUD's insuring authorities under the National Housing Act by (1) revising the mortgage limits for Windham County, Connecticut; (2) adding "high-cost" mortgage limits for Cheshire County, New Hampshire; and (3) increasing the mortgage limits for Allentown-Bethlehem, Pennsylvania, MSA. Mortgage limits are adjusted in the area when the Secretary determines that middle- and moderate-income persons

have limited housing opportunities because of high prevailing housing sales prices.

EFFECTIVE DATE: October 8, 1987.

FOR FURTHER INFORMATION CONTACT:

For single family: Morris Carter, Director, Single Family Development Division, Room 9270; telephone (202) 755-6720. For manufactured homes: Christopher Peterson, Director, Office of Manufactured Housing and Regulatory Functions, Room 9158; telephone (202) 755-5210; 451 Seventh Street, SW., Washington, DC 20410. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Background

The National Housing Act (NHA), 12 U.S.C. (1710-1749), authorizes HUD to insure mortgages for single family residences (from one- to four-family structures), condominiums, manufactured homes, manufactured home lots, and combination manufactured home lots. The NHA, as amended by the Housing and Community Development Amendments of 1980 and the Housing and Community Development Amendments of 1981, permits HUD to increase the maximum mortgage limits under most of these programs to reflect regional differences in the cost of housing. In addition, sections 2(b) and 214 of the NHA provide for special high-cost limits for insured mortgages in Alaska, Guam and Hawaii.

On October 1, 1986 (51 FR 34961), the Department published its most recent annual complete listing of areas eligible for "high-cost" mortgage limits under certain of HUD's insuring authorities under the National Housing Act, and their applicable limits for each area.

This Document

Today's document (1) revises the high-cost mortgage amounts for Windham County, Connecticut; (2) adds high-cost mortgage limits for Cheshire County, New Hampshire; and (3) increases the mortgage limits for Allentown-Bethlehem, Pennsylvania, MSA.

These amendments to the high-cost areas appear in two parts. Part I explains high-cost limits for mortgages insured under Title I of the National Housing Act. Part II lists changes for single family residences insured under section 203(b) or 234(c) of the National Housing Act.

National Housing Act High Cost Mortgage Limits

I. Title I: Method of Computing Limits

A. Section 2(b)(1)(D). Combination manufactured home and lot (excluding

Alaska, Guam and Hawaii). To determine the high-cost limit for a combination manufactured home and lot loan, multiply the dollar amount in the "one family" column of Part II of this list by .80. For example, Windham County (New London-Norwich, Connecticut-Rhode Island, MSA) has a one-family limit of \$90,000. The combination home and lot loan limit for Windham County is $\$90,000 \times .80$, or \$72,000.

B. Section 2(b)(1)(E). Lot only (excluding Alaska, Guam and Hawaii). To determine the high-cost limit for a lot loan, multiply the dollar amount in the "one-family" column of Part II of this list by .20. For example, Windham County (New London-Norwich, Connecticut-Rhode Island, MSA) has a one-family limit of \$90,000. The lot-only loan limit for Windham County is $\$90,000 \times .20$, or \$18,000.

C. Section 2(b)(2). Alaska, Guam and Hawaii limits. The maximum dollar limits for Alaska, Guam and Hawaii may be 140% of the statutory loan limits set out in section 2(b)(1).

Accordingly, the dollar limits for Alaska, Guam and Hawaii area as follows:

1. For manufactured homes: \$56,700. ($40,500 \times 140\%$).
2. For combination manufactured homes and lots: \$75,600. ($\$54,000 \times 140\%$).
3. For lots only: \$18,900. ($13,500 \times 140\%$).

II. Title II: Updating of FHA Sections 203(b), 234(c) and 214 Area Wide Mortgage Limits

REGION I.—HUD FIELD OFFICE—HARTFORD, CT

Market area designation and local	1-family and condo unit	2-family	3-family	4-family
New London-Norwich CT-RI MSA.....	\$90,000	\$101,300	\$122,650	\$142,650
New London County... Windham County...				

REGION II.—HUD FIELD OFFICE—MANCHESTER OFFICE

Market area designation and local	1-family and condo unit	2-family	3-family	4-family
Cheshire County.....	\$81,700	\$92,000	\$111,800	\$129,000

REGION III.—HUD FIELD OFFICE—PHILADELPHIA OFFICE

Market area designation and local	1-family and condo unit	2-family	3-family	4-family
Allentown-Bethlehem, PA MSA.....	\$76,000	\$95,600	\$104,000	\$120,000
Carbon County... Lehigh County... Northampton County... Warren County...				

Dated: October 1, 1987.

Thomas T. Demery,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 87-23360 Filed 10-7-87; 8:45 am]

BILLING CODE 4210-27-M

24 CFR Part 390

[Docket No. R-87-1271; FR-2135]

Government National Mortgage Association; Guaranty of Mortgage-Backed Securities

AGENCY: Office of the President of the Government National Mortgage Association, HUD.

ACTION: Final rule; notice of effective date.

SUMMARY: On September 29, 1986, the Department published a final rule (51 FR 34465) which revised the regulations governing the date for the first scheduled monthly payment of principal and interest for a mortgage in a pool backing mortgage-backed securities. The rule made a technical revision to help implement GNMA's Commitment Line System, an automated system for handling the issuance of commitments for mortgage-backed securities, which was then being developed. The effective date note in that rule indicated that the Department would not make the rule effective until the Commitment Line System was operational. This notice announces the effective date of that rule.

EFFECTIVE DATE: November 1, 1987.

FOR FURTHER INFORMATION CONTACT: Robert P. Kalish, Acting Vice President, Office of Mortgage-Backed Securities, Government National Mortgage Association, Room 6204, 451 Seventh Street SW., Washington, D.C. 20410-9000. Telephone: (202) 755-5593. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The final rule published on September 29, 1986

amended 24 CFR 390.7, 390.27, and 390.43 to require that a mortgage in a pool backing mortgage-backed securities have a date of first scheduled monthly payment that is no more than 24 months before the issue date of the securities. This revision was made to help implement the Commitment Line System, an automated system for handling the issuance of commitments for mortgage-backed securities, but its effectiveness was delayed pending completion of the System.

The Commitment Line System is ready for operation, and the Department, accordingly, is making this rule effective on November 1, 1987.

Authority: Secs. 306(g) and 309(a) of the National Housing Act, 12 U.S.C. 1721(g) and 1723a(a); sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Date: October 1, 1987.

Grady J. Norris,

Assistant General Counsel for Regulations,

[FR Doc. 87-23235 Filed 10-7-87; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 251

[DOD Directive 4175.1]

Sale of Government-Furnished Equipment or Materiel and Services to U.S. Companies; Correction

AGENCY: Office of the Secretary, DoD.

ACTION: Final rule; correction.

SUMMARY: Published in the Federal Register on Friday, September 25, 1987, FR Doc. 87-22191, page 36030, the last sentence of the summary is corrected to read: "Articles manufactured by the arsenals and related services may now be sold to an authorized purchaser outside the Department of Defense provided specific requirements are met."

FOR FURTHER INFORMATION CONTACT: Mr. Robert D. Wise, Defense Security Assistance Agency, the Pentagon, telephone (202) 697-8108.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense October 2, 1987

[FR Doc. 87-23355 Filed 10-7-87; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

32 CFR Part 861

Military Airlift Command (MAC) and Military Traffic Management Command (MTMC) Commercial Airlift Safety Review Procedures

AGENCY: Department of the Air Force, DOD.

ACTION: Final rule.

SUMMARY: This part describes the operating procedures of the Joint Transportation Operating Agency (TOA) Commercial Airlift Review Board. The Board reviews commercial carriers providing airlift services to the Department of Defense and has the authority to suspend DOD use or take other actions against carriers when issues of air safety arise. This serves to inform members of the general public, particularly affected air carriers not contracting directly with Military Airlift Command (MAC) and Military Traffic Management Command (MTMC), of the procedures for dealing with and responding to actions by the Joint Transportation Operating Agency (TOA) Commercial Airlift Review Board.

EFFECTIVE DATE: September 18, 1987.

FOR FURTHER INFORMATION CONTACT: Colonel John R. Dumbroski, Director, DOD Air Carrier Survey and Analysis Office, DCS/Air Transportation, Headquarters Military Airlift Command (HQ MAC/TRL), Scott AFB IL 62225-5001. Telephone (618) 256-3115.

SUPPLEMENTARY INFORMATION: The Joint Transportation Operating Agency (TOA) Commercial Airlift Review Board was established by Pub. L. 99-661 (FY 87 National Defense Authorization Act), November 14, 1986, section 1204 (Requirements Concerning Transportation of Members of the Armed Forces by Chartered Aircraft), and Department of Defense Directive 4500.53, May 15, 1987 (Commercial Passenger Airlift Management and Quality Control). Because this part concerns agency management and public contracts and implements a public law and a Department of Defense directive, it is published as a final rule.

The Department of the Air Force has determined that this regulation is not a major rule as defined by Executive Order 12291, is not subject to the relevant provisions of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354), and does not contain reporting or recordkeeping requirements under the

criteria of the Paperwork Reduction Act of 1980 (Pub. L. 96-511).

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

List of Subjects in 32 CFR Part 861

Air carriers, Aviation safety

Therefore, 32 CFR, Subchapter F, is amended by adding Part 861 to read as follows:

PART 861—MILITARY AIRLIFT COMMAND (MAC) AND MILITARY TRAFFIC MANAGEMENT COMMAND (MTMC) COMMERCIAL AIRLIFT SAFETY REVIEW PROCEDURES

Sec.

- 861.1 References.
- 861.2 Purpose.
- 861.3 Definitions.
- 861.4 Causes and conditions for suspension.
- 861.5 Reinstatement considerations.
- 861.6 Board procedures.
- 861.7 Decision by others.
- 861.8 Appeal of a determination.
- 861.9 DOD commercial airlift review procedures.

Authority: 10 U.S.C. 8013; 10 U.S.C. 2640.

§ 861.1 References.

(a) Section 1204, Pub. L. 99-661; 10 U.S.C. 2640, Charter Air Transportation of Members of the Armed Forces.

(b) DOD Directive 4500.53, Commercial Passenger Airlift Management and Quality Control.

(c) MACR 70-1, Contract Airlift Management, Civil Air Carriers.

(d) MTMCR 15-1, Procedure for Disqualifying and Placing Carriers in Nonuse.

§ 861.2 Purpose.

(a) This document establishes the procedures to be used by the United States Air Force Military Airlift Command (MAC) and the United States Army Military Traffic Management Command (MTMC) when, in accordance with references § 861.1 (a) through (d):

(1) A commercial air carrier is subject to review or other action by the Joint Transportation Operating Agency (TOA) Commercial Airlift Review Board (hereinafter referred to as the Board),

(2) A warning, suspension, or reinstatement action is taken against a carrier by the Board, or

(3) Review or other Board action is escalated to a higher authority.

These procedures apply to all commercial air carriers providing DOD passenger or cargo airlift through charter, individual ticket movements, contracts, tariffs, or other transportation agreements. They also apply to carriers providing air transportation purchased by DOD individuals for which

government reimbursement will be made in whole or in part.

(b) Safety or airworthiness issues, per reference § 861.1(b) must be referred to the Board. MAC and MTMC may each take independent corrective action in accordance with their respective procedures on standards of service issues when safety and airworthiness issues are not involved. The DOD Air Carrier Survey and Analysis Office will be informed of all actions taken independently by a Transportation Operating Agency (TOA).

(c) Except as otherwise provided herein, the rights and remedies of the government and commercial air carriers outlined in these procedures are not exclusive and are in addition to any other rights and remedies provided for by law, regulation, contract, or agreement.

(d) Section 861.9 provides a diagram of actions contemplated by these procedures and the respective references listed in § 861.1.

§ 861.3 Definitions.

(a) Letter of Warning is a notice to a carrier of a failure to satisfy safety or airworthiness requirements which, if not remedied, may result in temporary nonuse or suspension. The issuance of a Letter of Warning is not a prerequisite to a suspension or other action.

(b) Suspension is the exclusion of an air carrier from participating in the DOD airlift transportation program. The period of suspension will normally:

(1) Remain in effect until the carrier furnishes satisfactory evidence that the conditions causing the suspension have been remedied, or

(2) Be for a fixed period of time as determined at the discretion of the Board.

(c) Temporary Nonuse is the immediate exclusion of a carrier from any flight activities in the DOD airlift transportation program, pending a decision on suspension, taken under the conditions outlined in § 861.6(a).

(d) The procedures for commercial airlift safety review are illustrated in § 861.9 and include five possible levels with increasing authority:

(1) DOD Air Carrier Survey and Analysis Office.

(2) DOD Air Carrier Review Committee.

(3) Joint TOA Commercial Airlift Review Board.

(4) Commanders MTMC and MAC (Joint TOA Commanders).

(5) DOD Commercial Airlift Review Authority.

These levels are described in reference § 861.1(b), with the exception of the DOD Air Carrier Review Committee,

which is the successor to the Contract Airlift Capability Survey Committee described in reference § 861.1(c). The Committee provides multifunctional review of the efforts of the DOD Air Carrier Survey and Analysis Office and offers advice and recommendations to the higher authorities when appropriate.

§ 861.4 Causes and conditions for suspension.

(a) Carrier shall be subject to suspension for good cause, including:

(1) Failing to comply with generally accepted standards of airmanship, training, and maintenance practices and procedures.

(2) Failing to comply with all provisions of applicable statutes, tenders of service, and contract terms, as such may affect flight safety, as well as with all applicable Federal Aviation Administration regulations, airworthiness directives, orders, rules, and standards promulgated under the Federal Aviation Act of 1958 as amended.

(3) Failing to keep and maintain all components and surfaces, including all visible components and surfaces, of the aircraft used in performance of service clean, orderly, and in a good state of repair.

(4) Involvement of one of carrier's aircraft in a serious or fatal accident, incident, or operational occurrence (regardless of whether or not such aircraft is being used in the performance of government procured transportation).

(5) Any other condition which affects the safe operation of carrier's flights hereunder.

(b) Compliance with published standards does not, standing alone, constitute compliance with generally accepted standards of airmanship, training, or maintenance practices.

§ 861.5 Reinstatement considerations.

In no event shall reinstatement occur prior to the date set out in the suspension notice, if such date was set as a part of the original such suspension, or unless and until the carrier shows to the satisfaction of the Board that deficiencies that led to suspension have been corrected and that actions have been implemented to preclude the recurrence of similar deficiencies.

§ 861.6 Board procedures.

(a) *Temporary nonuse.* (1) In case of a fatal aircraft accident or for other good cause, the two senior members of the Board (see § 861.6(d)(1)) will jointly make an immediate determination whether to place the carrier involved in a temporary nonuse status pending suspension proceedings. Prior notice to the carrier is not required.

(2) Such determination shall include consideration of the advice of the DOD Air Carrier Review Committee, if reasonably available, but will not await such advice.

(3) The carrier shall be promptly notified of the temporary nonuse determination and the basis therefore.

(4) Temporary nonuse status terminates automatically if suspension proceedings are not commenced as set out in § 861.6(b)(2), within 30 days of inception.

(b) *Suspension.* (1) On a recommendation of the DOD Air Carrier Survey and Analysis Office, the DOD Air Carrier Review Committee, or any individual member of the Board, the Board shall consider whether or not to suspend a carrier.

(2) If the Board determines that suspension may be appropriate, it shall notify the carrier that suspension action is under consideration and of the basis for such consideration and offer the carrier a hearing thereon within 15 days of the date of the notice, or such other period as granted by the Board, at which the carrier may be present and may offer evidence. The presiding member of the Board shall establish procedures for such hearing as may be appropriate which shall be as informal as practicable consistent with administrative due process.

(3) Types of evidence which may be considered, if appropriate, shall include, but not be limited to, the following:

(i) Information and analysis provided by the DOD Air Carrier Survey and Analysis Office.

(ii) Carrier's written/oral evidence, if any.

(iii) Corrective actions that may have been taken by the carrier to:

(A) Correct the specific deficiencies that have led the Board to consider suspension, and

(B) Preclude recurring similar deficiencies.

(iv) Such other matters as the Board deems relevant.

(v) The Board's decisions on the reception or exclusion of evidence shall be final.

(4) Carriers shall have the burden of proving their suitability to safely perform DOD airlift services by clear and convincing evidence.

(5) After the conclusion of such hearing, or if no hearing is requested and attended by the carrier within the time specified by the Board, the Board shall consider the matter and make a final decision whether or not to suspend the carrier or to impose such lesser sanction as is appropriate. The carrier shall be notified of the Board's decision.

(c) *Reinstatement.* (1) The Board may consider reinstating a suspended carrier on either Board motion of carrier motion, unless such carrier has become ineligible in the interim.

(2) The carrier has the burden of proving by clear and convincing evidence that the reinstatement considerations in § 861.5 have been satisfied.

(3) Carrier evidence in support of reinstatement will be timely provided to the Board for its review. The Board may independently corroborate the carrier-provided evidence and may, at its option, convene a hearing and request the participation of the carrier.

(d) *Board membership and operating procedures.* (1) The Board shall be composed of:

(i) Vice Commander, HQ MTMC—senior member and voting member.

(ii) Chief of Staff, HQ MAC—senior member and voting member.

(iii) Director of Passenger Traffic, HQ MTMC—voting member.

(iv) Deputy Chief of Staff, Air Transportation, HQ MAC—voting member.

(v) Chief, Passenger Services Division, HQ MTMC—voting member.

(vi) Director, Passenger and Traffic Management, HQ MAC—voting member.

(vii) Legal Representative, HQ MTMC—nonvoting advisor.

(viii) Legal Representative, HQ MAC—nonvoting advisor.

(ix) Air Carrier Survey and Analysis Office Representative—nonvoting advisor/recorder.

(x) Contract Representative, HQ MAC—nonvoting advisor.

(xi) Other additional advisors necessary to the Board's deliberation process—nonvoting members.

(2) The presiding member at a meeting of the Board shall be the senior voting member or alternate present. A voting member, who will not be present at any meeting of the Board, may be represented by an alternate recognized in the normal course as authorized to act on behalf of the absent official, who will attend in his stead and will have power to vote. Four voting members present shall constitute a quorum. Decisions shall be by majority vote.

(3) The meeting date, time, and site of the Board will be determined at the time of the decision to convene the Board.

(4) Minutes of Board hearings may be summarized and will be maintained with all other records pertaining to the Board proceeding.

(5) The Board Recorder shall ensure that the TOAs and the air carrier are notified of the Board's decision and reasons therefor.

§ 861.7 Decision by others.

In the event the Board is unable to decide an issue properly before it, or if the issue in the judgment of the Board requires review at a DOD organizational level higher than the Board, the issue will be referred to the joint TOA commanders for appropriate disposition. In such event, the decision will be made upon the written record only, no hearing will be held.

§ 861.8 Appeal of a determination.

(a) A carrier placed in suspension may administratively appeal this action to the authorities shown in § 861.8(c). An appeal, if any, must be filed within 15 work days after receipt of the decision of the Board or joint TOA commanders. The suspension will not be stayed pending appeal unless for good cause, as determined by the Board. The decision of the appellate authority designated herein is final and is not subject to further administrative review or appeal.

(b) An appeal will be in writing only and carriers shall not be entitled to a de novo hearing before the administrative appellate authorities.

(c) The following administrative appellate authorities will review and make decisions on appeals:

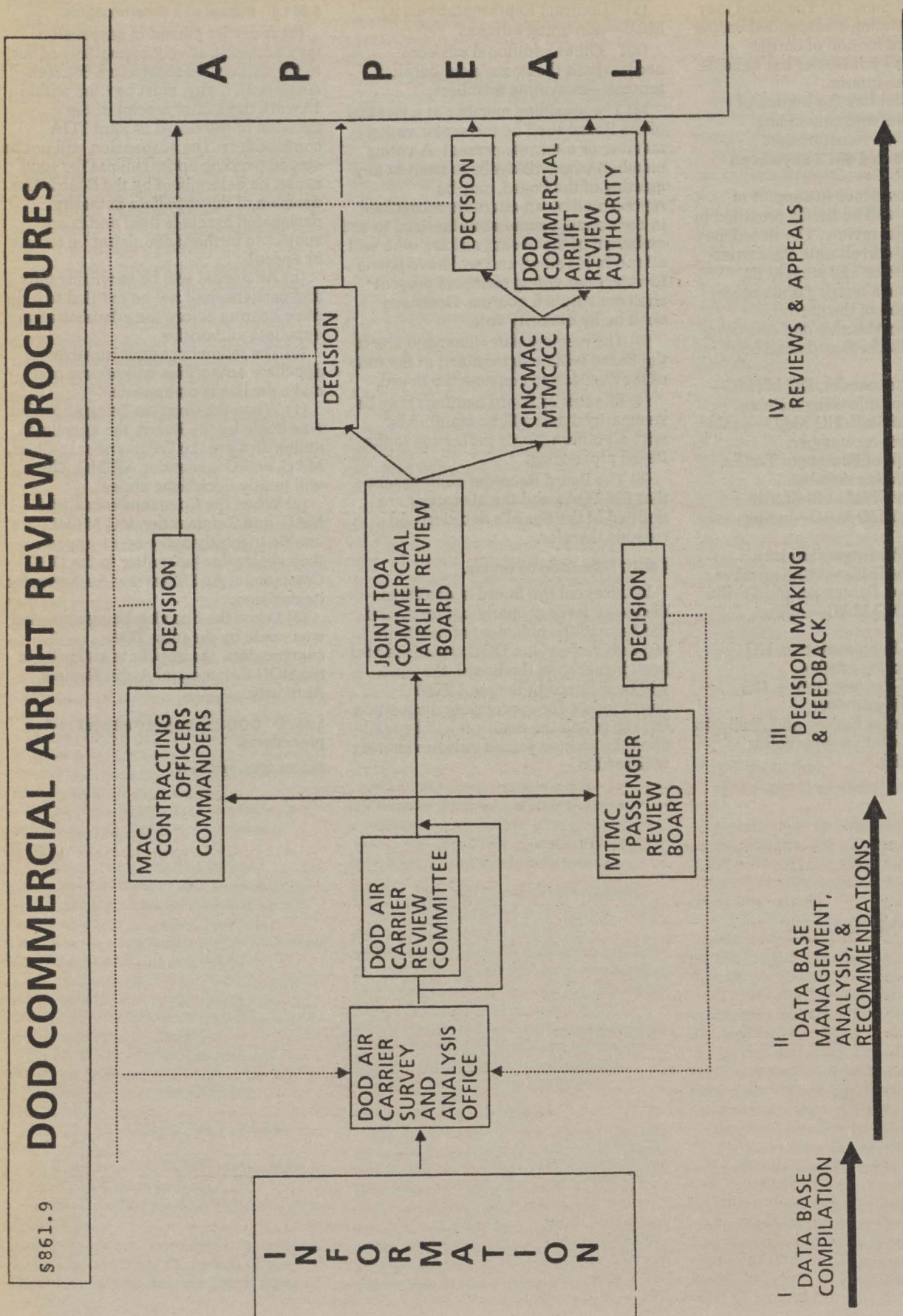
(1) When the decision being appealed was made by the Board, the appellate authorities are the Commander in Chief, MAC, and Commander, MTMC. They will jointly decide the appeal.

(2) When the Commander in Chief, MAC, and Commander, HQ MTMC, are unable to jointly agree on an appeal, they shall refer the matter to the DOD Commercial Airlift Review Authority for its decision.

(3) When the decision being appealed was made by the joint TOA commanders, the appellate authority is the DOD Commercial Airlift Review Authority.

§ 861.9 DOD commercial aircraft review procedures.

BILLING CODE 3910-01-M



DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 67

[CGD11-86-02]

Lines of Demarcation for Classification of Structures; Eleventh Coast Guard District

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing lines of demarcation for the classification of structures in the waters of the Eleventh Coast Guard District. Classification of structures is currently determined at the time an application for a permit to establish and operate lights and fog signals is received. The implementation of lines of demarcation establishes clearly defined boundaries for classifying structures.

EFFECTIVE DATE: November 9, 1987.

FOR FURTHER INFORMATION CONTACT: Lieutenant Junior Grade Michael J. Lodge, Eleventh Coast Guard District, at (213) 499-5410.

SUPPLEMENTARY INFORMATION: On December 11, 1986, the Coast Guard published a notice of proposed rule making in the *Federal Register* for these regulations (51 FR 44642). Interested persons were requested to submit comments and no comments were received.

Drafting Information

The drafters of these regulations are Mr. Mike Van Houten, Aids to Navigation Specialist, Eleventh Coast Guard District, project officer, and Lieutenant Commander Arthur E. Brooks, project attorney, Eleventh Coast Guard District Legal Office.

Discussion of Comments

No comments were received.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. Only five structures are affected and the costs of compliance are not significant. Since the impact of these regulations is expected to be minimal, the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 67

Continental shelf, Navigation (water), Reporting and recordkeeping requirements.

Final Regulations

In considering the foregoing, Part 67 of Title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 67 continues to read as follows:

Authority: Secs. 83, 85, 92, 833, 63 Stat. 500, 503, 545; sec. 4, 67 Stat. 462; sec. 6(b)(1), 80 Stat. 938 (14 U.S.C. 83, 85, 92, 833; 43 U.S.C. 1333); 49 U.S.C. 1655(b), 1657(e); 49 CFR 1.4(a)(2), (f), (g), unless otherwise noted.

2. Section 67.50-35 is revised to read as follows:

§ 67.50-35 Eleventh Coast Guard District.

(a) *Description.* See § 3.55-1 of this chapter.

(b) *Line of Demarcation.* The line of demarcation described in this section is for administrative purposes to distinguish between the areas in which structures shall be subject to Class "A", "B", or "C" requirements. The line delimits the areas to seaward of which class "A" requirements are imposed. The line of demarcation within the jurisdiction of the District Commander is defined as follows:

(1) Commencing at a point of latitude 41°59.8'N., longitude 124°19.5'W., thence southward along the seaward limit of the territorial sea to;

(2) A point at latitude 32°32.0'N, longitude 117°11.0'W.

(c) Structures located within a half nautical mile of Traffic Separation Scheme Los Angeles/Long Beach will also be subject to class "A" requirements. The traffic separation scheme is depicted on National Ocean Service Charts 18740, 18720, 18725, 18746, 18721.

Dated: September 25, 1987.

A. Bruce Beran,

Rear Admiral, U.S. Coast Guard Commander, Eleventh Coast Guard District.

[FR Doc. 87-23347 Filed 10-7-87; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 110

[CGD8-87-06]

Anchorage Ground; Lower Mississippi River

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending the Lower Mississippi River anchorage regulations by decreasing the size of the

New Orleans General Anchorage. This action is necessary to provide space for a mid-stream transfer and barge fleeting operation at about mile 89.7 above Head of Passes (AHP), on the Left Descending Bank (LDB).

EFFECTIVE DATE: November 9, 1987.

FOR FURTHER INFORMATION CONTACT: Lt. Edwin M. Stanton, project officer, Commander, Eighth Coast Guard District (merps), Hale Boggs Federal Building, 500 Camp Street, New Orleans, LA 70130-3396; or by telephone at (504) 589-6901.

SUPPLEMENTARY INFORMATION: On 23 July 1987, the Coast Guard published a notice of proposed rule making in the *Federal Register* for these regulations (CGD8-87-06). Interested persons were requested to submit comments.

Drafting Information

The drafters of these regulations are Lt. Edwin M. Stanton, project officer, Eighth Coast Guard District Marine Safety Division, and LCDR James J. Vallone, project attorney, Eighth Coast Guard District Legal Office.

Discussion of Comments

The Board of Commissioners of the Port of New Orleans and the St. Bernard Port District favored the proposal to eliminate the lower mile of the New Orleans General Anchorage based on the potential economic benefits of the proposed barge fleet and mid-stream cargo operations. The Crescent River Port Pilots Association favored elimination of the lower mile of the anchorage for safety reasons. This comment stated that vessels anchored in the lower end of the anchorage restrict the visibility of downbound vessels causing near misses with the Chalmette passenger ferry; and that vessels at anchor in the lower portion of the anchorage leave insufficient room for vessels to pass safely between them and the Tenneco Oil docks. Sea Group, Inc. and the New Orleans Steamship Association, both representing vessels calling in New Orleans objected to the proposal. Both groups stated that loss of the lower end of the New Orleans General Anchorage would result in increased operating costs for their clients. A study commissioned by NOSA and the St. Bernard Port, Harbor and Terminal District did not support this objection. The Louisiana State University Ports and Waterways Management Institute concluded that the negative economic impact on shipping would be negligible. The Louisiana Department of Transportation, the New Orleans-Baton

Rouge Steamship Pilots Association, and the Associated Federal Coast Pilots of Louisiana offered statements of no objection.

The Coast Guard presented the proposal to the Lower Mississippi River Waterway Safety Advisory Committee at its 18 August 1987 meeting. A representative of the Crescent River Port Pilots Association reiterated that groups support of the proposal.

This regulation is issued pursuant to 33 U.S.C. 471 as set out in the authority citation for all of Part 110.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. This finding is based upon a study entitled "The Effect of the St. Bernard Midstream Mooring Facility on Anchorages at the Port of New Orleans" by The Ports and Waterways Institute, Center for Wetland Resources, Louisiana State University, Baton Rouge, Louisiana. This study concluded that the economic impact on shipping of reducing the size of the anchorage would be negligible. The study showed that, at present traffic loads, costs for vessels using anchorages in the area would increase 0.4%. This was considered the most likely case. At worst, if shipping were to increase dramatically and, if other nearby anchorages were closed, the additional cost to shipping would not exceed \$90,000 per year (a 2.7% increase). The study further stated that the direct economic benefit from fees to the Ports of St. Bernard and New Orleans would equal \$150,000 per year.

Since the impact of these regulations is expected to be minimal the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

Final Regulations

In consideration of the foregoing, Part 110 of Title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 2030, 2035 and 2071; 49 CFR 1.46 and 33 CFR 1.05-1(g).

2. Section 110.195, paragraph (a)(15) is revised to read as follows:

§ 110.195 Mississippi River below Baton Rouge, LA including South and Southwest Passes.

(a) * * *

(15) New Orleans General Anchorage.

An area .4 of a mile in length along the right descending bank of the river extending from mile 90.5 to mile 90.9 above Head of Passes. The area's width is 800 feet measured from the shore.

* * * * *

Dated: September 29, 1987.

J. D. Sipes,

Captain, U.S. Coast Guard, Commander, 8th Coast Guard District, Acting.

[FR Doc. 87-23346 Filed 10-7-87; 8:45 am]

BILLING CODE 4910-14-M

VETERANS ADMINISTRATION

38 CFR Part 21

Veterans' Education; Nonpunitive Grades

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: A veteran's award of educational assistance allowance must be reduced when he or she withdraws from a course or when he or she receives a nonpunitive grade for a course. Regulations exist for determining the effective date of the reduction. Some readers of the regulations have been uncertain as to which of the pertinent regulations apply when a veteran withdraws from a course and, as a result of that withdrawal, receives a nonpunitive grade for it. This regulation eliminates this problem. It addresses this situation by expanding the regulation which deals with the effective date of reduction and termination of educational assistance allowance.

EFFECTIVE DATE: September 14, 1987.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Education Policy and Program Administration, Vocational Rehabilitation and Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420, (202) 233-2092.

SUPPLEMENTARY INFORMATION: On pages 18400 and 18401 of the Federal Register of May 15, 1987, there was published a notice of proposed rulemaking to amend Part 21 of title 38 Code of Federal Regulations to clarify the effective dates of discontinuance or reduction when a veteran withdraws from a course and receives a nonpunitive grade as a result of the

withdrawal. Interested people were given 30 days to submit comments, suggestions or objections. The VA received one telephone call concerning the proposal.

The caller expressed concern because he was unable to determine from reading the proposal what a veteran's reduction or discontinuance date would be if he or she dropped a course during a school's official drop-add period. He stated that if the VA considered such a reduction in training to have occurred with mitigating circumstances, the VA should state this in the final amendment to § 21.4135.

After careful consideration the VA has decided not to adopt this proposal. A discussion of mitigating circumstances appears in sections other than § 21.4135. The Agency does not think that it would be appropriate to repeat the discussion in § 21.4135. However, the suggestion appears to have merit. The VA will consider making the changes in the appropriate regulations, and proposing these changes at a later date. For now, the Agency is making the proposal published May 15, 1987, final.

The VA has determined that this amended final regulation does not contain a major rule as that term is defined by E.O. 12291, entitled Federal Regulation. The regulation will not have a \$100 million annual effect on the economy, and will not cause a major increase in costs or prices for anyone. It will have no 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.

The Administrator of Veterans Affairs has certified that this amended final regulation will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), the amended regulation, therefore, is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

This certification can be made because the regulation affects only individuals. It will have no significant economic impact on small entities, i.e., small businesses, small private and nonprofit organizations and small governmental jurisdictions.

The Catalog of Federal Domestic Assistance number for the program affected by this regulation is 64.111.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs—education, Loan programs—education, Reporting and recordkeeping requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: September 14, 1987.

Thomas K. Turnage,
Administrator.

In 38 CFR Part 21, *Vocational Rehabilitation and Education*, § 21.4135 is amended by revising paragraphs (e)(1), (s), and (w) to read as follows:

§ 21.4135 Discontinuance dates.

(e) *Course discontinued; course interrupted; course terminated; course not satisfactorily completed or withdrawn from §§ 21.4136 and 21.4137.* (1) If the individual withdraws from all courses; receives all nonpunitive grades; and there are no mitigating circumstances as provided in § 21.4136(k) or § 21.4137(h), the VA will terminate the individual's education assistance allowance effective the later of the following:

- (i) The first date of the term in which the withdrawal occurs, or
- (ii) December 1, 1976.

(s) *Reduction in rate of pursuit of course (§ 21.4270).*

(1) The VA will reduce an individual's educational assistance allowance effective the first date of the term in which the individual reduces training by withdrawing from part of a course, if the reduction occurs at the beginning of the term.

(2) The VA will reduce an individual's educational assistance allowance effective the earlier of the end of the month or end of the term in which an individual reduces training by withdrawing from part of a course when:

- (i) The reduction does not occur at the beginning of the term; and
- (ii) There are mitigating circumstances, or the individual receives a punitive grade for the portion of the course from which he or she withdrew.

(3) If the individual reduces training by withdrawing from a part of a course; there are no mitigating circumstances; and the individual receives a nonpunitive grade from that portion of the course from which he or she withdrew; the VA will reduce the individual's educational assistance allowance effective the later of the following:

- (i) The first date of enrollment of the term in which the reduction occurs; or

(ii) December 1, 1976. See paragraphs (e) and (w) of this section also.

(4) An individual, who enrolls in several subjects and reduces his or her rate of pursuit by completing one or more of them while continuing training in others, may receive an interval payment based on the subjects completed, if the requirements of § 21.4138(f) are met. If those requirements are not met, the VA will reduce the individual's educational assistance allowance effective the date the subject or subjects were completed.

(Authority: 38 U.S.C. 1780; Pub. L. 96-466)

(w) *Nonpunitive grade assigned without a withdrawal from courses.* (1) If an individual receives a nonpunitive grade for a particular course for any reason other than a withdrawal from it, the VA will reduce the individual's educational assistance allowance effective the last date of attendance when mitigating circumstances are found.

(2) If an individual receives a nonpunitive grade in a particular course for any reason other than a withdrawal from it, and there are no mitigating circumstances, the VA will reduce his or her educational assistance effective the later of the following:

- (i) The first date of enrollment for the term in which the grade applies, or
- (ii) December 1, 1976. See paragraphs (e) and (s) of this section.

(Authority: 38 U.S.C. 1780(a)(4))

[FR Doc. 87-23323 Filed 10-7-87; 8:45 am]

BILLING CODE 8320-01-M

38 CFR Part 36

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

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The VA (Veterans Administration) is increasing the maximum interest rates on guaranteed manufactured home unit loans, lot loans, and combination manufactured home unit and lot loans. In addition, the maximum interest rates applicable to fixed payment and graduated payment home and condominium loans, and to home improvement and energy conservation loans are also increased.

These increases are necessary because previous rates were not competitive enough to induce lenders to make guaranteed or insured home loans without substantial discounts, or to make manufactured home loans. The increase in the interest rates will assure a continuing supply of funds for home mortgages, home improvement and manufactured home loans.

EFFECTIVE DATE: October 5, 1987.

FOR FURTHER INFORMATION CONTACT:

Mr. George D. Moerman, Loan Guaranty Service (264), Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420 (202-233-3042).

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

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

necessary. The increased return to the lender will make VA loans competitive with other available investments and assure a continuing supply of funds for guaranteed and insured mortgages.

Regulatory Flexibility Act Executive Order 12291

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

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

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

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

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

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

List of Subjects in 38 CFR Part 36

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

Approved: October 2, 1987.

By Direction of the Administrator.

James E. DeWire,

Chief of Staff.

PART 36—[AMENDED]

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

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

§ 36.4212 Interest rates and late charges.

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

(Authority: 38 U.S.C. 1819(f))

(1) Effective October 5, 1987, 13-1/2 percent simple interest per annum for a loan which finances the purchase of a manufactured home unit only.

(2) Effective October 5, 1987, 13 percent simple interest per annum for a loan which finances the purchase of a lot only and the cost of necessary site preparation, if any.

(3) Effective October 5, 1987, 13 percent simple interest per annum for a loan which will finance the simultaneous acquisition of a manufactured home and a lot and/or the site preparation necessary to make a lot acceptable as the site for the manufactured home.

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

§ 36.4311 Interest rates.

(a) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the

VA which specify an interest rate in excess of 11 per centum per annum, effective October 5, 1987, the interest rate on any home or condominium loan, other than a graduated payment mortgage loan, guaranteed or insured wholly or in part on or after such date may not exceed 11 per centum per annum on the unpaid principal balance.

(Authority: 38 U.S.C. 1803(c)(1))

(b) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the VA which specify an interest rate in excess of 11 1/4 per centum per annum, effective October 5, 1987, the interest rate of any graduated payment mortgage loan guaranteed or insured wholly or in part on or after such date may not exceed 11 1/4 per centum per annum.

(Authority: 38 U.S.C. 1803(c)(1))

(c) Effective October 5, 1987, the interest rate on any loan solely for energy conservation improvements or other alterations, improvements or repairs, which is guaranteed or insured wholly or in part on or after such date may not exceed 12 1/2 per centum per annum on the unpaid principal balance.

(Authority: 38 U.S.C. 1803(c)(1))

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

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after October 1, 1980, shall not exceed an amount which bears the same ratio to \$33,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to \$27,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Except as to home improvement loans, loans made by the VA shall bear interest at the rate of 11 percent per annum. Loans solely for the purpose of energy conservation improvements or other alterations, improvements, or repairs shall bear interest at the rate of 12 1/2 percent per annum.

(Authority: 38 U.S.C. 1811(d) (1) and (2)(A))

[FR Doc. 87-23292 Filed 10-7-87; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 61****[FRL-3274-2]****National Emission Standards for Hazardous Air Pollutants; Amendments to General Provisions****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: The Environmental Protection Agency (EPA) amended Subpart A, the General Provisions for national emission standards for hazardous air pollutants (NESHAPS), on November 7, 1985 (50 FR 46284) and April 1, 1986 (51 FR 11021). The promulgated amendments included a list of substances for which EPA has published a notice that included consideration of the serious health effects, including cancer, from ambient air exposure to the substance. This notice amends this list to include additional substances.

DATE: Effective October 8, 1987.**FOR FURTHER INFORMATION CONTACT:**

Beth M. Hassett, Pollutant Assessment Branch, Strategies and Air Standards Division (MD-12), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; FTS 629-5346 or (919) 541-5346.

SUPPLEMENTARY INFORMATION: On November 7, 1985 (50 FR 46284) and April 1, 1986 (51 FR 11021), EPA promulgated amendments to subpart A of Part 61. These amendments included the publication of a list of substances for which the Agency has published a Federal Register notice which included consideration of serious health effects, including cancer, from ambient exposure to the substance. This list was published for informational purposes only. Publication of this list serves to inform the public as to the status of EPA's program for assessing potentially toxic air pollutants as well as to provide a useful reference for those Federal Register notices that EPA has published on potentially toxic air pollutants. This notice amends the previously published list to include recent notices which EPA has published for additional substances.

Paperwork Reduction Act

These amendments do not add any information collection burden for sources subject to standards currently in Part 61. Thus, this action is not an informational collection request under the Paperwork Reduction Act of 1980, 44 U.S.C., *et seq.*

Regulatory Flexibility Analysis Certification

Pursuant to the provisions of 5 U.S.C. 615(b), I hereby certify that these amendments to Part 61 will not have a significant economic impact on a substantial number of small entities. The amendments will not add any new regulatory requirements to Part 61; consequently, they will not add significant costs.

List of Subjects in 40 CFR Part 61

Arsenic, Asbestos, Beryllium, Benzene, Hazardous substances, Mercury, Radionuclides, Reporting and recordkeeping requirements, Vinyl chloride.

Dated: October 2, 1987.

Don R. Clay,

Acting Assistant Administrator for Air and Radiation.

PART 61—[AMENDED]

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

Authority: 42 U.S.C. 7401, 7412, 7414, 7416, and 7601.

2. Section 61.01 paragraph (b) is amended by adding the following entries alphabetically in the list of substances.

§ 61.01 Lists of pollutants and applicability of Part 61.

* * * * *

(b) * * *

Copper (52 FR 5496; February 23, 1987)
Nickel (51 FR 34135; September 25, 1986)
Phenol (51 FR 22854; June 23, 1986)
Zinc and Zinc Oxide (52 FR 32597,
August 28, 1987)

* * * * *

[FR Doc. 87-23301 Filed 10-7-87; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 15****[FCC 87-293]****Requirement for Submission of Circuit Diagrams for Computing Devices****AGENCY:** Federal Communications Commission.**ACTION:** Final rule.

SUMMARY: This action amends § 15.45 of the Commission's Rules to delete the requirement for submission of circuit diagrams for computing devices when applying for an equipment authorization.

This action is taken to reduce the collection of unnecessary information

during the equipment authorization process.

This action will reduce the amount of technical information manufacturers are required to file at the FCC.

EFFECTIVE DATE: November 9, 1987.**FOR FURTHER INFORMATION CONTACT:**

Frank Rose, Authorization and Evaluation Division, Office of Engineering and Technology, (202) 653-6288.

SUPPLEMENTARY INFORMATION:**Order**

In the matter of amendment of Part 15, § 15.45(e), to modify the requirement for submission of circuit diagrams for computing devices.

Adopted: September 10, 1987.

Released: September 24, 1987.

By the Commission.

1. By this Order, the Commission is deleting the requirement of § 15.45 of the Rules for submission of circuit diagrams for computing devices when applying for an equipment authorization under Part 15 of the Rules.

2. Circuit diagrams can be an aid in identifying a device for which an equipment authorization is requested. In addition, they can help determine if a particular device being marketed is the same as the device for which an equipment authorization was granted. In the case of computing devices, however, circuit diagrams have lost their utility. Indeed, the staff reports that circuit diagrams submitted with applications for certification of computing devices are, in almost all cases, unused. Because of the use of multilayer boards and integrated circuits in the design and assembly of computing devices, circuit diagrams bear little or no resemblance to what is observable on the circuit boards themselves. Photographs of the interiors of computing devices, as required pursuant to § 15.46 of the Rules, are sufficient for purposes of identification. In light of the Commission's limited need for circuit diagrams with computing devices, we are modifying § 15.45(e) to exclude computing devices from the requirement of § 15.45 that circuit diagrams be submitted.

3. We find that good cause exists to dispense with the notice and comment procedures of the Administrative Procedure Act. Good cause exists when, among other things, notice and comment is unnecessary, 5 U.S.C., section 553(b)(3). In this instance, we find that notice and comment rule making procedures are unnecessary for eliminating computing devices from the requirements of § 15.45. The subject

data is only submitted for the benefit of the Commission. Yet the Commission's staff has no use for the data.

Furthermore, there has never been any regulatory purpose for collecting such data for the public generally. Thus, the elimination of the rule should be non-controversial and is unlikely to elicit any adverse comments. Indeed, serious discourse on this subject is not anticipated.

4. Accordingly, it is ordered, that under the authority contained in section 4(i), 302 and 303(r) of the Commissions Act of 1934, as amended, Part 15 of the Commission's Rules is amended as set forth below. This action is effective November 9, 1987.

5. Further information on this action may be obtained from Frank Rose at 653-6288.

Federal Communications Commission.

William J. Tricarico,
Secretary.

List of Subjects in 47 CFR Part 15

Communications equipment.

Rule Change

Part 15 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 15—[AMENDED]

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

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted. Interpret or apply sec. 301, 48 Stat. 1081; 47 U.S.C. 301.

2. Section 15.45, paragraph (e) is amended by adding the following text after the last sentence:

§ 15.45 Expository statement required.

* * *

(e) * * * For computing devices, as defined § 15.4, the submission of a circuit diagram is not normally required,

and need only be supplied upon specific request by the Commission.

* * *

[FR Doc. 87-23300 Filed 10-7-87; 8:45 am]

BILLING CODE 6712-01-M

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 522 and 552

[Acquisition Circular AC-87-2,
Supplement 1]

Annual Report From Federal Contractors

AGENCY: Office of Acquisition Policy,
GSA.

ACTION: Temporary regulation.

SUMMARY: This supplement to the General Services Administration Acquisition Regulation, Acquisition Circular AC-87-2 extends the expiration date to April 1, 1988. The intended effect is to extend the policies and procedures established in AC-87-2, which revised Parts 522 and 552 of the regulation to implement the Department of Labor (DOL) regulations that require Federal contractors to submit a report at least annually to the Secretary of Labor regarding employment of Vietnam era and special disabled veterans.

DATES:

Effective date: October 1, 1987.

Expiration date: April 1, 1988.

FOR FURTHER INFORMATION CONTACT:

Mr. John Joyner, Office of GSA Office of GSA Acquisition Policy and Regulations, (VP), (202) 523-4916.

SUPPLEMENTARY INFORMATION: This temporary rule was not published for public comment because it merely implements the Department of Labor regulations which have already undergone the public comment process. 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 Secretary of Labor certified to the Chief Counsel for Advocacy, Small Business Administration, that the annual reporting requirement would 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.*). Therefore, no regulatory flexibility analysis has been prepared. The information collection requirement contained in this rule has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act and assigned OMB Control No. 1293-0005.

List of Subjects in 48 CFR Parts 522 and 552

Government procurement.

PARTS 522 AND 552—[AMENDED]

1. The authority citation for 48 CFR Parts 522 and 552 continues to read as follows:

Authority: 40 U.S.C. 486(c).

2. 48 CFR Parts 522 and 552 are amended by the following supplement to Acquisition Circular AC-87-2.

General Services Administration Acquisition Regulation, Acquisition Circular AC-87-2; Supplement 1

To: All GSA contracting activities.

Subject: Annual Report from Federal Contractors.

1. Purpose. This supplement extends the expiration date of the General Services Administration Acquisition Regulation (GSAR) Acquisition Circular AC-87-2.

2. Effective date. October 1, 1987.

3. Expiration date. Acquisition Circular AC-87-2 and this supplement will expire on April 1, 1988, unless canceled earlier.

Patricia A. Szervo,

Associate Administrator for Acquisition Policy.

[FR Doc. 87-23269 Filed 10-7-87; 8:45 am]

BILLING CODE 6820-61-M

Proposed Rules

Federal Register

Vol. 52, No. 195

Thursday, October 8, 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

Commodity Credit Corporation

7 CFR Part 1421

Standards for Approval of Warehouses for Grain, Rice, Dry Edible Beans, and Seed

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the regulations at 7 CFR 1421.5551 *et seq.* relating to the Commodity Credit Corporation (CCC) Standards for Approval of Warehouses for Grain, Rice, Dry Edible Beans, and Seed. The proposed rule would: (1) Require bonding from warehousemen in any State where the State law does not guarantee very depositor a pro rata share of the commodities or proceeds from warehouse liquidation or bankruptcy; (2) provide that CCC would charge a fee for voluntary examinations requested by a warehouseman; and, (3) provide that CCC would publish in the Federal Register a Schedule of Contract Fees only when there is a change in the amount of annual contract fees to be collected.

DATE: Comments must be received on or before November 9, 1987 in order to be assured of consideration.

ADDRESS: Interested persons are invited to send written comments to Paul W. King, Director, Warehouse Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, P.O. Box 2415, Washington, DC 20013, (202) 447-4018 or 447-7433.

FOR FURTHER INFORMATION CONTACT: Steven Closson, Chief, Storage Contract Branch, Warehouse Division, USDA, Room 5962-South Building, P.O. Box 2415, Washington, DC 20013, (202) 447-5647.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed in conformity with Executive Order 12291

and Departmental Regulation 1512-1 and has been classified as "not major" since implementation of the provisions of this proposed rule will not 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 governments, or geographical regions; or (3) significant adverse effects on competition, employment investment, productivity, innovation, the environment, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 28115 (June 24, 1983).

It has been determined that the Regulatory Flexibility Act is not applicable to this proposed rule since CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this proposed rule.

It has been determined by an environmental evaluation that this action will have no significant adverse impact on the quality of the human environment. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

The CCC Charter Act (15 U.S.C. 714 *et seq.*) authorizes CCC to conduct various activities to stabilize, support, and protect farm income and prices. CCC is authorized to carry out such activities as making price support available with respect to various agricultural commodities, removing and disposing of surplus agricultural commodities, exporting or adding in the exportation of agricultural commodities, and procuring agricultural commodities for sale both in the domestic market and abroad.

Section 4(h) of the CCC Charter Act provides that CCC shall not acquire real property in order to provide storage facilities for agricultural commodities, unless CCC determines that private facilities for the storage for such commodities are inadequate. Further, Section 5 of the CCC Charter Act provides that, in carrying out the

Corporation's purchasing and selling operations, and in the warehousing, transporting, processing, or handling of agricultural commodities, CCC is directed to use, to the maximum extent practicable, the usual and customary channels, facilities, and arrangements of trade and commerce.

Accordingly, CCC has published Standards for Approval of Warehouses for Grain, Rice, Dry Edible Beans, and Seed which must be met by warehousemen before CCC will enter into storage agreements with such warehousemen for the storage of grain and other commodities which are owned by CCC or which are serving as collateral for CCC price support loans.

Changes in the grain warehousing industry, financial institution requirements, State warehousing laws, and federal contracting requirements during the past few years require revision of the Standards for Approval of Warehouses for Grain, Rice Dry Edible Beans, and Seed.

The number of grain warehouse bankruptcies over the past few years has steadily increased with 67 grain warehouse bankruptcies recorded in 1985. These bankruptcies have increased the risk of loss to CCC and other depositors and in some cases caused serious financial losses. These warehouse bankruptcies have occurred in several different States with the legal proceedings to satisfy claims against a warehouse varying from State to State. Some State laws governing warehouse bankruptcies do not specifically state that every depositor will receive a pro rata share of the commodities remaining in storage or guarantee to every grain depositor a pro rata share of bonding or other deposits posted by the warehouseman to assure compliance with the Standards for Approval of Warehouses for Grain, Rice, Dry Edible Beans, and Seed. Other State laws set a maximum monetary amount or a maximum percentage amount that each grain depositor can receive against a total claim. Since CCC is often the largest grain depositor in a warehouse, these State laws adversely affect CCC's chances of receiving a fair settlement.

In order to reduce the vulnerability of losses to CCC and other grain depositors as a result of warehouse failures, it is proposed that a bond or other security be required for all CCC approved grain warehouses licensed in

those States where existing laws governing warehouse bankruptcies do not guarantee to each depositor: (1) A pro rata share of the commodities remaining in storage; (2) a pro rata share of the bonding or other deposits posted by the warehouseman as required by any State licensing authority and any deficiency bonds or other security required to be in compliance with this subpart; and (3) that the full pro rata share will not be reduced because the State law sets a maximum dollar or percentage limit that any creditor may receive. The amount of bond required will not exceed the amount grain warehousemen must obtain to be licensed under the United States Warehouse Act. CCC also proposes to assess a fee for all warehouse examinations that CCC conducts solely for the benefit of a warehouseman. Some warehousemen request that CCC conduct a warehouse examination of the facility in order to enable them to: (1) Meet requests or requirements of depositors or lending agencies; (2) determine the quantity and quality of grain in storage; (3) determine whether the quantity and quality of grain in storage is sufficient to meet outstanding storage obligations; or (4) have an independent physical inventory coinciding with an end of fiscal year audit.

Under this proposal, CCC contemplates that a warehouseman would submit a written request for such an examination stating the purposes of the examination and agreeing to pay the prescribed fee.

The warehouse contract fees are calculated at 1/2 of the actual cost of conducting a warehouse examination, administering the storage contract, and determining the net worth. Since a requested examination does not require a net worth determination and certain other administrative procedures, the actual cost of such examinations is calculated at 1 1/2 times the annual contract fee.

It is also proposed that CCC publish the contract fee schedule in the *Federal Register* only when there is a change in the amount of contract fee to be collected. Presently, CCC publishes the contract fee schedule in the *Federal Register* each year prior to the annual contract renewal date even when there are no changes in the fee schedule. This practice is time consuming and increases the costs to CCC. It is therefore proposed that the contract fee schedule be published only when there are changes in the amount of contract fee to be collected from CCC approved warehousemen.

List of Subjects in 7 CFR Part 1421

Grain, Loan programs, Agriculture, Oilseeds, Peanuts, Price support programs, Soybeans, Surety bonds, Tobacco, and Warehouses.

Proposed Rule

PART 1421—[AMENDED]

Accordingly, it is proposed that 7 CFR Part 1421 be amended as follows:

1. The authority citation for 7 CFR Part 1421, Standards for Approval of Warehouses for Grain, Rice, Dry Edible Beans, and Seed continues to read as follows:

Authority: Secs. 4 and 5 of the Commodity Credit Corporation Charter Act, as amended, 62 Stat. 1070, as amended, 1072 (15 U.S.C. 714b and 714c); secs. 101, 201, 301, 401, 403, and 405 of the Agricultural Act of 1949, as amended, 63 Stat. 1051, as amended, 1052, as amended, 1053, as amended, 1054, as amended (7 U.S.C. 1441, 1446, 1447, 1421, 1423, and 1425); secs. 101A, 105C, and 107D of Pub. L. 99-198, unless otherwise noted.

2. In § 1421.5552, a new paragraph (a)(10) is added to read as follows:

§ 1421.5552 Basic standards

* * * * *

(a) * * *

(10) Furnish a warehouse bond, payable to CCC, if the warehouse is located in a State where laws governing warehouse liquidations in case of shortages in quality or quantity do not guarantee to each depositor:

(i) A pro rata share of the commodities remaining in storage;

(ii) A pro rata share of the bonding or other deposits posted by the warehouseman as required by any State licensing authority and any deficiency bond or other security required to be posted by the warehouseman; and

(iii) That the full pro rata share of proceeds available to depositors will not be reduced by a maximum dollar or percentage limit posted by the State. The amount of bond required will not exceed the amount a grain warehouseman must obtain to be licensed under the United States Warehouse Act at 7 CFR 736.

3. In § 1421.5558, a new paragraph (a)(4) is added and paragraph (b) is revised to read as follows:

§ 1421.5558 Contract and application and inspection fees.

(a) * * *

(4) CCC may, upon the request of a warehouseman, conduct an examination of a warehouse for the sole benefit of the warehouseman and such warehouseman shall pay to CCC a fee equal to 1 1/2 times the amount of the

warehouseman's annual contract fee for such examination.

(b) Any subsequent changes in the contract and application fees shall be announced in the *Federal Register*.

Signed at Washington, DC on September 29, 1987.

Milton Hertz,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 87-22954 Filed 10-7-87; 8:45 am]

BILLING CODE 3410-06-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 87-NM-118-AD]

Airworthiness Directives; Boeing Model 757 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes a new airworthiness directive (AD), applicable to certain Boeing 757 series airplanes, which would require modification of the hydraulic power auxiliary ram air turbine deploy mode wiring. This proposal is prompted by reports of inadvertent ram air turbine deployment on the ground while parked, due to false actuation of the airspeed switch, and inhibition of deployment during flight at low airspeeds. This condition, if not corrected, could lead to injury of ground personnel or loss of hydraulic flight controls during low speed operations following loss of two engines.

DATE: Comments must be received no later than November 10, 1987.

ADDRESSES: Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attn: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-118-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Robert McCracken, Systems and

Equipment Branch, ANM-130S; telephone (206) 431-1947. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attn: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-115-AD, 17900 Pacific Highway South, C-68966, Washington 98168.

Discussion

One operator of a Boeing Model 757 airplane has reported two occurrences of inadvertent ram air turbine deployment on the ground while parked, due to false actuation of the airspeed switch by taxing aircraft jet blast. Additionally, three operators have reported eleven occurrences of contaminated airspeed switches resulting in ram air turbine deployment inhibition at lower airspeeds up to as high as 210 knots. Inadvertent actuation on the ground could result in injury to personnel. Failure to deploy at low airspeeds when needed could result in loss of hydraulic power for the flight controls and inability to control the airplane following loss of two engines.

The FAA has reviewed and approved Boeing Alert Service Bulletin 757-29A0032, dated July 9, 1987, which describes modifications to the ram air turbine manual and automatic deploy circuits. Addition of an air/ground input

to the automatic deploy circuit removes power from the airspeed switch during actuation, which will improve airspeed switch reliability and inhibit deployment on the ground. Removal of the airspeed switch from the manual deploy circuit will improve overall deploy reliability.

Since this condition is likely to exist or develop on other airplanes of this same type design, an AD is proposed which would require modification of the ram air turbine electrical circuitry in accordance with the service bulletin previously mentioned.

It is estimated that 81 airplanes of U.S. registry would be affected by this AD, that it would take approximately 30 manhour per airplane to accomplish the required actions, and that the average labor cost would be \$40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$97,200.

For these reasons, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, Boeing Model 757 airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Boeing: Applies to Model 757 series airplanes, as listed in Boeing Alert Service Bulletin 757-29A0032, dated July 9, 1987, certificated in any category. Compliance required within the next six months after the effective date of this AD, unless previously accomplished.

To prevent inadvertent ram air turbine deployment on the ground while parked, and to ensure proper deployment in flight, accomplish the following:

A. Modify the ram air turbine wiring in accordance with Boeing Alert Service Bulletin 757-29A0032, dated July 9, 1987, or later FAA-approved revision.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

C. Special flight may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplanes Company, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on September 11, 1987.

Wayne J. Barlow,

Director Northwest Mountain Region.

[FR Doc. 87-23250 Filed 10-7-87; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 87-NM-115-AD]

Airworthiness Directives; Shorts Brothers Model SD3-60 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes an airworthiness directive (AD), applicable to certain Short Brothers Model SD3-60 series airplanes, that would require modification of an aileron control lever and bracket. This action is necessary to prevent incorrect installation of an aileron control lever and attaching rods. Improper installation of the lever and rods would cause an increase in aileron control forces and improper control surface travel.

DATE: Comments must be received no later than November 9, 1987.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-115-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from Shorts Brothers PLC, 2011 Crystal Drive, Suite 713, Arlington, Virginia 22202-3702. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-115-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

The United Kingdom Civil Aviation Authority (CAA) has, in accordance with existing provisions of a bilateral airworthiness agreement, notified the FAA of an unsafe condition which may exist or develop on certain Short Brothers Model SD3-60 series airplanes. It has been reported that improper installation of an aileron control level could occur which would result in increased aileron control system forces and improper aileron travel. Short Brothers issued Service Bulletin SD360-27-09, Revision 3, dated November 1986, which describes a modification that would prevent this from occurring. The CAA has declared Short Brothers service bulletin as mandatory.

The re-assembling of the aileron rods to the lever normally occurs during maintenance operations, but the SD3-60 maintenance manual does not highlight the possibility of incorrect installation of the aileron rods. Therefore, the FAA is proposing to require installation of modification kit No. SD360-27-09, in accordance with the Short Brothers service bulletin described previously, which would prevent incorrect installation of the aileron rods.

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

Since this condition is likely to exist or develop on airplanes of this model registered in the United States, an AD is proposed that would require modification of the aileron controls in accordance with the previously mentioned service bulletin.

It is estimated that 42 airplanes of U.S. registry would be affected by this AD, that it would take approximately 14 manhours per airplane to accomplish the required actions, and that the average labor cost would be \$40 per manhour. Estimated cost of parts is \$50.00 per airplane. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be \$25,620.

For the reasons discussed above, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small

entities because of the minimal cost of compliance per airplane (\$610). A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Shorts Brothers PLC: Applies to Model SD3-60 series airplanes, Serial Numbers SH3601 through SH3676, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent incorrect installation of aileron control levers and rods, which would result in increased aileron control forces and improper aileron travel, accomplish the following:

A. Within the next 4,800 flight hours after the effective date of this AD or at the next time the aileron control system is disassembled following 90 days after the effective date of this AD, whichever occurs first, install the guards (plates) in the aileron control system, as described in the Accomplishment Instructions of Shorts Service Bulletin No. SD360-27-09, Revision No. 3, dated November 1986.

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

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

All persons affected by this directive who have not already received the appropriate service information from the manufacturer may obtain copies upon request to Shorts Brothers PLC, 2011 Crystal Drive, Suite 713, Arlington, Virginia 22202-3702. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft

Certification Office, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on September 21, 1987.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 87-23248 Filed 10-7-87; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 87-NM-83-AD]

Airworthiness Directives; British Aerospace (BAe) 125-800 Model Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes an airworthiness directive (AD), applicable to all BAe 125-800 series airplanes, that would require inspection of the plumbing near the ventral fuel tank, and repair, if necessary. This action is prompted by a report of chafing between fuel, oxygen and hydraulic lines. This condition, if not corrected, could result in a fire hazard due to subsequent system leakage.

DATE: Comments must be received no later than November 9, 1987.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-83-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from British Aerospace Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington D.C. 20041. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the

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

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-83-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

The United Kingdom Civil Aviation Authority (CAA) has, in accordance with existing provisions of a bilateral airworthiness agreement, notified the FAA of a potential for interference between fuel, oxygen and hydraulic piping in an area near the ventral fuel tank. The resultant chafing, if not corrected, could cause a fire hazard due to system leaks. British Aerospace (BAe) issued Service Bulletin 53-60, dated November 8, 1985, which describes procedures for inspection of the piping and repair, if necessary. The CAA has classified this service bulletin as mandatory.

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

Since these conditions are likely to exist or develop on airplanes of this model registered in the United States, an AD is proposed that would require inspection of the fuel, oxygen, and hydraulic lines, and repair, as necessary, in accordance with the service bulletin previously mentioned.

It is estimated that 420 airplanes of U.S. registry would be affected by this AD, that it would take approximately 0.5 manhours per airplane to accomplish the

required actions, and that the average labor cost would be \$40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be \$8,400.

For the reasons discussed above, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because of the minimal cost of compliance per airplane (\$20). A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

British Aerospace: Applies to Model BAe 125-800 airplanes certificated in any category. Compliance required within 90 days after the effective date of this AD, unless previously accomplished.

To reduce the risk of leakage from fuel, oxygen, and hydraulic systems and the fire and functional risks such leaks could present, accomplish the following:

A. Inspect the plumbing in the area of the ventral fuel tanks, and repair as necessary, in accordance with British Aerospace Service Bulletin 53-60, dated November 8, 1985.

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

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

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

Issued in Seattle, Washington, on September 21, 1987.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 87-23251 Filed 10-7-87; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 87-NM-111-AD]

Airworthiness Directives; Shorts Model SD3-60 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes an airworthiness directive (AD), applicable to all Shorts Model SD3-60 series airplanes, that would require inspection of interference bushings for looseness in each of four fittings on the rear fuselage used for attachment of the horizontal stabilizer. This proposal is prompted by a report of an interference fit bushing that was found to be loose in its fitting on the forward right stabilizer attachment located on the rear fuselage cant frame. This condition, if not corrected, could lead to failure of the horizontal stabilizer attachment fittings.

DATE: Comments must be received no later than November 9, 1987.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-111-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from Short Brothers PLC, 2011 Crystal Drive, Suite 713, Arlington, Virginia 22202-3702. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway

South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-111-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority of the United Kingdom, has notified the FAA of an unsafe condition which may exist on Shorts Model SD3-60 series airplanes. There has been a report of an interference fit bushing that was found to be loose. This bushing was located on one of four fittings on the rear fuselage cant frame used for the attachment of the horizontal stabilizer. This condition, if not corrected, could lead to failure of the horizontal stabilizer attachment fittings.

Shorts has issued Service Bulletin Number SD360-55-10, dated November

1985, which describes procedures for inspection and replacement of the interference fit bushings in each of the four horizontal stabilizer attachment fittings. The British CAA has classified this service bulletin as mandatory.

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

Since these conditions are likely to exist or develop on airplanes of this model registered in the United States, an AD is proposed that would require inspection of the horizontal stabilizer attachment fittings in accordance with the service bulletin previously mentioned. Fittings found with a loose bushing that exceeds 0.005 inches movement would be required to be replaced prior to further flight. Fittings with a loose bushing that does not exceed 0.005 inches movement would be required to be replaced within 56 days.

It is estimated that 66 airplanes of U.S. registry would be affected by this AD, that it would take approximately 4 manhours per airplane to accomplish the required actions, and that the average labor cost would be \$40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be \$10,560.

For the reasons discussed above, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because of the minimal cost of compliance per airplane (\$160). A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

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

the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Short Brothers: Applies to Model SD3-60 series airplanes, as listed in Shorts Service Bulletin Number SD360-55-10, dated November 1985, certificated in any category. Compliance required as indicated, unless previously accomplished.

To preclude failure of the horizontal stabilizer attach fittings, accomplish the following:

A. Within the next 3 months after the effective date of this AD, inspect the interference fit bushings in each of the four horizontal stabilizer attach fittings in accordance with Shorts Service Bulletin Number SD360-55-10, dated November 1985.

B. If the bushing is found to be loose in its fitting and the movement exceeds 0.005 inches, replace the fitting before further flight.

C. If the bushing is found to be loose in its fitting and the movement does not exceed 0.005 inches, replace the fitting within the next 56 days.

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

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Short Brothers PLC, 2011 Crystal Drive, Suite 713, Arlington Virginia 22202-3702. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on September 21, 1987.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 87-23247 Filed 10-7-87; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 416

[Regulations No. 16]

Supplementary Security Income for the Aged, Blind, and Disabled; Definition of Resources

AGENCY: Social Security Administration, HHS.

ACTION: Proposed rule.

SUMMARY: We propose to amend our regulations to exclude from the definition of resources in the Supplemental Security Income (SSI) Program, for one calendar month following their receipt, certain cash payments for medical or social services.

DATE: To be sure that your comments are considered, we must receive them no later than December 7, 1987.

ADDRESSES: Comments should be submitted in writing to the Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203, or delivered to the Office of Regulations, Social Security Administration, 3-B-4 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, between 8:00 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during these same hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: Henry D. Lerner, Legal Assistant, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594-7463.

SUPPLEMENTARY INFORMATION: Certain cash payments intended specifically to enable people to pay for medical or social services (20 CFR 416.1103 (a) and (b)) are not income for SSI purposes because they are assumed not to be available for support and maintenance. However, the recipient is not always able to use the cash for payment of medical or social services in the month of receipt. Lacking a regulatory resource provision for medical or social services comparable to that for income, the cash is a countable resource as of the first moment of the month following receipt and may cause ineligibility for SSI benefits.

Resources are defined in regulations (20 CFR 416.1201(a)) as including cash or other liquid assets that an individual owns and can use for support and

maintenance. Thus, even though intended for the purchase of medical or social services, cash meets the definition of a resource unless its use is legally restricted.

We propose to amend 20 CFR 416.1201(a) so that, for one calendar month following its receipt, cash which is not income under 20 CFR 416.1103 (a) or (b) because it is payment for medical or social services is not a resource. If the cash is still being held at the beginning of the second calendar month following its receipt, it will be a resource. This proposal does not extend to cash received as reimbursement for medical or social services bills the individual has already paid. Even though such reimbursement is not income by operation of 20 CFR 416.1103 (a) or (b), it serves only to replace the individual's previously countable resources that have been used to pay for medical or social services prior to receipt of the reimbursement. Since the individual has already paid for the medical or social services, there is no reason for extending to the reimbursement the one-month disbursement period during which cash received for medical or social services is not a resource. Thus, if retained, the cash is included in countable resources beginning with the first month following receipt.

This proposal recognizes that it is not reasonable to expect an individual to use certain funds for support and maintenance. To use these funds for support and maintenance tends to thwart the purpose of the payor program and could result in individuals having to do without needed services that the payor program intended to provide. The proposal allows a reasonable period for individuals to make disbursement, but if they do not do so, the money becomes a resource.

Regulatory Procedures

Executive Order 12291

The Secretary has determined that this is not a major rule under Executive Order 12291 since the program and administrative costs of this proposed regulation will be insignificant and the threshold criteria for a major rule are not otherwise met. Therefore, a regulatory impact analysis is not required.

Paperwork Reduction Act

This proposed regulation imposes no additional reporting and recordkeeping requirement requiring Office of Management and Budget clearance.

Regulatory Flexibility Act

We certify that this proposed regulation will not, if promulgated, have a significant economic impact on a substantial number of small entities because this rule affects only individuals and States. Therefore, a regulatory flexibility analysis as provided in Pub. L. 96-354, the Regulatory Flexibility Act, is not required.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplementary Security Income Program).

List of Subjects in 20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disability benefits, Public assistance programs, Supplemental security income.

Dated: August 3, 1987.

Dorcas R. Hardy,
Commissioner of Social Security.

Approved: September 4, 1987.

Otis R. Bowen,
Secretary of Health and Human Services.

PART 416—[AMENDED]

Subpart L of Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is proposed to be amended as follows:

1. The authority citation for Subpart L of Part 416 continues to read as follows:

Authority: Secs. 1102, 1602, 1611, 1612, 1613, 1614(f), 1621 and 1631 of the Social Security Act; 42 U.S.C. 1302, 1381a, 1382, 1382a, 1382b, 1382c(f), 1382j and 1383; sec. 211 of Pub. L. 93-66, 87 Stat. 154.

2. Section 416.1201 is amended by revising paragraph (a) to read as follows:

§ 416.1201 Resources; general.

(a) *Resources; defined.* For purposes of this Subpart L, resources means cash or other liquid assets or any real or personal property that an individual (or spouse, if any) owns and could convert to cash to be used for his or her support and maintenance.

(1) If the individual has the right, authority or power to liquidate the property or his or her share of the property, it is considered a resource. If a property right cannot be liquidated, the property will not be considered a resource of the individual (or spouse).

(2) Support and maintenance assistance not counted as income under § 416.1157(c) will not be considered a resource.

(3) Except for cash reimbursement of medical or social services expenses already paid for by the individual, cash received for medical or social services that is not income under § 416.1103 (a)

or (b) is not a resource for the calendar month following the month of its receipt. However, cash retained until the first moment of the second calendar month following its receipt is a resource at that time.

* * * * *

[FR Doc. 87-23297 Filed 10-7-87; 8:45 am]

BILLING CODE 4190-11-M

INTER-AMERICAN FOUNDATION**22 CFR Part 1001****Employee Responsibilities and Conduct**

AGENCY: Inter-American Foundation.

ACTION: Proposed rule.

SUMMARY: This notice invites written comments on the Inter-American Foundation's proposal to amend and clarify its Employee Responsibilities and Conduct. The Inter-American Foundation proposes to take this action so that employees of the Foundation will have a clear understanding of their responsibilities with respect to federal ethics laws and regulations. The Inter-American Foundation finds and determines that publication of these regulations in the Code of Federal Regulations is necessary for the effective discharge of its functions and activities.

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

ADDRESS: Comments may be mailed to the General Counsel, 5th Floor, Inter-American Foundation, 1515 Wilson Boulevard, Arlington, VA 22209, or delivered to the same address between the hours of 8:30 a.m. and 5:15 p.m.

FOR FURTHER INFORMATION CONTACT: Charles M. Berk, General Counsel, (703) 841-3812.

SUPPLEMENTARY INFORMATION: The Inter-American Foundation is proposing to revise its current Employee Responsibilities and Conduct regulations to conform with the requirements of E.O. 11222 (3 CFR 1964-1965 Comp.; 5 CFR 735.104); Title 18, U.S.C. 203, 205, 207, 208, 209; and Title II of the Ethics in Government Act of 1978, as amended (Pub. L. 95-19 and 96-28). The intended result of this action is to avoid employee conflicts of interest and to assure impartiality on the part of employees by doing the following:

1. Clarifying existing regulations regarding the standards of conduct required of Government employees and special Government employees associated with Foundation contractors or potential contractors.

2. Establishing regulations to guide employees in determining whether it is permissible for them to participate in conferences or accept speaking engagements.

3. Establishing regulations which specifically prohibit certain economic and financial activities of employees abroad.

4. Establishing regulations prohibiting discrimination by any employee of the Foundation against any other employee or applicant due to race, political affiliation, or religious belief.

5. Establishing regulations modifying and enlarging the number of employees required to submit Executive Personnel Financial Disclosure Reports.

6. Establishing regulations requiring the President or his or her designee to follow the administrative enforcement procedures set forth in 5 CFR 737.27 in the event that the Foundation receives information that there has been a possible violation of restrictions against post-employment activities contained in section 207 (a), (b), or (c) of Title 18 United States Code.

The proposed rule is patterned after similar ethics regulations adopted by other federal agencies following enactment of the Ethics in Government Act in 1978. The proposed rule is patterned most closely after the rule implemented in 1986 by the African Development Foundation (ADF). The ADF is an independent federal agency whose mandate and program objectives are similar to those of the Inter-American Foundation.

The penalties prescribed by the proposed rule are those provided for in the applicable laws, regulations, and executive orders cited herein.

The public is invited to submit their comments to the Foundation for review. These should be forwarded to Charles M. Berk, General Counsel. The Foundation does not intend to hold hearings on the proposed rule.

Regulatory Flexibility Act of 1980

Generally, these proposed regulations do not contain substantive new material. It is, therefore, certified that they will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act.

Executive Order 12291

The Inter-American Foundation has determined that this rule is not a major rule for purposes of E.O. 12291 because it is not likely to result in an annual effect on the economy of \$100 million or more.

Paperwork Reduction Act

This rule imposes no obligatory information requirements on the general public.

List of Subjects in 22 CFR Part 1001**Conflicts of Interest.**

Accordingly, it is proposed to amend 22 CFR Part 1001 as follows:

1. The authority citation for Part 1001 continues to read as follows:

Authority: E.O. 11222, 3 CFR, 1964-1965/comp.; 5 CFR 735.104.

2. Part 1001 is amended by redesignating the sections shown in the following table. For the convenience of the reader the new table of contents for Part 1001 is set out below:

Subpart A—General Provisions

Old section	New section
1001.735-1	1001.1
1001.735-2	1001.2

Subpart B—Standards of Conduct

Old section	New section
1001.735-10	1001.3
1001.735-11	1001.4
1001.735-12	1001.5
1001.735-13	1001.7
1001.735-14	1001.8
1001.735-15	1001.9
1001.735-16	1001.10
1001.735-17	1001.11
1001.735-18	1001.12
1001.735-19	1001.17

Subpart C—Procedures

Old section	New section
1001.735-20	1001.18
1001.735-21	1001.19
1001.735-22	1001.21
1001.735-23	1001.22
1001.735-24	1001.23
1001.735-25	1001.24
1001.735-26	1001.25
1001.735-27	1001.26
1001.735-28	1001.27
1001.735-29	1001.28
1001.735-30	1001.30
1001.735-31	1001.31

Table of Contents**Subpart A—General Provisions**

- 1001.1 Purpose.
1001.2 Definitions.

Subpart B—Standards of Conduct

- 1001.3 General.
1001.4 Statutes, rules, and regulations governing conduct of employees.
1001.5 Outside employment and other activities.
1001.6 Speeches and participation in conferences.
1001.7 Gifts, entertainment, and favors.
1001.8 Financial interests.
1001.9 Use of Government property.
1001.10 Misuse of information.
1001.11 Indebtedness.
1001.12 Gambling, betting and lotteries.
1001.13 Association with potential contractor prior to employment.
1001.14 Association with Foundation contractor, potential contractor, grantee, or potential grantee while an employee.
1001.15 Economic and financial activities of employees abroad.
1001.16 Discrimination.
1001.17 General conduct prejudicial to the Government.

Subpart C—Procedures

- 1001.18 Responsibility of employees.
1001.19 Sources of information and advice.
1001.20 Executive personnel financial disclosure.
1001.21 Confidential statements of employment and financial interests.
1001.22 Employees not required to submit statements.
1001.23 Employee's complaint on filing requirement.
1001.24 Time and place of submission, and forms.
1001.25 Information required.
1001.26 Supplementary statements.
1001.27 Review of statements and determination as to conflicts of interest.
1001.28 Penalties for violation.
1001.29 Administrative enforcement proceedings.
1001.30 Confidentiality of employees' statements.
1001.31 Effect of employees' statements on other requirements.

Subpart A—General Provisions

3. Section 1001.2 is amended by removing the paragraph designations and alphabetizing the definitions, revising the definition of "Counselor" and adding the definitions of "is associated with", "organization", and "potential contractor", as follows:

§ 1001.2 Definitions.

"Counselor" means the Foundation's Counselor on Ethical Conduct and Conflicts of Interest. The Counselor for the Foundation will be the General Counsel of the Foundation. The Deputy General Counsel will serve as Deputy Counselor.

"Is associated with" as used in §§ 1001.13 and 1001.14 means:

(1) Is a director of an organization or is a member of a board or committee which exercises a recommending or

supervisory function in an organization; or

(2) Serves as an employee, officer, owner, trustee, partner, consultant, or paid advisor in an organization; or

(3) Owns (or his or her spouse, minor child, or other member of his or her immediate household owns) individually or collectively, 1 percent or more of the voting shares of an organization; or

(4) Owns (or his or her spouse, minor child, or other member of his or her immediate household owns), individually or collectively, either beneficially or as a trustee, a direct financial interest in an organization through stock, stock options, bonds, or other securities, or obligations; or

(5) Has a continuing financial interest in an organization, such as participation in or entitlement under a bona fide pension plan, through an arrangement resulting from prior employment or business or professional association.

"Organization" as used herein includes profit and non-profit corporations, associations, partnerships, trusts, sole proprietorships, foundations, and foreign, State and local government units.

"Potential contractor" means any organization or individual that has submitted a proposal, application, or otherwise indicated in writing its intent to apply for or seek from the Foundation a specific contract or other agreement, including a grant, loan or loan guarantee.

Subpart B—Standards of Conduct

4. Section 1001.5 (c) is revised to read:

§ 1001.5 Outside employment and other activities.

(c) Employees are encouraged to engage in teaching, lecturing, and writing that is not prohibited by law or regulations upon prior approval of the Counselor. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing (including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Office of Personnel Management or Board of Examiners for the Foreign Service) that depends on information obtained as a result of Government employment, except when that information has been made available to the general public or will be made available on request, or when the President gives written authorization for use of nonpublic

information on the basis that the use is in the public interest.

5. Section 1001.6 is added to read:

§ 1001.6 Speeches and participation in conferences.

(a) *Fees and expenses.* An employee may not accept a fee for his or her own use or benefit for making a speech, delivering a lecture, or participating in a discussion if the subject is the Foundation or Foundation programs or if such services are part of the employee's official Foundation duties.

(b) When a meeting, discussion, or other gathering to which paragraph (a) of this section refers takes place at a substantial distance from the employee's home, he or she may accept such reimbursement, upon prior approval of the Counselor, for the actual cost of transportation and necessary subsistence or expenses, as is compatible with this Part and for which no Government payment or reimbursement is made. If an employee receives accommodations, goods, or services in-kind from a non-Government source while on official travel, such items will be treated as a donation to the Foundation and an appropriate reduction will be made in per diem or other travel expenses payable.

(c) Upon prior approval of the Counselor, an employee may accept fees for speeches, etc., dealing with subjects other than Foundation programs when no official funds have been used in connection with his or her appearance and such activities do not interfere with the efficient performance of his or her duties, and for which leave of absence, where necessary, is obtained.

(d) No employee may participate for the Foundation in a conference or speak for the Foundation before audiences when he or she has reason to believe that any racial, ethnic, religious, or minority group has been segregated or excluded from the meeting, from any of the facilities or conferences, or from membership in the organization sponsoring the conference or meeting.

§ 1001.7 [Amended]

6. Section 1001.7 (d) is amended by changing the reference to "§ 1001.735-12" to "§ 1001.5".

7. Section 1001.10 *Misuse of information* is revised to read:

§ 1001.10 Misuse of information.

(a) For the purpose of furthering a private interest, an employee shall not, except as provided in § 1001.5, directly or indirectly, use, or allow the use of, official information obtained through or in connection with Government

employment which has not been made available to the general public.

(b) This section is not intended to discourage disclosure through proper channels of information which has been or should be made available to the public by law.

8. Section 1001.13 is added to read:

§ 1001.13 Association with potential contractor prior to employment.

(a) No employee, or any person subject to his or her supervision, may participate in the decision to award a contract to any organization with which that employee has been associated in the past two years. When an employee becomes aware that such an organization is under consideration for or has applied for a contract with the Foundation, the employee shall notify his or her immediate supervisor in writing. The supervisor shall take whatever steps are necessary to exclude the employee from all aspects of the decision-making process regarding the contract or agreement.

(b) When an employee becomes aware that an organization with which he or she has been associated in the past two years is under consideration for or has applied for a contract with the Foundation, he or she shall refrain from participating in the decision process.

9. Section 1001.14 is added to read:

§ 1001.14 Association with Foundation contractor, potential contractor, grantee or potential grantee while an employee.

(a) No regular employee may be associated financially with any Foundation contractor, potential contractor, grantee, or potential grantee. Any organization that is associated with a regular employee shall be suspended from consideration as a contractor or grantee.

(b) No regular or special employee, except in his or her official capacity as a Foundation employee, shall participate in any way on behalf of any organization in the preparation or development of a contract or grant proposal involving the Foundation, or represent any other organization in a matter pending before the Foundation when such participation or representation would result in or create the appearance of the use of public office for private gain. In such cases, if a regular or special employee participates, while an employee of the Foundation, in any aspect of the development of a contract, grant, or other agreement proposal on behalf of an organization, or represents another organization in a matter pending before the Foundation, that organization shall be suspended

from consideration for the contract, grant, or other agreement.

(c) No regular or special employee who, prior to his or her employment at the Foundation, participated in the development of a contract, grant, or other agreement proposal on behalf of another organization, shall participate in any aspect of the decision process regarding that contract, grant, or other agreement, or, if the contract, grant, or other agreement is awarded, in any oversight or management capacity in relation to that contract, grant, or other agreement. In the event a regular or special employee who participated in the development of the contract, grant, or other agreement proposal prior to being employed at the Foundation does participate as a Foundation employee in the decision process for such contract, grant, or other agreement, the organization shall be suspended from consideration.

10. Section 1001.15 is added to read:

§ 1001.15 Economic and financial activities of employees abroad.

(a) Foundation employees are specifically prohibited from engaging in the activities listed below in any foreign country:

(1) Speculation in currency exchange;

(2) Transactions at exchange rates differing from local legally allowable rates, unless such transactions are duly authorized in advance by the Foundation;

(3) Sales to unauthorized persons, whether at cost or for profit, of currency acquired at preferential rates through diplomatic or other restricted arrangements;

(4) Transactions which entail the use, without official sanction, of the diplomatic pouch;

(5) Transfers of funds on behalf of blocked nationals, or otherwise in violation of U.S. foreign funds and assets control;

(6) Independent and unsanctioned private transactions which involve an employee as an individual in violation of applicable control regulations of foreign governments;

(7) Acting as an intermediary in the transfer of private funds for persons in one country to persons in another country, including the United States; and

(8) Permitting use of his or her official title in any private business transactions or in advertisements for business purposes.

(b) U.S. citizen-Foundation employees on official travel or assignment abroad are prohibited from engaging in the activities listed below:

(1) Transacting or having an interest in any business or engaging for profit in any profession or undertaking or other gainful employment in any country or countries in which he or she is on official travel assignment in his or her own name or through the agency of any other person.

(2) Investing in real estate or mortgages on properties located in his or her country of assignment. (The purchase of a house and land for personal occupancy is not considered a violation of this subparagraph);

(3) Investing money in bonds, shares, or stocks of commercial concerns headquartered in his or her country of assignment or conducting a substantial portion of business in such country. (Such investments, if made prior to knowledge of assignment or detail to such country or countries, may be retained during such assignment or detail); and

(4) Selling or disposing of personal property, including automobiles, at prices producing profits which result primarily from import privileges derived from his or her official status as an employee of the U.S. Government.

11. Section 1001.16 is added to read:

§ 1001.16 Discrimination.

No employee may make inquiry concerning the race, political affiliation, or religious beliefs of any employee or applicant in connection with any personnel action, and may not practice, threaten, or promise any action against or in favor of any employee or applicant for employment because of race, color, religion, sex, age or national origin, and in the competitive service, on the basis of politics, marital status, or physical handicap.

Subpart C—Procedures

12. Section 1001.20 is added to read:

§ 1001.20 Executive personnel financial disclosure.

(a) The following employees of the Foundation shall submit completed Executive Personnel Financial Disclosure Reports (SF278) containing information required in accordance with 5 CFR Part 734, Subpart C:

(1) Within five days after transmittal by the President to the Senate of their nomination, each member of the Board of Directors of the Foundation.

(2) Within 30 days, after assuming the position, any newly appointed employee of the Foundation whose position is classified at GS-16 or above of the General Schedule, or whose basic rate of pay (excluding "step" increases) under other pay schedules is equal to or greater than the rate for GS-16 (Step 1).

(3) Within 30 days after designation, the designated Foundation Counselor on Ethical Conduct and Conflicts of Interest and the Deputy Counselor.

(b) Employees, who perform the duties of a position or office described in this section in excess of sixty days in any calendar year, must submit annual statements as of May 15 of each year containing the information described in 5 CFR Part 734, Subpart C.

(c) Executive Personnel Financial Disclosure Statements filed pursuant to this section shall be made available to the public in accordance with the provisions of 5 CFR 734.603.

13. In § 1001.21 the heading is revised, paragraph (a) is removed, paragraph (b) is redesignated as paragraph (a) and paragraph (c) is redesignated as paragraph (b) and revised to read:

§ 1001.21 Confidential statements of employment and financial interests.

(b) Other employees, including those classified at GS-13 through GS-15, whose submission of confidential statements of employment and financial interest has been approved by the Office of Government Ethics, whose duties and responsibilities require them to report employment and financial interests in order to avoid involvement in a possible conflict of interest situation and to carry out the purposes of the law, Executive Order 11222, and the Foundation's regulations.

14. Section 1001.22(a) introductory text is amended by changing the reference to "§ 1001.735-22" to "§ 1001.21" and paragraph (b) is revised to read:

§ 1001.22 Employees not required to submit confidential statements.

(b) A confidential statement of employment and financial interests is not required by these regulations from employees of GS-16 and above or the Foundation's Counselor on Ethical Conduct and Conflicts of Interests, who file Executive Personnel Financial Disclosure Reports required by Section 1001.20.

§ 1001.23 [Amended]

15. Section 1001.23 is amended by changing the reference to "§ 1001.735-22" to "§ 1001.21" and the reference to "§ 1001.735-21" to "§ 1001.19".

16. Section 1001.25(b) is amended by changing the reference to "§ 1001.735.2" to "§ 1001.2" and adding (e) to read:

§ 1001.25 Information required.

(e) *Indirect interest.* An indirect interest, such as ownership of shares in a mutual fund, which in turn owns an interest in other organizations, unless such mutual fund is substantially involved in ventures in Latin America or the Caribbean. Such an "indirect" interest is hereby determined pursuant to 18 U.S.C. 208(b)(2) to be too remote to affect the integrity of employees' services.

17. Section 1001.26 is amended by revising paragraph (a), removing paragraph (b), and redesignating paragraph (c) as paragraph (b):

§ 1001.26 Supplementary statements.

(a) Employees, other than those occupying positions requiring the filing of Executive Personnel Financial Disclosure statements, who perform the duties of a position or office for a period in excess of sixty days in any calendar year, including special government employees, must submit annual statements as of May 15 of each year.

§ 1001.27 [Amended]

18. Section 1001.27 (c) and (d) are amended by changing the references to "§ 1001.735-29" to "§ 1001.28".

19. Section 1001.29 is added to read:

§ 1001.29 Administrative enforcement proceedings.

In the event that the Foundation receives information that there has been a possible violation involving the Foundation of the restrictions against post-employment activities contained in section 207 (a), (b), or (c) of Title 18 U.S.C., the President or his designee shall follow the procedures set forth in 5 CFR 737.27 with respect to the initiation and conduct of an administrative disciplinary hearing.

20. § 1001.30 is revised to read:

§ 1001.30 Confidentiality of employees' statements.

The Foundation shall hold each statement of employment and financial interests, and each supplementary statement, in confidence. To insure this confidentiality only the Counselor and Deputy Counselor are authorized to review and retain the statements. The Counselor is responsible for maintaining the statements in confidence and shall not allow access to, or allow information to be disclosed from, a statement except to carry out the purpose of this Part. The Foundation may not disclose information from a statement except as the Office of Personnel Management or the President of the Foundation may determine for good cause shown.

21. Section 1001.31 is revised to read:

§ 1001.31 Effect of employees' statements on other requirements.

The statements of employment and financial interests and supplementary statements required for employees are in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee does not permit participation in a matter in which such participation is prohibited by law, order, or regulation.

Charles M. Berk,

General Counsel, Inter-American Foundation.

[FR Doc. 87-23387 Filed 10-7-87; 8:45 am]

BILLING CODE 7025-01-M

DEPARTMENT OF JUSTICE

Attorney General

28 CFR Part 50

[Order No. 1226-87]

Procedures Governing the Destruction of Contraband Drug Evidence in the Custody of Federal Law Enforcement Authorities

AGENCY: Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed drug destruction policy is being published by the Attorney General of the Department of Justice (DOJ) to solicit comments on the best way to provide for the timely destruction of unnecessary seized contraband drugs. This proposed regulation is intended to prevent the warehousing of large quantities of seized contraband drugs which are unnecessary for due process in criminal cases. Such stockpiling of contraband drugs presents inordinate security and storage problems which create additional economic burdens on limited law enforcement resources of the United States. It is necessary since the retention of controlled substances and the continuing acquisition of additional amounts pose increased storage problems and will result in the elimination of unnecessary seized controlled substances, while retaining an amount that will provide sufficient documentary evidence.

DATE: Comments should be received on or before November 9, 1987.

ADDRESSES: Comments should be addressed to: Dennis F. Hoffman, Chief Counsel, Office of the Chief Counsel, Drug Enforcement Administration, Room 1112, Eye Street Building, 1405 Eye

Street NW., Washington, DC 20537, Telephone (202) 633-1276.

FOR FURTHER INFORMATION CONTACT: Dennis F. Hoffman, 202-633-1276.

List of Subjects in 28 CFR Part 50

Drugs, Drug traffic control, Law enforcement.

SUPPLEMENTARY INFORMATION: This is not a major rule within the meaning of Executive Order 12291. This will not have a substantial impact on a significant number of small businesses within the meaning of the Regulatory Flexibility Act. 5 U.S.C. 605.

Under the authority vested in the Attorney General, including 28 U.S.C. 509, 510, 3 U.S.C. 301, and 21 U.S.C. 811(a), and for the reasons set forth in the preamble, it is proposed to amend 28 CFR Part 50 as follows:

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

Authority: 28 U.S.C. 508, 509, 510; 5 U.S.C. 301, 552, 552a, 15 U.S.C. 16(d); 21 U.S.C. 881(f)(2).

PART 50—[AMENDED]

2. Part 50 is amended by a new § 50.21 to read as follows:

§ 50.21 Procedures governing the destruction of contraband drug evidence in the custody of Federal law enforcement authorities.

(a) *General.* The procedures set forth below are intended as a statement of policy of the Department of Justice and will be applied by the Department in exercising its responsibilities under federal law relating to the destruction of seized contraband drugs.

(b) *Purpose.* This policy implements the authority of the Attorney General under Title I, section 1006(c)(3) of the Anti-Drug Abuse Act of 1986, Pub. L. 99-570 which is codified at 21 U.S.C. 881(f)(2), to direct the destruction, as necessary, of Schedule I and II contraband substances.

(c) *Policy.* This regulation is intended to prevent the warehousing of large quantities of seized contraband drugs which are unnecessary for due process in criminal cases. Such stockpiling of contraband drugs presents inordinate security and storage problems which create additional economic burdens on limited law enforcement resources of the United States.

(d) *Definitions.* As used in this subpart, the following terms shall have the meanings specified.

(1) The term "Act" means the Controlled Substances Act (84 Stat. 1242; 21 U.S.C. 801) and/or the Controlled Substances Import and Export Act (84 Stat. 1285; 21 U.S.C. 951).

(2) The term "Contraband drugs" are those controlled substances listed in Schedules I and II of the Controlled Substances Act seized for violation of that Act.

(3) The term "Marijuana" is as defined in 21 U.S.C. 802(15) but does not include for the purposes of this regulation, the derivatives hashish or hashish oil for purposes of destruction.

(4) The term "Representative sample" means the exemplar for testing and a sample aggregate portion of the whole amount seized sufficient for current criminal evidentiary practice.

(5) The term "Threshold amount" means:

(i) Two kilograms of a mixture or substance containing a detectable amount of heroin;

(ii) Ten kilograms of a mixture or substance containing a detectable amount of—

(A) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

(B) Cocaine, its salts, optical and geometric isomers, and salts of isomers;

(C) Ecgonine, its derivatives, their salts, isomers and salts of isomers; or

(D) Any compound, mixture, or preparation which contains any quantity of any of the substances referred to in paragraph (d)(5)(ii) (A) through (C) of this section;

(iii) Ten kilograms of a mixture or substance described in paragraph (d)(5)(ii)(B) which contains cocaine base;

(iv) Two hundred grams of phencyclidine (PCP) or two kilograms of a mixture or substance containing a detectable amount of phencyclidine (PCP);

(v) Twenty grams of a mixture or substance containing a detectable amount of Lysergic Acid Diethylamide (LSD);

(vi) Eight hundred grams of a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide [commonly known as fentanyl] or two hundred grams of a mixture or substance containing a detectable amount of any analogue of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide; or

(vii) Twenty kilograms of hashish or two kilograms of hashish oil [21 U.S.C. 841(b)(1)(D), 960(b)(4)];

(viii) In the event of any change to section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) as amended occurring after the date of these regulations, the threshold amount

of any substance therein listed, except marijuana, shall be twice the minimum amount requested for the most severe mandatory minimum sentence.

(e) Procedures. Responsibilities of the Federal Bureau of Investigation and Drug Enforcement Administration.

When contraband drug substance in excess of the threshold amount or in case of marijuana a quantity in excess of the representative sample are seized pursuant to a criminal investigation and retained in the custody of the Federal Bureau of Investigation or Drug Enforcement Administration, the Agency having custody shall:

(1) Immediately notify the appropriate United States Attorney, Assistant United States Attorney, or the responsible State/local prosecutor that the amount of seized contraband drug exceeding the threshold amount and its packaging, will be destroyed after sixty days from the date notice is provided of the seizures, unless the agency providing notice is requested in writing by the authority receiving notice not to destroy the excess contraband drug; and

(2) Assure that appropriate tests of samples of the drug are conducted to determine the chemical nature of the contraband substance and its weight sufficient to serve as evidence before the trial courts of that jurisdiction; and

(3) Photographically depict, and if requested by the appropriate prosecutorial authority, videotape, the contraband drugs as originally packaged or an appropriate display of the seized contraband drugs so as to create evidentiary exhibits for use at trial; and

(4) Isolate and retain the appropriate threshold amounts of contraband drug evidence when an amount greater than the appropriate threshold amounts has been seized, or when less than the appropriate threshold amounts of contraband drugs has been seized, the entire amount of the seizure, with the exception of marijuana, for which a representative sample shall be retained; and

(5) Maintain the retained portions of the contraband drugs in appropriate laboratory or division vaults until the evidence is no longer required for legal proceedings, at which time it may be destroyed, first having obtained consent of the United States Attorney, an Assistant United States Attorney, or the responsible state/local prosecutor;

(6) Notify the appropriate United States Attorney, Assistant United States Attorney, or the responsible State/local prosecutor to obtain consent to destroy the retained amount or representative sample whenever the related suspect(s) has been a fugitive from justice for a period of five years. An exemplar

sufficient for testing will be retained consistent with this section.

(f) Procedures. Responsibilities of the United States Attorney or the District Attorney (or equivalent State/local prosecutorial authority). When so notified by the Federal Bureau of Investigation or the Drug Enforcement Administration of an intent to destroy excess contraband drug, the United States Attorney or the District Attorney (or equivalent) may:

(1) Agree to the destruction of the contraband drug evidence in excess of the threshold amount, or for marijuana in excess of the representative sample prior to the normal sixty day period. The United States Attorney, or the District Attorney (or equivalent) may delegate to his/her assistants authority to enter into such agreement; or

(2) Request an exception to the destruction policy in writing to the Special Agent in Charge of the responsible division prior to the end of the sixty day period when retaining only the threshold amount of representative sample will significantly affect any legal proceedings; and, in the event of a denial of the request may appeal the denial to the Assistant Attorney General, Criminal Division. Such authority may not be redelegated. Appeal shall stay the destruction until the appeal is complete.

(g) Supplementing regulations. The Federal Bureau of Investigation and the Drug Enforcement Administration are authorized to issue regulations and establish procedures consistent with this section.

Date: September 21, 1987.

Edwin Meese III,

Attorney General

[FR Doc. 87-23306 Filed 10-7-87; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 811

Release, Dissemination, and Sale of Visual Information Materials

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Proposed rule.

SUMMARY: The Department of the Air Force is revising the regulation to establish policy on the release, dissemination, and sale of Air Force visual information (VI) materials. It explains how reproductions may be sold, distributed, or released. This revision incorporates DOD Instruction

7230.7 which updates the schedule of fees. It also updates terminology, functional addresses and information on requesting visual material.

DATE: Comments must be submitted on or before November 9, 1987.

ADDRESS: HQ USAF/SCV, Washington, DC 20330.

FOR FURTHER INFORMATION CONTACT: Major Cultice, HQ USAF/SCV, Washington, DC 20330, telephone (202) 695-9610.

SUPPLEMENTARY INFORMATION: The Department of the Air Force has determined that this regulation is not a major rule as defined by Executive Order 12291, is not subject to the relevant provisions of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354), and does not contain reporting or recordkeeping requirements under the criteria of the Paperwork Reduction Act of 1980 (Pub. L. 96-511).

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

List of Subjects in 32 CFR Part 811

Classified information, Motion pictures, Television.

Therefore, 32 CFR 811 is revised to read as follows:

PART 811—RELEASE, DISSEMINATION, AND SALE OF VISUAL INFORMATION MATERIALS

Sec.

811.0 Purpose.

811.1 Exclusions.

811.2 Agencies authorized to release VI materials.

811.3 Policy on the dissemination and sale of VI products.

811.4 Restrictions on the use of government VI records.

811.5 Procedures for requesting VI materials.

811.6 How to collect fees.

811.7 Schedule of fees.

811.8 Requests for motion media.

811.9 Requests for still VI media.

Authority: 10 U.S.C. 8013.

Note: Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

§ 811.0 Purpose.

This part establishes policy on the release, dissemination, and sale of Air Force visual information (VI) materials. It explains how reproductions may be sold, distributed, or released. It implements 32 CFR Part 288 (Department of Defense (DOD) Instruction 7230.7), DOD Directive 4000.19, DOD Directive 7290.3-M, and

DOD Directive 5040.2. It should be used with Part 806 (AFR 12-30, Air Force Freedom of Information Act Program); Part 812 (AFR 12-32, Schedule of Fees for Copying, Certifying, and Searching Records and Other Documentary Material); AFR 177-108, Paying and Collecting Transactions at Base Level; Part 837 (AFR 190-1, Public Affairs Policies and Procedures); and AFR 205-1, Information Security Program. It applies to all Air Force personnel including United States Air Force Reserve and Air National Guard units and members. The term major command (MAJCOM), when used in this part, includes separate operating agencies and direct reporting units.

§ 811.1 Exclusions.

This volume does not apply to:

- (a) The sale of aerial reconnaissance or cartographic type photography. Request this photography from the Defense Mapping Agency/ODS, ATTN: DDCP, Washington, DC 20315-0020.
- (b) The sale of completed productions. Requests for purchase of completed Air Force productions should be sent to the National Archives and records Administration, National Audiovisual Center, Information Office, 8700 Edgeworth Drive, Capitol Heights, MD 20722-3701.
- (c) VI materials made for the Air Force Office of Special Investigations (AFOSI) for use in an investigation or a counterintelligence report. Part 806 and AFR 124-4, Requesting AFOSI Investigations and Safeguarding, Handling and Releasing Information from AFOSI Reports, show who may use these VI materials.
- (d) VI materials made for aircraft and missile mishap investigators for investigations of Air Force aircraft and missile mishaps per AFR 127-4. Part 806 and AFR 124-4 show who may use these materials.

§ 811.2 Agencies authorized to release VI materials.

- (a) The Secretary of the Air Force, Office of Public Affairs (SAF/PA), per Part 837, may release VI materials to:
 - (1) News media, commercial publications, or electronic mail.
 - (2) Film companies.
 - (3) Industries.
 - (4) Nonprofit organizations.
 - (5) Agencies outside the federal government.
 - (6) The general public (not associated with the news media).
- (b) The Secretary of the Air Force, Office of Legislative Liaison (SAF/LL), arranges for the release of VI material through SAF/PA upon request from

members of Congress and provides such material for official use.

(c) The International Affairs Division (HQ USAF/CVAII) (or, in some cases, MAJCOM Foreign Disclosure Office) authorization is required to release classified and unclassified materials for use by foreign governments and international organizations or their representatives.

§ 811.3 Policy on the dissemination and sale of VI products.

- (a) Sale of VI material. Although copies of Air Force VI products may be sold, Air Force policy is to not compete with commercial industry. When VI materials are sold to persons or organizations outside the federal government, charges and fees must be assessed according to Part 812.
- (b) Dissemination of VI material to state and local governments. Copies of VI material that meet the requirements of this part may be loaned or sold to state and local governments, or any tax exempt organization, under Title III of the 1968 Intergovernmental Cooperation Act. The requester must certify that such materials are not available from commercial sources. The only Air Force organization authorized to loan copies of VI materials is the United States Air Force Central Visual Information Library (AFCVIL), managed by 1352d Audiovisual Squadron, Norton AFB CA.
- (c) Disseminating and Selling Activities. Dissemination and sale of Air Force VI documentation is accomplished by the DOD Motion Media Records Center, operated by the 1352d Audiovisual Squadron (AAVS) (MAC), Norton AFB CA and the DOD Still Media Records Center, operated by the US Navy at the Anacostia Naval Station, Washington, DC.
- (d) Sale of original VI material. Original VI material is not for sale. Reproductions of the original may be sold. HQ USAF/SCV may authorize the loan of copies or duplicates of original material for federal government use. SAF/PA may lend copies or duplicates of original material to agencies outside the federal government and to the public.
- (1) DOD VI records centers use only government-owned VI material in servicing approved requests for dissemination and sale. The use of nongovernment VI material must be with the written permission of the owner.
- (2) Production of material for sale must not stop or slow official Air Force work or be used to justify facility expansion or additional manpower.
- (e) Requests and services exempt from fees. In accordance with Part 813,

requests received from the sources below are exempt from paying fees if funds are available for producing the material, production does not impair the mission of the furnishing agency, all clearances and releases specified by this part have been obtained, and the work can be done during normal duty hours. When requests cannot be accomplished within the above criteria, the request will be processed only when fees are paid by the requester.

- (1) DOD and other government agencies requesting VI materials for official activities (DOD Directive 4000.19 and DOD Directive 5040.2).
- (2) Members of Congress requesting VI materials for use in official activities.
- (3) VI records center materials or services furnished according to law or Executive order.
- (4) Federal, state, territorial, county, or municipal governments, or their agencies, for functions related to or furthering an Air Force or other DOD objective.
- (5) Nonprofit organizations for functions related to public health, education, or welfare.
- (6) Members of the Armed Forces in a casualty status, their next of kin, or authorized representative, when the requested VI material relates to the member and does not compromise classified information or the work of an accident investigation board.
- (7) The general public, to further the Armed Forces recruiting program or public understanding of the Armed Forces, when such VI materials or services are determined by SAF/PAM to be in the best interest of the Air Force.
- (8) Incidental or occasional requests for VI records center materials or services (including requests from residents of foreign countries) when it is determined that fees would be inappropriate. (For the distribution of VI materials to foreign nations, see Part 837 of this chapter).

§ 811.4 Restrictions on the use of government VI records.

- Activities sending materials to the DOD VI records centers must ensure that any limitation on their use is noted on the materials. The following restrictions on VI material disseminated or sold from the records centers must also be observed:
- (a) Materials must not be used to promote or endorse a commercial service or product (see Part 837).
 - (b) Rights to official Air Force VI material may not be claimed by any other agency or person.
 - (c) The waiver of propriety and privacy rights cannot be granted with

the sale or release of VI materials unless these rights and the rights of transfer are owned by the Air Force.

(d) VI materials received from Air Force contractors may be released, disseminated, or sold if not identified as proprietary material in the applicable contract.

(e) When provisions of formal agreements between the Air Force and other government agencies on release of VI materials differ from this part, the provisions of the formal agreement apply.

§ 811.5 Procedures for requesting VI materials.

(a) Informal inquiries may be made to the appropriate DOD records center on VI materials available in broad subject areas. Such inquiries are not formal requests. Research of, or access to, materials are provided only by submission of a formal request. Inquiries regarding motion picture or television materials should be sent to the DOD Central Motion Media Records Center (1352d AVS/AVOS, Norton AFB CA 92409-5996). Inquiries regarding still photo materials should be sent to the DOD Still Media Records Center, ATTN: Code LGP-R, Bldg 168, Anacostia Naval Station, Washington, DC 20374-1681.

(b) Submit formal requests according to § 811.8 and § 811.9. When advised that the request has been approved, the requester may communicate directly with the records center about the selection of materials.

§ 811.6 How to collect fees.

(a) The Air Force or DOD activity making the sale collects the funds in advance.

(b) The fees due the United States must be paid by cash, United States Treasury check, certified check, cashiers check, bank draft, or postal money order (AFM 177-108). Personnel checks may not be used.

§ 811.7 Schedule of fees.

Fees are established by the Department of Defense and are listed as follows:

(a) Still Photography. Still pictorial or documentary photographic prints.

Unlisted standard sizes of prints may be furnished, if available, at prevailing contract or activity rates.

Price Per Print	Quantity	1-9		
		10-20	21-50	50+
8" x 10" single weight (RC) type) paper.....	4.50	\$3.25	\$2.50	\$1.75
11" x 14" single weight (RC) type) paper.....	9.00	7.00	5.00	4.00
16" x 20" single weight (RC) type) paper.....	19.00	15.00	12.00	9.50
20" x 24" single weight (RC) type) paper.....	30.00	25.00	20.00	15.00
8" x 10" single weight color paper.....	11.00	7.50	3.50	3.00
11" x 14" single weight color paper.....	17.00	9.00	6.50	5.50
16" x 20" single weight color paper.....	35.00	25.00	14.00	11.50
35mm color transparency slide made from color negative.....	5.00	3.50	3.00	3.00
35mm duplicate from 35mm slide.....	1.00	.60	.50	.45
Print mounted on 16" x 20" cardboard.....	8.00	(¹)		
Print mounted on 20" x 24" cardboard.....	8.00	(¹)		
8" x 10" color transparencies.....	² 20.00	² 16.00		
4" x 5" transparencies.....	4.50			
4" x 5" B&W negative.....	2.00			
70mm color negative.....	7.50			

¹ Unit price of print.

² First.

³ Each additional.

Note: DOD Still Records Center photographic services are not normally done in-house by DOD. Charges for the above processing and services will be at prevailing contract rates on a case-by-case basis. All prices are subject to change without notice. Fees for copies of photographs which are part of a patient's medical record should be coordinated with the Patient Affairs Officer at the medical treatment facility.

(b) Motion Picture.

	Price Per Foot Contact
<i>Color:</i>	
16mm work print (positive) work print from an original negative.....	\$.20
16mm reversal work print.....	.20
16mm color master ("A" roll).....	.60
16mm duplicate negative (from master positive).....	.60
16mm reversal duplicate negative.....	.85
16mm internegative (from reversal original).....	.70
16mm short rolls (under 100 ft).....	¹ .10
16mm tab-to-tab printing.....	¹ .10
<i>Black and White:</i>	
16mm work print (negative/positive).....	.10
16mm master positive (fine grain).....	.25
16mm duplicate negative.....	.25
16mm short rolls (under 200 ft).....	¹ .10
16mm tab-to-tab printing.....	¹ .10
<i>Miscellaneous:</i>	
Magnetic tape—dub from 16mm film.....	\$65.00
Searching (per hour or fraction thereof).....	18.00
Minimum charge per film order (including search).....	35.00
16mm film to videotape (broadcast quality tape format per hour).....	² 275.00
Minimum charge for film to videotape transfer.....	² 140.00

¹ Plus basic price.

² Plus raw stock.

Note: 35mm film processing for motion pictures and some motion picture services are not done in-house by the DOD. Charges for these types of processing and services will be at prevailing contract rates on a case-by-case basis. Prices are subject to change without notice.

§ 811.8 Requests for motion media.

Rules	A	A B		D	E
	If the requester is	And material requested is		Then furnish in writing the	And send the request to
		Unclassified	Classified		
1	News media.....	X			SAF/PA, Wash DC 20330-5000 for regional, national or international release; servicing PA for local release.
2	The general public including entertainment, documentary, advertisers, industrial media producers, editors & writers.	X		Film sequence outline of script: intended use of the film/video; type of film stock needed (neg, interneg, print, 3/4" video tape) approx number of screen feet.	SAF/PAMB, Wash DC 20330-5000
3	An Air Force or other federal government agency.	X		Intended use of the film/video type stock needed (neg, interneg, print, 3/4" video tape); approx number of screen feet/minutes.	1352 AVS/AVOS, Norton AFB CA 92409-5996
4	A federal government contractor (to meet USAF requirements specified in federal contract).	X			USAF plant representative
5	An Air Force contractor (to meet VI requirements specified in a USAF contract).		X	Intended use of the material; type of material needed (print, neg, interneg, video); required number of prints, slides, negs, etc.; a full justification for access to classified material.	USAF plant representative
6	A federal government contractor (to provide material for public release).	X			
7	USAF plant representative (to provide material to federal government contractor that is specified in federal contract).	X			1352 AVS/AVOS Norton AFB, CA 92409-5996
8	USAF plant representative (to provide material to federal government contractor for release to public).	X			SAF/PA, 1352 AVS/AVOS IN TURN
9	USAF plant representative (to provide material to an Air Force contractor that was specified in USAF contract).		X		MAJCOM (CC), 1352 AVS/AVOS IN TURN
10	A nonfederal government agency (state, county, territorial, municipal).	X		Intended use of VI materials; type of film, video tape stock needed (neg, interneg, print, 3/4", 1", etc.); approx number of screenfeet/minutes; a certification that requested material cannot be procured reasonably and expeditiously through normal business channels.	SAF-PAMB, Wash DC 20330-5000
11	Member of Congress.....	X	X	Intended use of VI products; type of film/video stock needed (neg, interneg, print, 3/4", 1", etc.); approx number of screen feet: full justification for access to classified material.	SAF-LL, Wash DC 20330-5000
12	Foreign governments, international organizations or their representatives.	X	X		HQ USAF/CVAII or MAJCOM (if delegated authority)
13	Foreign nationals or foreign industries (other than representatives of foreign governments or international organizations).	X			ICA office serving the foreign country (see note)
14	Same as 13.....		X		HQ USAF/CVAII or MAJCOM (if delegated authority)
15	An Air Force activity.....		X		MAJCOM (CC) 1352 AVS/AVOS IN TURN

Rules	A	A B		D	E
	If the requester is	And material requested is		Then furnish in writing the	And send the request to
		Unclassified	Classified		
16	Other non-Air Force activities		X	Intended use of VI product; type of film stock/video tape needed (neg, interneg, print, 3/4", 1", tape, etc.); approx number of screen feet; full justification for access to classified material; a statement describing the measures to be taken—at least equal to those in DOD 5200.1R/AFR 205-1, to safeguard and protect the material against unauthorized disclosure.	HQ USAF/SCV, Wash DC 20330-5190

Note: Requests originating within the United States may be sent to SAF/PA, Wash DC 20330-5000, for coordination with HQ USAF/CVAI(S) and ICA clearance.

§ 811.9 Requests for still VI media.

Rule	A	B C		D	E
	If the requester is	And material requested is		Then furnish in writing the	And send the request to
		Unclassified	Classified		
1	News media	X			SAF/PAMB, Wash DC 20330-5000 for regional, national or international release; servicing PA, for local release.
2	The general public including entertainment, documentary, advertisers, industrial media producers, editors & writers.	X		Story outline or ad copy; intended use of the material; type of material needed (neg, print, interneg); required number of prints, slides, negs, etc..	SAF/PAMB, Wash DC 20330-5000
3	An Air Force or other federal government agency.	X			DOD Still Media Records Center, ATTN: Code LGP-R, Bldg 168, Anacostia Naval Station, Wash DC 20374-1681
4	A federal government contractor (to meet VI requirements specified in federal contract).	X			USAF plant representative
5	An Air Force plant representative (to meet a federal government contractor's needs specified in federal contract).	X			SAF/PA, Wash DC 20330-5000
6	An Air Force contractor (to meet VI requirements specified in a USAF contract).		X	Intended use of the material, type of material needed (print, neg, interneg);.	AF plant representative
7	An Air Force plant representative (to meet a federal government contractor's needs specified in a USAF contract).		X	Required number of prints, slides, negs, etc.; a full justification for access to classified material.	MAJCOM (CC). DOD Central Still Media Records Center
8	A nonfederal government agency (state, county, territorial, municipal).	X		Intended use of the material; type of material needed (neg, print, interneg); required number of prints, slides, negs, etc; a certification that the requested material cannot be procured reasonably and expeditiously through ordinary business channels.	SAF/PA, Wash DC 20330-5000
9	Members of Congress	X	X		SAF/LL, Wash DC 20330-5000

Rule	A	B C		D	E
	If the requester is	And material requested is		Then furnish in writing the	And send the request to
		Unclassified	Classified		
10	Foreign governments, international organizations or their representatives.	X	X	Intended use of the material; type of material needed (print, neg, inter-neg); required number of prints, slides, negs, etc.; a full justification for access to classified material.	HQ USAF/CVAII or MAJCOM (if delegated authority)
11	Foreign nationals or foreign industries other than representatives of foreign governments or international organizations.	X			Central Still Media Records Center
12	Foreign nationals or foreign industries other than representatives of foreign governments or international organizations.		X		HQ USAF/CVAII or MAJCOM (if delegated authority)
13	An Air Force activity		X		MAJCOM (CC), DOD Central Still Media Records Center. IN TURN
14	A non-Air Force activity		X	Intended use of the material; type of material needed (neg, print, inter-neg); required number of prints, slides, negs, etc.; a full justification for access to classified material; a statement describing the measures taken—at least equal to those in DOD 5200.1-R/AFR205-1, to safeguard and protect the material against unauthorized disclosure.	HQ USAF/SCV, Wash DC 20330-5000

Note: Requests originating within the United States may be sent to SAF/PA, Wash DC 20330-5000 for coordination with HQ USAF/CVAII and PA clearance.

[FR Doc. 87-23281 Filed 10-7-87; 8:45 am]
BILLING CODE 3910-01-M

32 CFR Part 811a

Visual Information Documentation (VIDOC) Program

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Proposed rule.

SUMMARY: This part is being revised to update functional address symbols and implement new terminology. This part establishes policy for the management of the Air Force visual information documentation (VIDOC) program. It implements Department of Defense (DOD) Directive 5040.2, and describes how the program is accomplished.

DATE: Comments must be submitted on or before November 9, 1987.

ADDRESS: HQ USAF/SCV, Washington, DC 20330.

FOR FURTHER INFORMATION CONTACT: Major Cultice, HQ USAF/SCV, Washington, DC 20330, telephone (202) 695-9610.

SUPPLEMENTARY INFORMATION: The Department of the Air Force has determined that this regulation is not a major rule as defined by Executive

Order 12291, is not subject to the relevant provisions of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354), and does not contain reporting or recordkeeping requirements under the criteria of the Paperwork Reduction Act of 1980 (Pub. L. 96-511).

List of Subjects in 32 CFR Part 811a

Archives and records, Motion pictures.

Therefore, 32 CFR Part 811a is revised to read as follows:

PART 811a—VISUAL INFORMATION DOCUMENTATION (VIDOC) PROGRAM

Sec.

811a.1 Purpose.

811a.2 Material sources for the VIDOC program.

811a.3 Disposition of VI documentation materials.

Authority: 10 U.S.C. 8013.

§ 811a.1 Purpose.

This part establishes policy for the management of the Air Force visual information documentation (VIDOC) program. It implements Department of Defense (DOD) Directive 5040.2 and describes how the program is accomplished. It applies to all Air Force personnel including United States Air Force Reserve and Air National Guard

units and members. The term major command (MAJCOM), when used in this part includes separate operating agencies and direct reporting units. The Air Force VIDOC program:

(a) Records, through visual information (VI) means (still photographs, motion pictures, video, audio tape, and so forth) imagery of significant Air Force events that document the employment, growth, progress, and exercise of Air Force resources during peacetime and in combat.

(b) Collects and preserves visual imagery of significant Air Force events with known or potential historical or archival value.

(c) Ensures imagery which depicts the prime mission, support activities, and significant events of key Air Force organizations is available. VIDOC imagery or products are used for many purposes, at all levels, in the Air Force. Examples are:

(1) *Immediate use.* Documentation used to help analyze and evaluate concepts and results of deployments, contingencies, tests, exercises, and so forth, during peacetime and in combat to support Air Force, DOD, and national objectives. VIDOC provides source material for slides, motion picture clips, video tapes, multimedia products, and

so forth; used for training, management, information, and briefing purposes. In wartime, products are used to support theater commanders psychological operations objectives, operational briefings, status reports, public affairs requirements, collateral intelligence, and the historical record.

(2) *Future use.* VIDOC materials with long-term or permanent value are retained in DOD central record centers, the National Air and Space Museum, and the National Archives. These make up the pictorial records of development, growth, and progress of air power and provide a continued resource for VI productions and other media presentations.

§ 811a.2 Material sources for the VIDOC program.

(a) The primary sources of VI documentation materials are:

(1) Aerospace Audiovisual Service (AAVS) documentation crews, both ground and aerial, whose primary mission is to acquire Air Force imagery in peacetime and in combat.

(2) Base VI support centers (VISC).

(3) Optical instrumentation and engineering imagery of Air Force research, development, test, and evaluation (RDT&E) projects, including that material originated by defense and aerospace contractors.

(4) Armament delivery recording (ADR) imagery.

(b) Although the imagery may not originate from a documentation requirement, when properly processed, indexed, and stored, it serves as a valuable source of VI documentation.

§ 811a.3 Disposition of VI documentation materials.

(a) VI materials generated or acquired by Air Force members, employees, or contractors in conducting official duties are the property of the United States Air Force. Personal use of VI material for sale or any other reason not directly related to an official Air Force activity is prohibited. Any deviation from this policy must be approved by HQ USAF/SCV. This policy also applies when Air Force members or employees, by choice or agreement, occasionally use personally owned equipment or supplies in conducting official duties.

(b) Photographs, motion picture films, transparencies, video tapes, audio recordings, and other VI products are subject to safeguards and release requirements when released outside the

Department of Defense (see Part 806 and Part 837 of this chapter).

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 87-23280 Filed 10-7-87; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD8-86-12]

Regulated Navigation Area in Houston Ship Channel

AGENCY: Coast Guard, DOT.

ACTION: Cancellation of rulemaking.

SUMMARY: The Coast Guard withdraws the proposed rule to establish a Regulated Navigation Area in the Houston Ship Channel that appeared at page 42595 in the *Federal Register* of Tuesday, November 25, 1986 (51 FR 42595) due to adverse public comment.

EFFECTIVE DATE: October 8, 1987.

FOR FURTHER INFORMATION CONTACT: LT Edwin M. Stanton, project officer, Commander (merps), Eighth Coast Guard District, Rm. 1341, Hale Boggs Federal Bldg., 500 Camp St., New Orleans, LA 70130-3396, (504) 589-6901.

SUPPLEMENTARY INFORMATION: On 25 November, 1986, the Coast Guard published a notice of proposed rulemaking in the *Federal Register* for these regulations (CGD8-86-12). Interested persons were asked to submit comments and five comments were received.

Drafting Information

The drafters of these regulations are CDR Al Dujenski, project officer, Coast Guard Port Safety Station Houston; and LCDR J.J. Vallone, project attorney, Eight Coast Guard District Legal Office.

Discussion of Comments

Five comments were received. All five comments noted that the present system of voluntary cooperation is working well and that the regulations are unnecessary. All five comments also stated that the proposed regulations would have a direct negative economic impact on marine commerce in the Port of Houston, by placing unrealistic time and reporting requirements on bunkering and breasted-up cargo operations. One of the five commented that the requirement to clear the channel in 30 minutes would provide sufficient time to safely shut down and survey a bunker or liquid cargo operation.

Conclusion

The Coast Guard concludes that the imposition of restrictions on vessels mooring abreast in the Houston Ship Channel is unnecessary and not conducive to the facilitation of maritime commerce.

Notice of Proposed Rulemaking CGD8-86-12 (51 FR 42595) is cancelled.

No further rulemaking on this subject is being considered.

Dated: September 25, 1987.

J.D. Sipes,

Captain, U.S. Coast Guard, Commander, 8th Coast Guard District, Acting.

[FR Doc. 87-23348 Filed 10-7-87; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region II Docket No. 82; FRL-3274-4]

Approval and Promulgation of Implementation Plans; Revision to the State of New Jersey Implementation Plan for Lead

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This notice announces that the Environmental Protection Agency is proposing approval of a revision to the New Jersey State Implementation Plan (SIP) for lead. This revision consists of material prepared by the New Jersey Department of Environmental Protection pursuant to a SIP commitment to conduct studies and implement appropriate actions in order to provide for attainment and maintenance of the ambient air quality standard for lead in the vicinity of the United States Metals Refining Company (USMR) in the Borough of Carteret. Among the actions proposed are specific measures to control fugitive dust emissions from the USMR plant property due to the demolition of buildings at the site and to continue ambient air monitoring for lead in the vicinity of the facility until at least August 1989.

DATE: Comments must be received by November 9, 1987. Public comments on this document are requested and will be considered before taking final action on this SIP revision.

ADDRESSES: All comments should be addressed to: Christopher J. Daggett, Regional Administrator, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278.

Copies of the SIP revision are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency,
Region II Office, Air Programs Branch,
26 Federal Plaza, Room 1005, New
York, New York 10278.

New Jersey Department of
Environmental Protection, Division of
Environmental Quality, 401 East State
Street, Trenton, New Jersey 08625.

FOR FURTHER INFORMATION CONTACT:

William S. Baker, Chief, Air Programs
Branch, Environmental Protection
Agency, Room 1005, 26 Federal Plaza,
New York, New York 10278, (212) 264-
2517.

SUPPLEMENTARY INFORMATION:

Background

On November 25, 1986 [51 FR 42565] The Environmental Protection Agency (EPA) approved, with the exception of the Borough of Carteret, the New Jersey State Implementation Plan (SIP) for the attainment and maintenance of the national ambient air quality standards (NAAQS) for lead. As described in that notice, EPA was unable to take final action with respect to the Borough of Carteret because of the need for a revised control plan for United States Metals Refining Company (USMR), a smelting facility located in the area. Even though the State had issued an Administrative Consent Order requiring specific control measures to result in 90 percent control efficiency of fugitive process emissions at the USMR facility and modeling of air emissions at the facility had shown that implementation of the measures contained in this order should have provided for the attainment of the lead standards in its vicinity, violations of the lead NAAQS continued to be monitored.

On March 4, 1986, the New Jersey Department of Environmental Protection (NJDEP) issued an Administrative Order requiring the development and implementation of a compliance plan for the facility. This new order includes air quality modeling analysis and an extension of the requirements for ambient sampling. USMR submitted the compliance plan on August 11, 1986. This plan demonstrates that the principal contributors of lead to the ambient air were baghouse dust piles and stockpile and process fugitive emissions. In September of 1986, USMR shut down operations at all lead emitting sources on the site (except the laboratory which is permitted to emit 0.015 tons per year of lead) and announced plans for the development of the property for other uses. As a

consequence of this shut down, the facility's air pollution control permits were terminated by the State. The subsequent demolition of the plant raised the question of what control measures, if any, were needed to attain and maintain the ambient standard for lead.

The State Submittal

On July 23, 1987 the State of New Jersey sent EPA a SIP revision for USMR. The primary purpose of this submittal was to fulfill requirements necessary to complete the State's SIP for lead. Today's action only discusses the adequacy and approvability of revisions to the New Jersey SIP for lead as they relate to the USMR facility. A public announcement requesting comments on this SIP submittal was made in the *New Jersey Register* on July 20, 1987. At the request of the State, EPA is proposing approval of this revision concurrently with New Jersey and will take final action only after New Jersey completes its review and adoption process.

This specific SIP revision addresses those violations of the lead standard which were recorded from late 1984 through mid-1986. It includes a modeling demonstration which shows that these monitored violations resulted from both stack and fugitive process emissions during plant operations. It is important to note that there are some minor technical deficiencies in the modeling and air quality demonstration that were performed to assess the impact of the facility. However, it is clear that, because the source is shut down, and its major emission points eliminated, the U.S. Metals facility will no longer cause violations of the lead standard. However, it also shows that wind-blown dust from piles of baghouse dust which had accumulated were a significant contributor to the high ambient concentration of lead and that operations at the Anchor Abrasives plant (which processes slag that was generated by USMR), located in Carteret adjacent to the USMR facility, have no significant effect on the ambient lead concentrations (<.001 ton/year).

Operations at the USMR facility have now been permanently terminated and the piles of dust which contributed to the ambient concentration have been removed. Therefore, the control strategy needed for the attainment and maintenance of the NAAQS includes the permanent shutdown of the plant's significant lead emitting operations, the removal of loose piles of baghouse dust, and other measures, such as wetting down and vacuum sweeping, to prevent any lead contaminated dust from being blown away. Similar dust control

measures will be implemented during the dismantling of the plant and monitoring will be continued until attainment of the standard has been demonstrated for two consecutive years. NJDEP will be notified in advance by USMR of each phase of the demolition and dismantling of the facility.

Finding

EPA finds that the measures being carried out by USMR to end operations, remove the dust piles, and control wind-blown dust will provide for the attainment and continued maintenance of the lead standard at this location.

EPA is soliciting public comments on this notice and on issues relevant to EPA's proposed action. Comments will be considered before taking final action. Interested parties may participate in the federal rulemaking procedure by submitting written comments to the address noted at the beginning of today's notice.

The revisions are being proposed under a procedure called "parallel processing" (June 23, 1982, 47 FR 27073). If the proposed revision is substantially changed by the State from that specified in today's notice, EPA may request additional public comment. Otherwise, EPA proposes to take final rulemaking action. The final rulemaking action by EPA will occur only after the SIP revision has been adopted by New Jersey and submitted to EPA for incorporation into the SIP. Parallel processing will reduce the time necessary for final approval of this SIP revision.

Conclusions

EPA is proposing to approve the revision pertaining to the Borough of Carteret as a part of the New Jersey lead SIP. EPA is proposing expressly to incorporate the strategy for the USMR facility into the SIP for the State of New Jersey. This revision has been found to fulfill the commitment made by New Jersey in its lead SIP to study the facility and implement appropriate control measures.

This notice is issued as required by Section 110 of the Clean Air Act, as amended. The Administrator's decision regarding the approval of this plan revision is based on its meeting the requirements of section 110 of the Clean Air Act and 40 CFR Part 51.

Under 5 U.S.C. section 605(b), I certify that this SIP revision will not have a significant impact on a substantial number of small entities. (See 46 FR 8709.)

The Office of Management and Budget has exempted this rule from the

requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control, Lead, Incorporation by reference.

Authority: 42 U.S.C. 7401-7642.

Date: August 25, 1987.

Christopher J. Daggett,

Regional Administrator, Environmental Protection Agency, Region II.

[FR Doc. 87-23302 Filed 10-7-87; 8:45 am]

BILLING CODE 6550-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 84

Revision of Tests and Requirements for Certification of Permissibility of Respiratory Protective Devices Used in Mines and Mining

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control (CDC), Public Health Service, HHS.

ACTION: Proposed rule; extension of comment period, change in address and notice of meetings.

SUMMARY: On August 27, 1987, the National Institute for Occupational Safety and Health published in the *Federal Register* (52 FR 32401) a proposed rule for certification of respiratory protective devices. Due to requests from the public, this Notice announces that NIOSH is extending the period for public comment on its proposed rule. The close of the comment period has been changed from October 26, 1987, to December 28, 1987.

The administrative record for this rulemaking may be viewed in the NIOSH Docket Office in Atlanta, Georgia, during normal business hours of 8 a.m. to 4:30 p.m., Monday through Friday, except for Federal holidays. Due to requests from the public, this Notice further announces informal public meetings on that proposed rule in San Francisco, California, and Washington, DC, on the dates and at the addresses listed below.

DATES: Written comments on the proposed rule must be received at the NIOSH Docket Office before the close of business on December 28, 1987. Informal public meetings on the proposed rule are scheduled to begin at 9 a.m. on January 20, 1988, in San Francisco, California, and at 9 a.m. on January 27, 1988, in Washington, DC. The San Francisco meeting is scheduled for 1 day and the

Washington meeting is scheduled for 2 days. Interested persons wishing to provide oral comments at one of the informal public meetings should file a request for appearance with the NIOSH Docket Office no later than the close of business January 5, 1988, for the San Francisco meeting and no later than the close of business January 12, 1988, for the Washington meeting. The record of the informal public meetings will remain open for 30 days following the close of the Washington meeting to allow interested persons to submit written statements or comments regarding oral presentations made at either public meeting.

ADDRESSES: Comments on the proposed rule should be mailed in triplicate to the NIOSH Docket Office, Mail Stop E-23, 1600 Clifton Road, NE, Atlanta, Georgia 30333. The Docket Office is now located at Room 506, 255 East Paces Ferry Road, NE, Atlanta, Georgia, telephone (404) 264-6890. These are changes from the address listed in the proposed rule. However, comments received at the address listed in the proposed rule will be forwarded to Atlanta.

Requests to participate in the public meetings should be mailed in duplicate to the NIOSH Docket Officer, Mail Stop E-23, 1600 Clifton Road, NE, Atlanta, Georgia 30333. The public meeting in San Francisco, California, on January 20, 1988, will be held at Room 300, City and County of San Francisco Public Health Building, 101 Grove Street, San Francisco. The public meeting in Washington, DC, on January 27-28, 1988, will be held at the First Floor Auditorium, back of the Great Hall, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Dr. Nelson Leidel, Docket Officer, National Institute for Occupational Safety and Health, Mail Stop D-37, 1600 Clifton Road, NE, Atlanta, Georgia 30333, telephone (404) 264-6890 or (404) 329-3901.

SUPPLEMENTARY INFORMATION: The administrative record of this rulemaking will consist of the August 28, 1987, Notice of Proposed Rulemaking, all other relevant *Federal Register* notices, agency records on this subject, all written submissions made in response to the Notices, and the record of the informal public meetings. The record of the informal public meetings will consist of the meeting schedules, transcripts made by NIOSH of the oral comments at the meetings, any written comments submitted by presenters at the meetings, and statements or comments regarding oral presentations made at either public

meeting submitted by interested persons within 30 days following the close of the Washington public meeting. No written submission, or any portion thereof, made in response to this Notice will be received or held in confidence. The administrative record of the rulemaking will be made available for viewing and copying in the NIOSH Docket Office. All requests for any portion of the administrative record must be submitted in writing.

To facilitate computer entry of written comments into the administrative record, parties are encouraged, but not required, to submit all written comments in a format meeting the following guidelines: each of the three copies should be on paper measuring 8½-inch by 11-inch paper; with double-spaced text having top, bottom, and side margins of at least 1-inch width; and typed with a Courier 10, Courier 12, Courier 72, Elite 12, Letter Gothic, Prestige Pica 10, or Prestige Elite 12 typeface.

All interested persons are encouraged to submit written comments to assure receipt on or before the close of business December 28, 1987, and to advise the NIOSH Docket Office by the necessary date of their intent to participate in one of the informal public meetings. All requests for appearance at one of the informal public meetings should contain the name, address, and telephone number, any business affiliation of the person desiring to make a presentation, a brief summary of the presentation, and the approximate time requested for the presentation. NIOSH requests that oral presentations be limited to 15 minutes, if possible. Groups having similar interests are requested to combine their comments and present them through a single representative. NIOSH will assign the time available for each meeting among the persons who properly file a request for appearance.

After reviewing the submitted summaries and the requests for appearance, NIOSH will schedule each appearance and notify each participant by mail or telephone of the time assigned to the person and the approximate time the person's oral presentation is scheduled to begin. The meeting schedules will be placed on file in the NIOSH Docket Office.

The proceedings of the meetings will be transcribed. Any interested person may, consistent with the orderly conduct of each meeting, record or otherwise make a transcript of each meeting. Each participant may present relevant written information, data, or views for inclusion in the record of the meetings.

Any person who desires to submit an advance written statement may file three copies with the NIOSH Docket Office. A participant may be accompanied by a reasonable number of additional persons, space permitting.

If a participant is not present when his or her presentation is scheduled to begin, the remaining participants will be heard in order. At the conclusion of a meeting, an attempt will be made to hear any scheduled participants who missed his or her assigned time. Interested persons attending a meeting who did not request an opportunity to make an oral presentation may be given an opportunity to do so at the conclusion of each meeting, at the discretion of the presiding officer.

Dated: October 2, 1987.

Larry W. Sparks,

Executive Officer, National Institute for Occupational Safety and Health.

[FR Doc. 87-23240 Filed 10-7-87; 8:45 am]

BILLING CODE 4160-19-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Extension of Comment Period on Proposal to Reclassify Wild Nile Crocodile Populations in Zimbabwe From Endangered to Threatened

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Service extends the comment period on a proposed rule to reclassify wild Nile crocodile populations in Zimbabwe from endangered to threatened.

DATE: Comments on this proposal must be received by November 1, 1987.

ADDRESS: Comments and other information concerning the proposal should be sent to the Director (OES), Broyhill 500, U.S. Fish and Wildlife Service, Washington, DC 20240. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

SUPPLEMENTARY INFORMATION:

Background

The Nile crocodile occurs along the lower Nile, in parts of tropical and southern Africa, and in Madagascar. In 1983, the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora moved Nile Crocodile populations in Zimbabwe from Appendix I to II. This change in status recognized that Zimbabwe populations are not in immediate danger of extinction, but that certain threats still exist to the species, and prompted the Service to reclassify Zimbabwe's ranched Nile crocodiles from endangered to threatened (52 FR 23148).

On June 17, 1987 (52 FR 23152), the Service published a proposed rule to reclassify wild Nile crocodiles in Zimbabwe from endangered to threatened under section 4 of the

Endangered Species Act of 1973. Because the Government of Zimbabwe did not have enough time to comment on the proposed rule, and because the Service desires to avail itself of the most complete and current information available in deciding a final course action, the period for comment on this proposal is extended to November 1, 1987. All information received by November 1, 1987, will be considered. The Service hereby requests all interested parties to provide any additional information regarding wild populations of the Nile crocodile in Zimbabwe.

Authority

The authority citation for Part 17 continues to read as follows: 16 U.S.C. *et seq.*; 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. 1255; Pub. L. 97-304, 96 Stat. 1411; Pub. L. 99-625, 100 Stat. 3500.

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Dated: September 29, 1987.

Frank Dunkle,
Director.

[FR Doc. 87-23294 Filed 10-7-87; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register

Vol. 52, No. 195

Thursday, October 8, 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

Animal and Plant Health Inspection Service

[Docket No. 87-112]

Genetically Engineered Tobacco Plant; Determination of Plant Pest Risk Status

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: The Animal and Plant Health Inspection Service (APHIS) has reviewed a protocol submitted by Calgene, Inc., Davis, California, for the field testing of genetically engineered herbicide resistant tobacco plants. Based upon the data submitted in the protocol, APHIS has made a determination of the plant pest risk of the genetically engineered tobacco plants. APHIS has concluded that the field testing of the genetically engineered tobacco plants does not present a risk of plant pest introduction or dissemination.

ADDRESS: Copies of the APHIS opinion letter may be obtained by contacting Shirley Ingebritsen, Biotechnology and Environmental Coordination Staff, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 406, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-7907.

FOR FURTHER INFORMATION CONTACT:

Mr. Terry L. Medley, Director, Biotechnology Environmental and Coordination Staff, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 406, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-7602.

SUPPLEMENTARY INFORMATION: On April 16, 1987, Calgene Inc., of Davis, California, submitted to the Animal and Plant Health Inspection Service (APHIS) a protocol for the field testing of

genetically engineered tobacco plants in Yolo County, California. The genetically engineered tobacco plants were altered by the addition of a single gene, from the bacterium *Salmonella typhimurium*, for the purpose of making the plants resistant to glyphosate herbicide. The field testing is designed to evaluate the performance of the tobacco plants against glyphosate under field conditions.

The Federal Plant Pest Act, as amended (7 U.S.C. 150aa through 150jj), and regulations issued thereunder, requires APHIS to prevent the introduction and dissemination of plant pests in the United States. Pursuant to the Calgene, Inc. request, APHIS has reviewed the Calgene protocol to determine the plant pest risk of the proposed field trial of the genetically engineered tobacco plants. APHIS has determined that the proposed field trial of the genetically engineered tobacco plants does not present a risk of plant pest introduction or dissemination. The APHIS determination is not in the form of a "permit," but rather is an opinion letter, dated June 10, 1987, which concludes that the genetically engineered tobacco plants do not present a risk of plant pest introduction or dissemination.

The basis for this determination was as follows:

1. The plasmid of *Agrobacterium tumefaciens* used to infect and transform the subject tobacco plants was biologically "disarmed" and the transformed tobacco cells were tested and shown to be free of *A. tumefaciens*. Therefore, it is extremely unlikely that the plasmid used to transfer to the tobacco plants, the gene *aroA* for 5-enopyruvyl shikimate-3-phosphate (EPSP) synthase, which is the glyphosate resistance gene, and the antibiotic marker would be able to incite disease in the recipient plant or to escape and infect other plants in the environment.

2. Both the Kanamycin (antibiotic marker) and the herbicide resistance genes have been stably incorporated into the genome of the recipient tobacco plants. The risk of horizontal movement of these genetic traits from the experimental tobacco plants into the genetic environment is negligible because of their stable incorporation and the complete lack of a suitable mechanism to vector the genetic material.

3. The donor organism used to supply the glyphosate resistance gene (*aroA*) was the bacterium *Salmonella typhimurium*. The modified *aroA* gene codes for an enzyme (EPSP synthase) that is less sensitive to glyphosate than its wild-type counterpart. A complete description of the modified *aroA* gene, including the method of isolation and complete gene sequence, is contained in two papers published in refereed journals. Data is provided to show that the modified *aroA* gene is stably integrated in these tobacco lines and spread of the genetic determinant will be prevented by rigorous monitoring and prevention of flowering and concomitant pollen production. Therefore, spread of the gene does not pose a risk of plant pest introduction or dissemination. The other gene, Kanamycin resistance, which is also involved in the transformation of the tobacco, has no inherent plant pest characteristics, and functions only as a genetic marker in the initial cell selection process following transformation. Therefore, it poses no plant pest risk.

4. It appears that the field test is to be conducted in such a way to insure that there will be no significant risk of plant material from field testing surviving in the environment beyond the termination of the experiment, or becoming mixed with the genetic material of other tobacco populations outside of the test site at the Yolo County, California, facility.

Done in Washington, DC, this 5th day of October, 1987.

W.F. Helms,

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

[FR Doc. 87-23344 Filed 10-7-87; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF COMMERCE

Agency Form Under Review by Office of Management and Budget

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: International Trade Administration

Title: Participation Agreement

Form Numbers: Agency—ITA 4008P and 4008P(a); OMB—0625-0147

Type of Request: Extension of the expiration date of a currently approved collection

Burden: 3,000 respondents; 1,000 reporting hours

Needs and Uses: The International Trade Administration sponsors up to 200 overseas trade promotion events each fiscal year. These events include trade fairs, trade and seminar missions, and catalogue or video-catalogue shows in which U.S. companies display, demonstrate, and promote their goods and services in foreign markets. The Participation Agreement is the vehicle by which individual firms agree to participate in ITA's trade promotion program, identify the products or services they intend to sell or promote, and record their required financial contribution to the Department of Commerce.

Affected Public: Businesses or other for-profit institutions; small businesses or organizations

Frequency: On occasion

Respondent's Obligation: Required to obtain or retain a benefit

OMB Desk Officer: John Griffen, 395-7340

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, Room 6622, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to John Griffen, OMB Desk Officer, Room 3228, New Executive Office Building, Washington, DC 20503.

Dated: October 5, 1987.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 87-23345 Filed 10-7-87; 8:45 am]

BILLING CODE 3510-CW-M

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of application for an amendment to an Export Trade Certificate of Review.

SUMMARY: The Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, has received an application for an amendment to an Export Trade Certificate of Review. This notice summarizes the amendment and requests comments relevant to whether the certificate should be amended.

FOR FURTHER INFORMATION CONTACT:

George Muller, Acting Director, Office of Export Trading Company Affairs, International Trade Administration, 202/377-5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (Pub. L. 97-290) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A certificate of review protects its holder and the members identified in it from private treble damage actions and from civil and criminal liability under Federal and state antitrust laws for the export conduct specified in the certificate and carried out during its effective period in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the *Federal Register* identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether a certificate should be issued. An original and five (5) copies should be submitted no later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 5618, Washington, DC 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). Comments should refer to this application as "Export Trade Certificate of Review, application number 85-A0015."

OETCA has received the following application for an amendment to Export Trade Certificate of Review #85-00015, which was issued on January 27, 1986 (51 FR 3996, January 31, 1986)

Applicant: California Dried Fruit Export Trading Company, 64 North Fulton Street; P.O. Box 12148, Fresno, California 93776, Contact: Mr. Kermit W. Almstedt, Legal Counsel, Telephone: (202) 383-5367.

Application #: 85-A0015

Date Deemed Submitted: September 28, 1987

Current Members (in addition to applicant): A & M Farms, Inc.; American Raisin Packers; Boghosian Raisin Packing Co., Inc.; Bonner Packing Company; California Prune Packing Co.; Caruthers Raisin Packing Company; Central California Raisin Packing Company; Champion Raisin International; Chooljian & Sons dba Del Rey Packing Company; Chooljian Bros. Packing Co., Inc.; Enoch Packing Co.,

Inc.; Lion Enterprises, Inc. (d/b/a Lion Dehydrator; Lion Packing Company, Lion Ranches); Lion Packing Company; National Raisin Company; Prize Exports, Inc.; Sun-Diamond Growers of California; Sun-Maid Growers of California; Sunsweet Growers Inc.; Tagus Ranch Packing; and Victor Packing, Inc.

Summary of the Application

California Dried Fruit Export Trading Company seeks to add the following entities as "Members" of the certificate:

1. Fresno Cooperative Raisin Growers, Inc. of Fresno, California.
2. Madera Raisin Sales Co. of Madera, California.
3. West Coast Growers and Packers, Inc. of Selma, California (controlling entity: Commercial International Corporation).

Dated: October 5, 1987.

George Muller,

Acting Director, Office of Export Trading Company Affairs.

[FR Doc. 87-23418 Filed 10-7-87; 8:45 am]

BILLING CODE 3510-DR-M

Switching Subcommittee of the Telecommunications Equipment Technical Advisory Committee; Partially Closed Meeting

A meeting of the Switching Subcommittee of the Telecommunications Equipment Technical Advisory Committee will be held October 28, 1987, 9:30 a.m., Room 3708, at the Herbert C. Hoover Building, 14th Street and Constitution Avenue, NW., Washington, DC. The Switching Subcommittee was formed to study computer controlled switching equipment with the goal of making recommendations to the Office of Technology & Policy Analysis relating to the appropriate parameters for controlling exports for reasons of national security.

Agenda

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Discussion of sensitivity hierarchy of technical data transfer for switching.

Executive Session

5. Discussion 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 of the meeting will be open to the public and a limited number of seats will be available. To the

extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1986, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Telephone: (202) 377-4217. For further information or copies of the minutes, call Betty Ferrell at (202) 377-4959.

Date: October 2, 1987.

Margaret A. Cornejo,
Director, Technical Support Staff, Office of
Technology and Policy Analysis.

[FR Doc. 87-23272 Filed 10-7-87; 8:45 am]

BILLING CODE 3510-DT-M

Telecommunications Equipment Technical Advisory Committee; Partially Closed Meeting

A meeting of the Telecommunications Equipment Technical Advisory Committee will be held October 27, 1987, 9:30 a.m. Herbert C. Hoover Building, Room B841, 14th Street and Constitution Avenue, NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions that affect the level of export controls applicable to telecommunications and related equipment or technology.

Agenda

1. Opening remarks by the Chairperson.
2. Review and approval of the minutes of August 11, 1987, meeting.
3. Presentation of papers or comments by the public.

Executive Session

4. Discussion 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 of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1986, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Telephone: (202) 377-4217. For further information or copies of the minutes, call Betty Ferrell at (202) 377-4959.

Date: October 2, 1987.

Margaret A. Cornejo,
Director, Technical Support Staff, Office of
Technology and Policy Analysis.

[FR Doc. 87-23273 Filed 10-7-87; 8:45 am]

BILLING CODE 3510-DT-M

National Oceanic and Atmospheric Administration

[Modification No. 1 to Permit No. 606]

Marine Mammals; Modifications of Permit Issued to the Naval Ocean Systems Center (P8F)

Notice is hereby given that pursuant to the provisions of § 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Scientific Research Permit No. 606 issued to the Naval Ocean Systems Center, P.O. Box 997, Kailua, Hawaii 96734, on August 28, 1987, (52 FR 33615) is corrected in the following manner:

Section B.6 is replaced by:

"6. This Permit is valid with respect to the importation authorized herein until December 31, 1992."

This modification becomes effective October 2, 1987.

Documents submitted in connection with the above modification are

available for review in the following offices:

Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, 1825 Connecticut Avenue, NW., Room 805, Washington, DC; and Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731-7415.

Nancy Foster,

Director, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service.

Date: October 2, 1987.

[FR Doc. 87-23318 Filed 10-7-87; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1987; Addition; Correction

In FR Doc. 87-22139 appearing on page 36084 in the issue of Friday, September 25, 1987, make the following correction:

On page 36084, under the listing for Screwdriver, Flat Tip, the four-digit numbers reading "5210-" should read "5120-".

C.W. Fletcher,

Executive Director.

[FR Doc. 87-23268 Filed 10-7-87; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

September 29, 1987.

The USAF Scientific Advisory Board Armament Division Advisory Group will meet on November 18, 1987, from 8:00 a.m. to 5:00 p.m. and on November 19, 1987, from 8:00 a.m. to 3:00 p.m. at Armament Division Headquarters, Building 1, Eglin Air Force Base, Florida.

The purpose of this meeting is to receive briefings on and to advise the Commander, Armament Division, on the sensor fuzed weapon full-scale development program.

This meeting will involve discussions of classified defense matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-4648.

Patsy J. Conner,
Air Force Federal Register Liaison Officer.
[FR Doc. 87-23271 Filed 10-7-87; 8:45 am]
BILLING CODE 3910-01-M

Corps of Engineers; Department of the Army

Intent To Prepare a Joint Environmental Impact Statement (EIS)/Environmental Impact Report (EIR) for the Proposed San Pedro Bay Ports 2020 Plan; Phase I/Los Angeles; Long Beach Harbors Feasibility Study, Los Angeles County, CA

AGENCY: Los Angeles District, U.S. Army Corps of Engineers, Department of Defense and the Port of Los Angeles and the Port of Long Beach.

ACTION: Notice of intent to prepare a joint Environmental Impact Statement (EIS)/Environmental Impact Report (EIR).

SUMMARY:

1. Proposed Action

A joint Environmental Impact Statement (EIS)/Environmental Impact Report (EIR) will be prepared to evaluate alternatives to the proposed San Pedro Bay Ports 2020 Plan Phase I/Los Angeles—Long Beach Harbors Feasibility Study. This EIS/EIR is being prepared for two purposes. The first is to satisfy the Corps of Engineers regulatory requirements for evaluation of permit applications for dredging and landfilling activities associated with Phase I projects pursuant to section 10 of the Rivers and Harbors Act and section 404 of the Clean Water Act. These projects include Pier K in the Port of Long Beach, the South landfill (Pier 400) in the Port of Los Angeles, and a joint transportation corridor. In addition, the Port of Long Beach Pier J landfill and the Port of Los Angeles Pactex Project are considered part of the Phase I of the 2020 Plan for the purposes of the Federal Feasibility Study. The environmental documents already published for these two projects shall be incorporated by reference. The second purpose for preparation of the EIS/EIR is to satisfy requirements for environmental review

of the proposed Corps of Engineers' Feasibility Study for channel improvements.

2. Alternatives

The proposed project consists of creating landfill in the outer portion of San Pedro Bay within both the Port of Los Angeles and the Port of Long Beach, creation of landfill to support a joint transportation corridor to Terminal Island, and dredging navigation channels to planned and existing landfills. Approximately 1200 acres of landfill may be created. Alternatives to be evaluated will include, but not necessarily be limited to, no project, other landfill configurations, other nonlandfill alternatives which could accommodate projected increases in cargo, and ocean disposal of material dredged from the navigation channels.

3. Scoping Process

An extensive mailing list is being developed which includes Federal, state, and local agencies and other interested public and private organizations and parties. Each entity on the mailing list will receive a copy of the scoping public notice which will have details of the proposed studies and dates of public scoping meetings. Formal coordination with appropriate Federal, state, and local agencies has begun. Public meetings will be held during the review period of the draft EIS/EIR. Specific meeting dates, times, and places will be published in local newspapers.

4. Potentially Significant Issues

Potentially significant issues identified include impacts to water quality and circulation, biological resources, endangered species, land and water use, transportation, recreation, and cultural resources.

5. Availability of Joint EIS/EIR

The draft EIS/EIR is expected to be available to the public in early 1989.

6. Comments

Comments and questions regarding the project may be addressed to: U.S. Army Corps of Engineers, Los Angeles District, Attn: Ms. Shannon Cuniff,

CESPL-PD-RP, P.O. Box 2711, Los Angeles, CA 90053-2325, (213) 894-0239.

Tadahiko Ono,
Colonel, Corps of Engineers, District Engineer.

[FR Doc. 87-23270 Filed 10-7-87; 8:45 am]

BILLING CODE 3710-KF-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA C&E 87-60; Certification Notice-5]

Filing of Certification of Compliance; Coal Capability of New Electric Powerplants; Texas-New Mexico Power Co. et al.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of filing.

SUMMARY: Title II of the Powerplant and Industrial Fuel Use Act of 1978, as amended ("FUA" or "the Act") (42 U.S.C. 8301 *et seq.*) provides that no new electric powerplant may be constructed or operated as a base load powerplant without the capability to use coal or another alternate fuel as a primary energy source (section 201(a)). In order to meet the requirement of coal capability, the owner or operator of any new electric powerplant to be operated as a base load powerplant proposing to use natural gas or petroleum as its primary energy source may certify, pursuant to section 201(d) to the Secretary of Energy prior to construction, or prior to operation as a base load powerplant, that such powerplant has capability to use coal or another alternate fuel. Such certification establishes compliance with section 201(a) as of the date it is filed with the Secretary. The Secretary is required to publish in the Federal Register a notice reciting that the certification has been filed. Three owners or operators of proposed new electric base load powerplants have filed self certifications in accordance with section (d). Further information is provided in the SUPPLEMENTARY INFORMATION section below.

SUPPLEMENTARY INFORMATION: The following companies filed self certifications:

Name	Date received	Type facility	Megawatt capacity	Location
Texas-New Mexico Power Company, Robertson County, TX.....	8-24-87	Combined Cycle	600	Robertson County, Texas
Ada Cogeneration, Walnut Creek, CA.....	9-9-87	Combined Cycle	29.5	Ada, MI
Enserch Development Corp., Houston, TX.....	9-16-87	Combined Cycle	255	Sweetwater, TX

Amendments to FUA on May 22, 1987 (Pub. L. 100-42) altered the general prohibitions to include only new electric baseload powerplants and to provide for the self certification procedure.

Issued in Washington, DC, on September 24, 1987.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 87-23356 Filed 10-7-87; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ER87-670-000 et al.]

Montana Power Company et al.; Electric Rate and Corporate Regulation Filings

Take notice that the following filings have been made with the Commission:

1. Montana Power Edison

[Docket No. ER87-670-000]

October 1, 1987.

Take notice that on September 25, 1987, Montana Power Company (Montana Power) tendered for filing Notice of Cancellation of Montana Power Rate Schedules FERC Nos. 154, 155, 156, 157 (and Supplement No. 1), 158 (and Supplement No. 1), 159 (and Supplement No. 1), 160, 161 and 162. Montana Power states that the short term power sales agreements have expired and are to be cancelled in accordance with their own terms. Montana Power states that Notice of Cancellation have been submitted to the participating parties.

Comment date: October 15, 1987, in accordance with Standard Paragraph E at the end of this notice.

2. Carolina Power & Light Co.

[Docket No. ER87-676-000]

October 2, 1987.

Take notice that on September 28, 1987, Carolina Power & Light Company tendered for filing proposed changes in its Service Agreement FPC No. T1R1.S18. with the Wake Electric Membership Corporation (EMC). This filing reflects the installation of Wake EMC's new point of delivery, Pocomoke 115 kV, with an in-service date of early November 1987. The Pocomoke 115 kV point of delivery will have special metering facilities to provide metering pulse information as provided under Carolina Power & Light Company's additional facilities plan.

Comment date: October 19, 1987, in accordance with Standard Paragraph E at the end of this notice.

3. Central Illinois Public Service Co.

[Docket No. ES87-41-000]

October 2, 1987.

Take notice that on September 24, 1987, Central Illinois Public Service Company (Applicant), filed an Application with the Commission pursuant to section 204 of the Federal Power Act, seeking authorization to issue from time to time, short-term debt obligations in the aggregate maximum principal amount not exceeding \$120,000,000 outstanding at any time with final maturities not later than December 31, 1989.

Comment date: October 23, 1987, in accordance with Standard Paragraph E at the end of this notice.

4. Cliffs Electric Service Co., Upper Peninsula Generating Co., Upper Peninsula Power Co.

[Docket No. ER87-632-000]

October 2, 1987.

Take notice that on September 28, 1987, Cliffs Electric Service Company, Upper Peninsula Generating Company, and Upper Peninsula Power Company tendered for filing additional information to the 1978 Basic Agreement (FERC Rate Schedule No. 22). The information is a three page exhibit which sets forth the basis upon which the parties to the 1978 Basic Agreement negotiated a revision to the procedure by which costs associated with the new dispatch center will be shared.

Comment date: October 19, 1987, in accordance with Standard Paragraph E at the end of this document.

5. Gulf Power Co.

[Docket No. ER87-671-000]

Take notice that on September 28, 1987, Gulf Power Company (Gulf) tendered for filing revised sheets to the AEC-Gulf Power Company Interconnection Agreement. These revised sheets, consisting of Informational Schedules A, B, T (for Levels B-2, C, D, E), P-11 of Exhibit A, and M-14 of Exhibit T, reflect a reduction in rates for transmission service under Service Schedules A, B, and T resulting from a negotiated reduction in the return on common equity component of the formulary rates from 15.25% to 14.00%. These revisions are proposed to become effective for service on September 1, 1987; and Gulf, therefore, requests waiver of the Commission's notice requirements to allow such effective dates.

The customer has consented to the proposed tariff change as evidenced by the executed letter of consent submitted with the filing.

Comment date: October 19, 1987, in accordance with Standard Paragraph E at the end of this notice.

6. Idaho Power Co.

[Docket No. ER87-675-000]

October 2, 1987.

Take notice that on September 28, 1987, Idaho Power Company (IPCo) of Boise, Idaho, tendered for filing rate reductions in compliance with the Federal Energy Regulatory Commission Order No. 475 in Docket No. 87-4-000 re Rate Changes Relating to Corporate Income Tax Rates for Public Utilities.

This filing regards rate reductions in wholesale contracts with the City of Weiser, Idaho, CP National Company and Sierra Pacific Power Company and transmission service agreements with Utah Power & Light Company and Pacific Power & Light Company (June 1, 1974), Pacific Power & Light Company (September 10, 1980), Sierra Pacific Power Company (May 29, 1981) and Utah Power & Light Company (March 19, 1982).

IPCo states that it has served copies of its filing on all parties who purchase wholesale or firm transmission service from IPCo.

Comment date: October 19, 1987, in accordance with Standard Paragraph E at the end of this notice.

7. Iowa Electric Light and Power Co.

[Docket No. ES87-42-000]

October 2, 1987.

Take notice that on September 25, 1987, the Iowa Electric Light and Power Company (Applicant) filed an Application pursuant to section 204 of the Federal Power Act with the Federal Energy Regulatory Commission (Commission) seeking authority to issue short-term notes in the aggregate principal amount of \$75,000,000 with a final maturity date no later than December 31, 1990.

Comment date: October 27, 1987, in accordance with Standard Paragraph E at the end of this notice.

8. Kentucky Utilities Co.

[Docket No. ER87-672-000]

October 2, 1987.

Take notice that on September 28, 1987, Kentucky Utilities Company (KU) tendered for filing an agreement for electric service to the City of Nicholasville (City) at the delivery point of the City's Shun Road Substation.

KU states that no reasonable billing estimates can be made since the load served will build up over a period of time and other loads transferred from other delivery points from time to time.

KU further states that copies of the tendered filing have been sent to the City and the Kentucky Public Service Commission. KU proposed an effective date of October 15, 1987.

Comment date: October 19, 1987, in accordance with Standard Paragraph E at the end of this notice.

9. Northern States Power Co.

[Docket No. ER87-674-000]

October 2, 1987.

Take notice that on September 28, 1987, Northern States Power Company (Minnesota) tendered for filing the Supplement No. 3 to the Transmission Service Agreement between Northern States Power Company (NSP) and the State of South Dakota.

The Supplement No. 3 provides for a change in the amount of power and energy required to be wheeled by Northern States Power Company for the State of South Dakota from the Western Area Power Administration. The Transmission Service Agreement is on file with the Commission and is designated as FERC Rate Schedule No. 385.

Northern States Power Company requests this Supplement become effective on April 20, 1987, and therefore, requests waiver of the Commission's notice requirements.

Comment date: October 19, 1987, in accordance with Standard Paragraph E at the end of this notice.

10. Public Service Co. of New Mexico

[Docket No. ER87-673-000]

October 2, 1987.

Take notice that on September 28, 1987, Public Service Company of New Mexico (PNM) tendered for filing a Precommercial Energy Sale Letter Agreement (Letter Agreement) between PNM and San Diego Gas & Electric Company (SDG&E).

The service to be provided under the Letter Agreement is the sale to SDG&E of varying amounts of on-peak and off-peak PNM precommercial energy generated by Palo Verde Nuclear Generating Station Unit 3. The price for the precommercial energy is based on 87 percent of SDG&E's hourly decremental costs, not to exceed \$27/MWh on-peak and \$17/MWh off/peak.

PNM requests an effective date of August 3, 1987, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon SDG&E and the New Mexico Public Service Commission.

Comment date: October 19, 1987, in accordance with Standard Paragraph E at the end of this document.

Standard Paragraph:

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-23324 Filed 10-7-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP87-539-000 et al.]

Tennessee Gas Pipeline Co. et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. Tennessee Gas Pipeline Co. a Division of Tenneco Inc.

[Docket No. CP87-539-000]

September 29, 1987.

Take notice that on September 15, 1987, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP87-539-000, as supplemented on September 28, 1987, a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to reassign volumes of gas authorized for delivery to Connecticut Natural Gas Corporation (Connecticut Natural) near Greenwich, Connecticut to an existing delivery point near Putnam Lake, Connecticut and to upgrade the Putnam Lake metering facilities, under the authorization issued in Docket No. CP82-413-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Tennessee states that it presently provides service to Connecticut Natural of up to 36,794 Mcf of natural gas per day at several points, including the Greenwich and Putnam Lake delivery points. Tennessee has been authorized, in Docket Nos. CP86-251-000 and CP86-251-001, to deliver an additional 2,000

Mcf per day at the Greenwich delivery point, it is stated. Tennessee states that Connecticut Natural has requested that delivery of the additional 2,000 Mcf per day be made at Putnam Lake rather than at Greenwich. Tennessee further states that the total volumes to be delivered to Connecticut Natural under the proposed reassignment would not exceed the presently authorized delivery volumes and the change is not prohibited by Tennessee's existing tariff.

Comment date: November 13, 1987, in accordance with Standard Paragraph G at the end of this notice.

2. Lone Star Gas Co. a Division of Enserch Corp.

[Docket No. CP87-555-000]

September 29, 1987.

Take notice that on September 24, 1987, Lone Star Gas Company, a Division of Enserch Corporation (Applicant), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CP87-555-000 an application pursuant to section 7(c) and 7(b) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and for permission and approval to abandon certain facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to install and operate a 370 horsepower compressor station on its Line H-3, replace 2.80 miles of its 4-inch pipeline H-3 with 6-inch and 4-inch pipeline, and a crossover between its Line H-3 and Line T. Applicant also requests authorization to construct and operate facilities necessary to connect to its Line T all existing taps on a portion of its existing Line H-3 in interstate commerce, and to operate a pipebridge in interstate commerce. Applicant further requests authorization to abandon approximately 13.4 miles of its Line H and a small portion of its Line H-1.

The facilities Applicant proposes to construct, operate and/or abandon are or will be located in Cotton County, Oklahoma and Clay County, Texas, it is stated. Applicant estimates that the cost of the facilities to be constructed will be \$430,910.

Applicant states that the requested proposed construction and abandonment of facilities are necessary because of recent flooding in the North Texas area damaged Applicant's Lines H and T at the Red River.

Comment date: October 13, 1987, in accordance with Standard Paragraph F at the end of this notice.

3. El Paso Natural Gas Co.

[Docket No. CP87-553-000]

October 1, 1987.

Take notice that on September 22, 1987, El Paso Natural Gas Company (El Paso), a Delaware corporation, whose mailing address is P.O. Box 1492, El Paso, Texas, 79978, filed an application in Docket No. CP87-553-000 under section 7(b) of the Natural Gas Act, for permission and approval to abandon certain services and properties to El Paso Production Company (El Paso Production) effective July 1, 1986, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that on February 8, 1987, El Paso Production filed with the Commission an application in Docket No. CI87-290-000 for authorization to sell and deliver natural gas to El Paso, as successor-in-interest to El Paso, effective July 1, 1986. The instant application is a companion to El Paso Production's successor-in-interest application in Docket No. CI87-290-000. The details of the transfer of El Paso's title and interest in certain gas properties to El Paso Production is fully described in El Paso Production's companion application in Docket No. CI87-290-000. Applicant states that the transfer is a result of corporate consolidation of the overall responsibilities for the exploration, development, and production of natural gas from these transferred properties into a separate corporate entity, whose primary purpose is the production of oil and natural gas. Accordingly, in connection with the corporate realignment of responsibilities as to these properties, El Paso proposes to abandon said properties (together with wells, wellhead equipment and appurtenances) by transfer to El Paso Production. Applicant states that all of the acreage transferred to El Paso Production subject to this application continues to be committed to El Paso and its customers and that, upon approval, the sale and price of the gas will continue to be subject to present and future orders, rules and regulations of the Commission.

As described more fully in El Paso Production's companion application in Docket No. CI87-290-000, El Paso has transferred to El Paso Production all of its interest in producing properties, including wells, wellhead equipment, and appurtenances for two categories of gas production, "Old Wells on Old

Leases"—production from wells commenced prior to January 1, 1973 on leases acquired prior to October 8, 1969 and "New Wells on Old Leases"—Production from wells commenced on or after January 1, 1973, on leases acquired prior to October 8, 1969, as such classifications are established according to the manner in which the gas production therefrom is to be valued or priced by El Paso in accordance with Section 11.3 of the Stipulation and Agreement in Settlement of Rate Proceedings filed March 16, 1983 in Docket No. RP82-33-000, *et al.* Accordingly, El Paso seeks those regulatory approvals necessary under the NGA in connection with the transfer of its interest in certain gas producing properties to El Paso effective July 1, 1986.

Comment date: October 16, 1987, in accordance with Standard Paragraph F at the end of this notice.

4. Algonquin Gas Transmission Co.

[Docket No. CP87-554-000]

October 2, 1987.

Take notice that on September 23, 1987, Algonquin Gas Transmission Company (Applicant), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP87-554-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity for authorization to render a firm transportation service and to construct and operate certain required facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to render a firm transportation service to Bristol and Warren Gas Company, Central Hudson Gas & Electric Corporation, Colonial Gas Company, Town of Middleborough, Massachusetts. The Pequot Gas Company, South County Gas Company and Valley Gas Company (collectively referred to as the Algonquin Shippers) pursuant to a proposed Rate Schedule PSS-T to be filed as part of Applicant's FERC Gas Tariff Second Revised Volume No. 1. It is indicated that Rate Schedule PSS-T service is related to a long-term firm storage and firm transportation service to be rendered by PennEast Gas Services Company (PennEast). It is further indicated that such storage and transportation service by PennEast would be offered for a primary term beginning April 1, 1988, and continuing through March 31, 2011.

Applicant proposes to provide the following maximum daily transportation

quantities for the respective Algonquin Shippers:

FIRM TRANSPORTATION QUANTITY IN MMBTU PER DAY

Customer	Nov. 15, 1988	Nov. 15, 1989	Nov. 15, 1990
Bristol and Warren Gas Company	784	778	781
Central Hudson Gas & Electric Corporation	3,855	5,741	5,763
Colonial Gas Company	1,992	1,978	1,986
Town of Middleborough, Massachusetts	149	198	249
The Pequot Gas Company	120	120	120
South County Gas Company	239	237	238
Valley Gas Company	963	958	960
Total	8,102	10,008	10,097

Applicant states that these Algonquin Shippers have requested Applicant to provide firm transportation service on Applicant's pipeline system for the gas quantities available to them from PennEast. Applicant further states that such service by Applicant would involve the receipt of gas from PennEast at Lambertville, New Jersey for the account of an Algonquin Shipper, transportation and redelivery on a firm basis of such quantities at designated deliver points with Applicant. It is indicated that the Algonquin Shippers requesting service have entered into precedent agreements (attach as Exhibit I to the application) with Applicant dated April 9, 1987, which contemplates commencement of initial firm transportation service by Applicant on or about November 15, 1988, pursuant to a service agreement under Rate Schedule PSS-T (attached as Exhibit P to the application).

In order to render the proposed firm transportation service, Applicant proposes to construct and operate the following facilities:

1. Approximately 1.3 miles of 16" G-4 system loop from the system tap to Woods Road in Tiverton, Rhode Island;
2. Approximately 0.6 miles of 16" G-5 system loop from the end of the existing G-5 system loop to downstream of Route 6 in Seekonk, Massachusetts;
3. Approximately 1.2 miles of 20" G-8 system loop from the end of the existing G-8 system 20-inch loop to the G-9 system tap in Plymouth, Massachusetts;
4. Approximately 1.2 miles of 12" I-4 system loop from the system tap to the Westwood Meter & Regulator Station in Westwood, Massachusetts;
5. A meter and regulator station at Cumberland, Rhode Island;
6. Miscellaneous meter station modifications; and
7. Restage various existing compressor units.

Applicant states that the proposed facilities would be constructed during the summer of 1988 for an in-service date of November 15, 1988. Applicant estimates the cost of the facilities to be \$8,013,000.

Applicant proposes to recover its facilities costs through a PSS-T monthly demand charge. Applicant states that it would also charge a commodity charge for transportation quantities within the maximum daily quantity. Applicant further states that quantities in excess of the maximum daily quantity would be subject to overrun charges. It is indicated that the rates for commodity related charges are based upon those set forth in Applicant's pending section 4 rate filing in Docket No. RP87-14-000.

Common date: October 23, 1987, in accordance with Standard Paragraph F at the end of this notice.

5. K N Energy, Inc.

[Docket No. CP87-549-000]

October 2, 1987.

Take notice that on September 21, 1987, K N Energy, Inc. (Applicant), P.O. Box 15265, Lakewood, Colorado, 80215, filed in Docket No. CP87-549-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Applicant be allowed to operate a sales tap for the delivery of gas to an end-user under authorization issued in Docket Nos. CP83-140-000, CP83-140-001, and CP83-140-002 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Applicant proposes the operation of a sales tap to an end-user, Nucor Steel Corporation (Nucor), located near its jurisdictional pipeline in Madison County, Nebraska. Applicant states that the proposed sales tap is not prohibited by any of its existing tariffs, and that the sale will have no impact on K N's peak day and annual deliveries since K N presently serves Nucor indirectly.

Applicant proposes to sell approximately 4,500 Mcf on a peak day and 900,000 Mcf annually to Nucor. It is stated that the subject gas will be delivered through an existing sales tap via Minnegasco, Inc., a local distribution company and wholesale customer of Applicant. Applicant states that Minnegasco, in turn, resells the gas at retail to its customers, including Nucor, in and around the town of Norfolk, Nebraska. It is stated that Minnegasco supports the direct sale by Applicant to Nucor and has agreed to transport through its existing distribution system gas purchased by Nucor from Applicant,

and to deliver such gas to Nucor at Nucor's steel plant located in Minnegasco's distribution system in the Norfolk area.

Comment date: November 16, 1987, in accordance with Standard Paragraph G at the end of this notice.

6. Northern Natural Gas Co., Division of Enron Corp.

[Docket No. CP87-542-000]

October 2, 1987.

Take notice that on September 16, 1987, Northern Natural Gas Company, Division of Enron Corp. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP87-542-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.216) for permission and approval to abandon certain metering facilities, under the certificate issued in Docket No. CP82-401-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Specifically, Northern proposes to abandon two 23M meters from its Black River Falls Town Border Station No. 2 located in Jackson County, Wisconsin. Northern explains that Black River Falls No. 2 was installed to deliver natural gas to Wisconsin Gas Company (Wisconsin Gas) for resale to Jackson County Iron Company (Jackson County Iron). Northern further explains that Jackson County Iron has shut down and that Wisconsin Gas has requested Northern to abandon and remove the two 23M at Black River Falls No. 2. Northern states that the meters would be removed and used elsewhere on Northern's system. It is explained that the estimated cost to remove the meters is \$1,000.

Comment date: November 16, 1987, in accordance with Standard Paragraph G at the end of this notice.

7. Northern Natural Gas Co., Division of Enron Corp.

[Docket No. CP87-558-000]

October 1, 1987.

Take notice that on September 28, 1987, Northern Natural Gas Company, Division of Enron Corp. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP87-558-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to realign certain volumes of Contract Demand and Seasonal Service to future deliveries of natural gas to Iowa Public Service Company (IPSC) and to modify two (2) delivery points and appurtenant

facilities to be served by IPSC, under the certificate issued in Docket No. CP82-401-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Northern states that by letter dated September 9, 1987, IPSC advised Northern that it wished to realign certain volumes purchased under Northern's Rate Schedules CD-1 and SS-1 between existing delivery points commencing with the 1987/1988 contract year. Northern further states that in accordance with IPSC's request and the Service Agreements dated September 25, 1987, between the parties, it proposes to realign volumes as follows:

Delivery point	SS-1	CD-1	Total
Anoka #1		225	225
Anoka #1A		625	625
Dayton		2,850	2,850
Elk River #1	(200)	400	200
Lexington #1A	(200)	200	
Ham Lake	400	1,200	1,600
Perry, Iowa		1,000	1,000
Yankton, SD		700	700
Terra Chemical		(7,200)	(7,200)
Total	0	0	0

Northern states that the realignment of volumes between existing delivery points as herein described is within the firm entitlement presently authorized for IPSC. Northern further states that the volumes to be reassigned are presently sold to IPSC under Rate Schedules CD-1 and SS-1 of Northern's FERC Gas Tariff, Third Revised Volume No. 1, it is indicated. Northern explains that no changes are proposed for WPS-1 and PS-1 volumes sold and delivered by Northern to IPSC.

It is stated that IPSC has also informed Northern that the areas served by the Anoka No. 1A and Yankton No. 1 town border stations (TBS) has experienced considerable expansion over the past several years, with a subsequent load increase due to additional residential and commercial customers. In order to accommodate the delivery of natural gas to IPSC at the Anoka No. 1A and Yankton No. 1 TBS, Northern indicates it must modify the existing metering capacity. Northern states that the Anoka No. 1A TBS was originally authorized by Commission order dated January 17, 1973 in Docket No. CP73-111-000 and the Yankton No. 1 was authorized by Commission Order issued in Docket No. G-280 on April 6, 1943.

Northern states that the meter capacity of the existing Anoka No. 1A TBS and Yankton No. 1 TBS facilities is 158 and 474 Mcf per hour respectively.

In order to serve the increased requirements, as well as provide for anticipated additional expansion, Northern indicates that the modified TBS' will be designed to serve volumes up to 264 and 711 Mcf per hour, respectively.

Northern indicates that the total estimated cost to modify the proposed delivery points is \$63,000.

Comment date: November 16, 1987, in accordance with Standard Paragraph G at the end of this notice.

8. Texas Gas Transmission Corp.

[Docket No. CP87-546-000]

October 2, 1987.

Take notice that on September 18, 1987, Texas Gas Transmission Corporation (Texas Gas) P.O. Box 1160, Owensboro, Kentucky 42302, filed in Docket No. CP87-546-000, a request pursuant to §§ 157.205, 157.212 and 157.216 of the Regulations under the Natural Gas Act to abandon by removal a delivery point to its customer, Dome Gas Company, Inc. (Dome); to add a new delivery point for Dome; to abandon by removal a delivery point to its customer, Ohio Valley Gas, Inc. (Ohio Valley); and to abandon eight sale taps for Ohio Valley, under the authorization issued to it in Docket No. CP82-407-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Dome and Ohio Valley has requested that Texas Gas obtain the appropriate abandonment authority of the above-discussed facilities. It is stated that the natural gas measurement stations and the eight sales taps, located on Texas Gas' Slaughter-Montezuma 12-inch pipeline in Sullivan County, Indiana, are no longer needed due to the fact that a major surface coal mining project is scheduled to commence in the near future. It is stated that the natural gas service, with the exception to the Town of Dugger, Indiana, and its environs, will not be resumed after the completion of the mining operation because the residences and associated structures have been demolished or will be demolished by the coal company. It is further stated that the Town of Dugger, Indiana, will receive natural gas service through the new delivery point proposed to be installed for Dome.

Comment date: November 16, 1987, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said

filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-23325 Filed 10-7-87; 8:45 am]

BILLING CODE 6717-01-M

Determinations Under the Natural Gas Policy Act for OCS Leases Issued on or After April 20, 1977

Issued: October 2, 1987.

On September 27, 1983, the Federal Energy Regulatory Commission (Commission) issued Order No. 336 under Docket Nos. RM83-3 and RM81-12 (48 FR 44,508 September 29, 1983). In that order, the Commission amended its regulations relating to filing requirements for well category applications under the Natural Gas Policy Act of 1978 (NGPA). The determination process for natural gas produced from a new lease, i.e., a lease entered into on or after April 20, 1977, on the Outer Continental Shelf (OCS), and qualifying as new natural gas under section 102 of the NGPA, was amended in two respects. First, the Commission eliminated the requirement that a determination be made for each well producing gas from a new OCS lease. Second, in lieu of filing an application for each well, the Commission now permits the grant of a new OCS lease to constitute the requisite jurisdictional agency determination that the gas is produced from a new OCS lease.

Under the revised procedures, the U.S. Department of Interior, Minerals Management Service (MMS), must file within 60 days of the grant of the lease a notice of determination which includes the lease number, the area and block number, and the date on which the OCS lease was issued by the Secretary of the Interior. The determination is subject to Commission review in the same manner as other jurisdictional agency determinations.

On September 8, 1987, the Commission received notice from MMS, Gulf of Mexico OCS Region, that 192 leases were issued as a result of OCS Sale No. 110 for the Central Gulf of Mexico on April 22, 1987. Gas produced from the following leases has been determined to be gas produced from a new OCS lease under NGPA section 102:

Lease No. OCS-G	Area	Block
8620	WC	42
8621	WC	137
8623	WC	199
8624	WC	209
8625	WC	224
8626	WC	240
8627	WCW	267
8628	WCW	296
8629	WCW	300
8631	WCW	303
8632	WCW	360
8633	WCW	362
8634	WCW	395
8635	WCW	396
8636	WCW	396
8637	WCS	577
8639	EC	55

Lease No. OCS-G	Area	Block
8640	EC	82
8641	EC	83
8642	EC	90
8643	EC	91
8644	EC	106
8645	EC	109
8646	EC	118
8647	EC	119
8648	EC	138
8649	EC	139
8650	EC	192
8651	EC	193
8652	ECS	294
8653	ECS	295
8654	ECS	296
8655	ECS	312
8656	ECS	313
8658	ECS	331
8660	ECS	358
8661	ECS	365
8662	VM	68
8663	VM	74
8664	VM	77
8665	VM	91
8666	VM	111
8667	VM	148
8668	VM	160
8669	VM	169
8670	VM	238
8671	VMS	257
8672	VMS	266
8673	VMS	272
8674	VMS	299
8675	VMS	336
8676	VMS	347
8677	VMS	393
8678	VMS	404
8680	SMI	18
8682	SMI	64
8684	SMIS	90
8685	SMIS	148
8687	SMIN	232
8688	SMIN	241
8689	SMIN	242
8690	SMIN	253
8691	EI	129A
8692	EI	160
8693	EI	225
8694	EIS	291
8695	EIS	320
8696	EIS	346
8697	EIS	347
8698	EIS	362
8699	EIS	363
8700	EIS	366
8702	EIS	375
8703	EIS	381
8704	SS	57
8706	SS	109
8707	SS	128
8708	SS	139
8709	SS	157
8710	SS	163
8711	SS	193
8713	SSS	308
8714	SSS	342
8715	SSS	344
8716	SSS	350
8717	ST	30
8869	GRCAN	36
8870	GRCAN	82
8873	GRCAN	150
8883	GRCAN	515
8884	GRCAN	516
8885	GRCAN	558
8886	GRCAN	559
8887	GRCAN	567
8888	GRCAN	568
8892	ATWVY	3
8893	ATWVY	5
8894	ATWVY	47
8895	ATWVY	89
8896	ATWVY	108
8898	ATWVY	290
8904	ATWVY	335
8914	ATWVY	371
8922	ATWVY	382
8926	ATWVY	415
8927	ATWVY	425
8928	ATWVY	426

The complete list of OCS leases submitted by the MMS for this sale, with

area and block descriptions, is available for inspection at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, Washington, DC. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within twenty days after the date this notice is issued by the Commission.

Kenneth F. Plumb,
Secretary.

[FR Doc. 87-23326 Filed 10-7-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP87-70-000]

Burk Royalty Co. v. Northern Natural Gas Co.; Complaint Regarding Production-Related Costs

October 2, 1987.

On August 3, 1987, Burk Royalty Company (Burk) filed a complaint pursuant to 18 CFR 271.1105(d)(3) and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206. On September 4, 1987, Burk supplemented its complaint with additional information. Burk requests that the Production-Related Costs Board (Board) find that Northern Natural Gas Company (Northern) is in violation of 18 CFR 271.1104 by refusing to reimburse Burk for certain production-related costs.

Burk states that on January 20, 1982, Burk (seller) and Northern (buyer) entered into a gas sales contract covering gas produced from the Wilson No. 1 Well (Well) located in Ochiltree County, Texas. The point of sale is the connection of Burk's gathering line and Northern's gas meter. The Well is the only well on the gathering line which was constructed on or after November 9, 1978.

Burk claims that their 3500-foot gathering line is a recent system which entitles them to collect the \$0.07 per MMBtu allowance for recent delivery systems and that the commingling rule is satisfied when gas from the Well is combined with other gas already in Northern's transmission line. Burk states that Northern was invoiced for the delivery allowance incurred during the period December 1983 through December 1985 and that Northern's failure to pay the gathering charge is contrary to 18 CFR 271.1104. Accordingly, Burk requests that the Board find that Burk is entitled to the \$1,933.12 as invoiced.

Under Rules 206(b) and 213(a), 18 CFR 385.206(b) and 385.213(a), Northern must

file an answer to Burk's complaint with the Commission unless otherwise ordered by the Commission. Under Rule 213(e), 18 CFR 385.213(e), any person failing to answer a complaint may be considered in default, and all relevant facts stated in such complaint may be deemed admitted. Northern shall file its answer with the Commission not later than 15 days after publication of this notice in the **Federal Register**.

Any person desiring to be heard or to protest said filing should file a protest or a motion to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214, 18 CFR 385.211 and 385.214. All such protests or motions should be filed not later than 15 days after publication of this notice in the **Federal Register**. 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. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 87-23327 Filed 10-7-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. C187-915-000]

Capital A Corp.; Application

October 2, 1987.

Take notice that on September 21, 1987, Capital A Corporation (Capital A), 7410 Blanco Road, Suite 100, San Antonio, TX 78216 filed in this proceeding an application pursuant to sections 4 and 7 of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations, requesting blanket certificate authorization for self-implementing sales for resale of certain natural gas in interstate commerce, without market restriction, by Capital A. Capital A also seeks pre-granted abandonment of all sales for resale for which sales certificate authority is sought herein.

Capital A states that the purpose of its application is to enable Capital A to make sales in interstate commerce for resale of gas which is available for sale to new markets, but is still subject to the certificate and abandonment provisions of the Natural Gas Act. Finally, Capital A requests that the Commission declare in its order issuing the authorizations that the Commission's NGA jurisdiction over the activities and operations of Capital A is limited to the transactions

for which authorization is sought in the Application.

Any person desiring to be heard or to make any protest with reference to said filing should on or before October 20, 1987, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any conference or hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-23328 Filed 10-7-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. C187-918-000]

Chevron U.S.A. Inc.; Application

October 2, 1987.

Take notice that on September 24, 1987, Chevron U.S.A. Inc. (Chevron) filed an application requesting the Federal Energy Regulatory Commission (Commission) to issue an Order Permitting and Approving a Blanket Limited-Term Certificated for Sales for Resale with Pregranted Abandonment upon the expiration of the term of such sales. The requested authorizations would enable Chevron to initiate sales of gas into interstate commerce from acreage subject to the jurisdiction of the Commission under the Natural Gas Act which is currently not dedicated by contract to a specific purchaser.

Chevron asked that the Commission also: (1) Grant the requested authority for a term of three years; (2) include the undedicated interests of co-owners in the same wells under the requested authorizations; (3) waive requirements under sections 154 and 271 of the Commission's Regulations concerning the establishment and maintenance of rate schedules and blanket affidavits; and (4) include all categories of Outer Continental Shelf gas subject to the jurisdiction of the Commission under the NGA. Chevron anticipates that sales will most likely be from wells prescribed by sections 109 or 102(d) of the Natural Gas Policy Act of 1978 from wells drilled offshore on old OCS leases.

Chevron states that the authority will give Chevron maximum flexibility in

moving new gas supplies from wellhead to burner tip at market responsive prices, and thus serve the public interest by promoting competition in the nationwide gas market.

Any person desiring to be heard or to make any protests with reference to said application should on or before October 20, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20436, a petition to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in the proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-23329 Filed 10-7-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TA87-5-21-001]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

October 5, 1987.

Take notice that Columbia Gas Transmission Corporation (Columbia) on September 30, 1987, tendered for filing the following proposed changes to its FERC Gas Tariff, Original Volume No. 1, to become effective as follows:

Effective September 1, 1987

Substitute One hundred and nineteenth Revised Sheet No. 16

Substitute Forty-ninth Revised Sheet No. 64

Effective October 1, 1987

Substitute One hundred and twentieth Revised Sheet No. 16

Substitute Eleventh Revised Sheet No. 16A2

Columbia states the foregoing tariff sheets are being filed in compliance with the Commission's Order issued August 31, 1987 in Docket No. TA87-5-21-000 and TA87-4-21-002. Columbia states that such order directed it to refile its PGA tariff sheets to be effective September 1, 1987 to reflect the following:

(1) The removal of the Appalachian Marketing Program (AMP) costs from the calculation of both the Unrecovered

Purchased Gas Surcharge and the Benchmark Surcharge;

(2) The recalculation of amounts relating to the Benchmark period to reflect actual commodity gas costs which have been paid; and

(3) The use of Texas Eastern Transmission Corporation's currently effective rates.

Columbia states that the revised rates set forth on Substitute One hundred and nineteenth Revised Sheet No. 16 reflect overall reductions of .32¢ per Dth in the Commodity sales rate and \$.799 per Dth in the Demand-1 sales rate and an increase of 4.79¢ per Dth in the Demand-2 sales rate.

Columbia further states that the revised rates set forth on Substitute One hundred and twentieth Revised Sheet No. 16 and Substitute Eleventh Revised Sheet No. 16A2, to become effective October 1, 1987, applicable to the Annual Charge Adjustment, reflect the impact of the Commission ordered changes in the September 1, 1987 effective rates.

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before October 13, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of Columbia's filings are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-23330 Filed 10-7-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA87-3-22-001]

Consolidated Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

October 5, 1987.

Take notice that Consolidated Gas Transmission Corporation (Consolidated) on September 29, 1987, filed the following revised tariff sheets to Original Volume No. 1 of its FERC Gas Tariff:

Second Substitute Alternate Fourteenth Revised Sheet No. 31
Substitute Fifteenth Revised Sheet No. 31

First Revised Sheet No. 100

Second Revised Sheet Nos. 122, 123, 124, 125, 127, 130, 131, 132, 133, and 137

Third Revised Sheet Nos. 128 and 129

Consolidated states that it is also resubmitting the following tariff sheets (all to Original Volume No. 1) that were filed originally in Docket No. RP87-111-000 on August 31, 1987, and are currently awaiting Commission approval.

Second Revised Sheet Nos. 121, 126, 134, and 135

Third Revised Sheet No. 136.

Consolidated states that the purpose of Second Substitute Alternate Fourteenth Revised Sheet No. 31 is to comply with the Commission's August 31, 1987, order in this proceeding effective September 1, 1987. Further, Consolidated states that this tariff sheet reflects Consolidated's semi-annual PGA computed in accordance with PGA tariff provisions currently in effect.

Consolidated points out that the remaining tariff sheets are tendered to implement a change in PGA methodology, proposed to become effective October 1, 1987. Consolidated states that the proposed change in PGA methodology is acceptable to the Commission Staff and all parties attending a technical conference held September 15, 1987 in this proceeding.

Copies of the filing were served upon Consolidated's jurisdictional customers as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a protest or motion to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR Sections 385.211, 385.214). All motions or protests should be filed on or before October 13, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-2333 Filed 10-7-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TC87-13-000]

Eastern Shore Natural Gas Co.; Tariff Filings

October 1, 1987.

Take notice that on September 16, 1987, Eastern Shore Natural Gas Company (Applicant), P.O. Box 615, Dover, Delaware 19903, filed a revised tariff sheet to become effective November 1, 1987, pursuant to § 281.204(b) of the Commission's Regulations, which requires interstate pipelines to update their indices of entitlements annually to reflect changes in priority 2 entitlements (Essential Agricultural Users) Applicant's filing consists of the Ninth Revised Sheet No. 424 of its FERC Tariff, Original Volume No. 1.

Any person desiring to be heard or to make any protest with reference to said tariff sheet filing should on or before October 9, 1987, file with the Federal Energy Regulatory Commission, Washington DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-23332 Filed 10-7-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TC87-11-000]

Mississippi River Transmission Corp.; Tariff Sheet Filings

October 1, 1987.

Take notice that on September 15, 1987 Mississippi River Transmission Corporation (Applicant), 9900 Clayton Road, St. Louis, Missouri 63124, filed revised tariff sheets to become effective November 1, 1987, pursuant to § 281.204(b) of the Commission's Regulations which requires interstate pipelines to update their indices of entitlements annually to reflect changes in priority 2 entitlements (Essential Agricultural Users).

Applicant's filing consists of:

Tenth Revised Sheet No. 75

Eighth Revised Sheet No. 76

Fifth Revised Sheet No. 77

Tenth Revised Sheet No. 78

Eighth Revised Sheet No. 79

Any person desiring to be heard or to make any protest with reference to said tariff sheet filing should on or before October 9, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-23333 Filed 10-7-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP87-136-000]

Sierra Pacific Power Co. v. Southwest Gas Corp.; Complaint

October 2, 1987.

Take notice that on September 2, 1987, Sierra Pacific Power Company (Sierra) filed a complaint against Southwest Gas Corporation (Southwest) pursuant to Rules 206, 207, and 209 of the Rules of Practice and Procedure, 18 CFR 385.206, 385.207 and 385.209 (1987).

Sierra contends that the currently effective Southwest PGA provisions fail to match cost incurrence and cost allocation, which failure allegedly results in a substantial overallocation of costs to Southwest's jurisdictional customers. Sierra also alleges that the peak usage allocation provided by Southwest's currently effective PGA provisions contravenes Commission policy and results in an overallocation of costs to Southwest's jurisdictional customers. Finally, Sierra contends that Southwest's currently effective PGA provisions are unreasonably anticompetitive.

Southwest requests that the Commission institute an expedited proceeding to determine the extent to which Southwest's currently effective provisions relating to PGA cost recovery must be changed, and grant such other and different relief as may be appropriate.

Any person desiring to be heard or to protest said complaint should file a motion to intervene or protest with the

Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed on or before November 2, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. Answers to this complaint shall be due on or before November 2, 1987.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-23334 Filed 10-7-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP87-145-000]

Southwest Gas Transmission Co.; Compliance Filing

October 2, 1987

Take notice that on September 18, 1987, Southwest Gas Transmission Company, A Limited Partnership (SGTC), tendered for filing its Rate Schedule T-1 rate, as a part of its FERC Gas Tariff, Original Volume No. 2, in accordance with the Commission's Order issued September 19, 1984, in Docket No. CP83-284-000 which granted SGTC a certificate of public convenience and necessity. Ordering Paragraph (E)(1) of the Order conditioned the certificate upon SGTC's filing for review its rate applicable to Rate Schedule T-1 pursuant to § 154.63 of the Commission's Regulations and section 4(e) of the Natural Gas Act within three years of the date of issuance of the Order.

SGTC is proposing that the present rate for Rate Schedule T-1 be retained because of the *de minimis* nature of the deficiency in recovering its cost of service. Consequently, by its filing, SGTC is proposing no change in its present rates and no other change in its existing tariff.

SGTC states that a copy of this filing has been mailed to El Paso Natural Gas Company and that copies of the filing are available for inspection during regular business hours at Southwest Gas Corporation's (Southwest) office in Las Vegas, Nevada. Southwest is the general partner of SGTC.

Any person desiring to be heard or to protest said filing should file a motion to

intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 9, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-23335 Filed 10-7-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA87-2-30-001]

Trunkline Gas Co.; Change in Tariff

October 5, 1987

Take notice that Trunkline Gas Company (Trunkline), on September 30, 1987 tendered for filing the following proposed changes in its FERC Gas Tariff, Original Volume No. 1:

Description	Proposed effective date
First Substitute Fifty-Sixth Revised Sheet No. 3-A.	September 1, 1987
Second Substitute Fifty-Seventh Revised Sheet No. 3-A.	October 1, 1987

Trunkline states that these revised tariff sheets represent a downward revision of the PGA rate adjustment which became effective September 1, 1987 in Docket No. TA87-2-30-000 and are being filed at this time in compliance with Ordering Paragraph (D) of the Commission's Order in the subject proceeding dated August 31, 1987.

Copies of the filing were served on the Company's jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before October 13, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make

protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-23336 Filed 10-7-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA88-1-50-000]

Valley Gas Transmission, Inc.; Change in Rates Pursuant To Purchased Gas Adjustment

October 5, 1987.

Take notice that on September 30, 1987, Valley Gas Transmission, Inc. ("Valley") tendered for filing and acceptance the following tariff sheets as part of its FERC Gas Tariff:

Thirty-sixth Revised Sheet No. 2A to Original Volume No. 1

Ninth Revised Sheet No. 10 to Original Volume No. 2

Valley states that these tariff sheets, which are proposed to become effective on November 1, 1987 are being filed pursuant to the purchased gas cost adjustment provisions of its tariff. Valley further states that these proposed changes reflect adjustments to its current surcharge adjustment and current gas cost adjustment, and that its filing has been served on all jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 N. Capitol Street NE., Washington, DC 20426 in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 13, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-23337 Filed 10-7-87; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3274-3]

National Drinking Water Advisory Council; Request for Nomination of Members

The Environmental Protection Agency (EPA) invites all interested persons to nominate qualified individuals to serve as members of the National Drinking Water Advisory Council. This Advisory Council was established to provide advice, consultation and recommendations to the Agency on the activities, functions and policies relating to the implementation of the Safe Drinking Water Act as amended, which became effective December 16, 1974. The Charter for this Advisory Committee is reproduced below.

Any interested person or organization may nominate qualified persons for membership. Nominees should be identified by name, occupation, position, address, and telephone number. Nominations should include a resume of the nominee's background, experience and qualifications.

This request for nominations does not imply any commitment by the Agency as to the procedure to be followed in making selections.

Persons selected for membership will receive per diem compensation for travel and nominal daily compensation while attending meetings.

Nominations should be submitted to Charlene E. Shaw, Executive Secretary, National Drinking Water Advisory Council, Office of Drinking Water (WH-550), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, no later than November 1, 1987. The Agency will not formally acknowledge or respond to nominations.

Lawrence J. Jensen,

Assistant Administrator for Water.

Dated: September 22, 1987.

National Drinking Water Advisory Council

1. Purpose

This Charter is reissued for the National Drinking Water Advisory Council in accordance with the requirements of the Federal Advisory Committee Act, 5 U.S.C. (App. I) 9(c).

2. Authority

The Council was created on December 16, 1974, under the Safe Drinking Water Act of 1974, Pub. L. 93-523, 42 U.S.C. 300j-5 and the charter was renewed on December 23, 1976; December 1, 1978; November 7, 1980;

November 29, 1982; and December 7, 1984.

3. Objective and Scope of Activity

The Council advises, consults with, and makes recommendations on a continuing basis to the Administrator, through the Assistant Administrator for Water, on matters relating to activities, functions, and policies of the Agency under the Safe Drinking Water Act.

4. Functions

The Council provides practical and independent advice to the Agency on matters and policies relating to drinking water quality and hygiene, and maintains an awareness of developing issues and problems in the drinking water area. It reviews and advises the Administrator on regulations and guidelines that are required by the Safe Drinking Water Act; makes recommendations concerning necessary special studies and research; recommends policies with respect to the promulgation of drinking water standards; assists in identifying emerging environmental or health problems related to potentially hazardous constituents in drinking water; and proposes actions to encourage cooperation and communication between the Agency and other governmental agencies, interested groups, the general public, and technical associations and organizations on drinking water quality.

5. Composition and Meetings

The Council consists of fifteen members including a Chairperson, appointed by the Deputy Administrator after consultation with the Secretary, Department of Health and Human Services. Five members shall be appointed from the general public; five members shall be appointed from appropriate State and local agencies concerned with water representatives of private organizations or groups demonstrating an active interest in the field of water hygiene and public water supply. Except as provided in section 1446 of the Safe Drinking Water Act, each member of the Council will hold office for a term of three years and will be eligible for reappointment. The Council is authorized to form Subcommittees to consider specific matters and report back to the full Council. Meetings will be held as necessary and convened by the Assistant Administrator for Water. A full-time salaried officer or employee of EPA will be designated as the Executive Secretary. Each meeting will be conducted in accordance with an agenda approved in advance of the

meeting by the designated Agency official. The Designated Federal Official will be present at all meetings and is authorized to adjourn any meeting whenever it is determined to be in the public interest. The estimated annual operating cost of the Council is approximately \$60,000, which includes .75 work-year of staff support. The Office of Water will provide the necessary staff and support of the Council.

6. Duration

As provided in the Safe Drinking Water Act, "Section 14(a) of the Federal Advisory Committee Act (relating to termination) shall not apply to the Council." However, the Charter is subject to the renewal process upon the expiration of each successive two-year period following the date of enactment of the Act establishing this Council.

7. Supersession

The former National Drinking Water Advisory Council charter signed on December 7, 1984, is hereby superseded.

Approval Date: December 4, 1986.

A. James Barnes,
Deputy Administrator.

[FR Doc. 87-23303 Filed 10-7-87; 8:45 am]

BILLING CODE 6560-50-M

[OW-FRL-3273-6]

Water Quality Criteria; Availability of Document

AGENCY: Environmental Protection Agency.

ACTION: Notice of request for comments on an ambient water quality criteria document for ammonia in saltwater.

SUMMARY: EPA announces the availability and provides a summary of a proposed ambient water quality criteria document for ammonia in saltwater. When published in final form after review of public comments, these water quality criteria may form the basis for enforceable State water quality standards. These criteria are published pursuant to section 304(a)(1) of the Clean Water Act.

DATE: Written comments should be submitted to the person listed directly below by December 7, 1987.

FOR FURTHER INFORMATION CONTACT: Dr. Frank Gostomski, Criteria and Standards Division (WH-585), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 475-7321.

Availability of Document: This notice contains a summary of the document

containing proposed ambient water quality criteria for ammonia in saltwater for the protection of aquatic life and its uses. Copies of the complete criteria document may be obtained upon request from the person listed above. This document is also available for public inspection and copying during normal business hours at: Public Information Reference Unit, U.S. Environmental Protection Agency, Room 2404 (rear), 401 M Street, SW., Washington, DC 20460. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services. Copies of this document are also available for review in the EPA Regional Office libraries.

SUPPLEMENTARY INFORMATION:

Background

Section 304(a)(1) of the Clean Water Act (33 U.S.C. 1314(a)(1)) requires EPA to publish and periodically update ambient water quality criteria. These criteria are to reflect the latest scientific knowledge on the identifiable effects of pollutants on public health and welfare, aquatic life, and recreation.

EPA has periodically issued ambient water quality criteria, beginning in 1973 with publication of the "Blue Book" (Water Quality Criteria 1972). In 1976, the "Red Book" (Quality Criteria for Water) was published. On November 28, 1980 (45 FR 79318), EPA announced the publication of 64 individual ambient water quality criteria documents for pollutants listed as toxic under section 307(a)(1) of the Clean Water Act. A document addressing 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) was announced on February 15, 1984 (49 FR 5831), completing the coverage of the 65 priority pollutants listed under section 307(a)(1).

EPA issued nine individual water quality criteria documents on July 29, 1985 (50 FR 30784) which updated or revised criteria previously published in the "Red Book" or in the 1980 water quality criteria documents. A revised version of the National Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses was announced at the same time. A bacteriological ambient water quality criteria document was published on March 7, 1986 (51 FR 8012). A water quality criteria document for dissolved oxygen was published on June 24, 1986 (51 FR 22978). All of the publications cited above were summarized in "Quality Criteria for Water, 1986" which was released by the Office of Water Regulations and Standards on May 1, 1986. Final water quality criteria documents for chlorpyrifos, nickel,

pentachlorophenol, parathion, and toxaphene were issued by EPA on December 3, 1986 (51 FR 43665). On March 2, 1987, (52 FR 6213), EPA announced the publication of revised ambient water quality criteria for zinc which updated criteria previously published in a 1980 ambient water quality document.

Today EPA is announcing the availability for public comment of a proposed water quality criteria document for ammonia in saltwater for the protection of aquatic organisms. The criteria document announced today may form the basis for enforceable State water quality standards when published in final form.

Dated: September 25, 1987.

Lawrence J. Jensen,

Assistant Administrator for Water.

Summary of Water Quality Criteria

Saltwater Aquatic Life

The procedures described in the "Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses" indicate that, except possibly where a locally important species is very sensitive, saltwater aquatic organisms should not be affected unacceptably if the four-day average concentration of un-ionized ammonia does not exceed 0.013 mg/L more than once every three years on the average, and if the one-hour average concentration does not exceed 0.108 mg/L more than once every three years on the average.

Criteria concentrations based on total ammonia for the pH range of 7.0 to 9.0, temperature range of 0 to 35 °C, and salinities of 10, 20 and 30 g/kg are provided in Text Tables 2 and 3.

Three years is the Agency's best scientific judgment of the average amount of time aquatic ecosystems should be provided between excursions. The ability to recover differs greatly, however, and site-specific criteria may be established if adequate justification is provided.

Use of criteria for developing water quality-based permit limits and for designing waste treatment facilities requires selection of an appropriate wasteload allocation model. Dynamic models are preferred for the application of these criteria. Limited data or other considerations might make their use impractical, in which case one must rely on a steady-state model.

[FR Doc. 87-23180 Filed 10-7-87; 8:45 am]

BILLING CODE 6560-50-M

[OW-FRL-3273-5]

Water Quality Criteria; Availability of Document

AGENCY: Environmental Protection Agency.

ACTION: Notice of request for comments on an ambient water quality criteria document for chloride.

SUMMARY: EPA announces the availability and provides a summary of a proposed ambient water quality criteria document for chloride. When published in final form after review of public comments, these water quality criteria may form the basis for enforceable State water quality standards. These criteria are published pursuant to section 304(a)(1) of the Clean Water Act.

DATE: Written comments should be submitted to the person listed directly below by December 7, 1987.

FOR FURTHER INFORMATION CONTACT:

Dr. Frank Gostomski, Criteria and Standards Division (WH-585), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 475-7321.

Availability of Document

This notice contains a summary of the document containing proposed ambient water quality criteria for chloride for the protection of aquatic life and its uses. Copies of the complete criteria document may be obtained upon request from the person listed above. This document is also available for public inspection and copying during normal business hours at: Public Information Reference Unit, U.S. Environmental Protection Agency, Room 2404 (rear), 401 M Street, SW., Washington, DC 20460. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services. Copies of this document are also available for review in the EPA Regional Office libraries.

SUPPLEMENTARY INFORMATION:

Background

Section 304(a)(1) of the Clean Water Act (33 U.S.C. 1314(a)(1)) requires EPA to publish and periodically update ambient water quality criteria. These criteria are to reflect the latest scientific knowledge on the identifiable effects of pollutants on public health and welfare, aquatic life and recreation.

EPA has periodically issued ambient water quality criteria, beginning in 1973 with publication of the "Blue Book" (Water Quality Criteria 1972). In 1976, the "Red Book" (Quality Criteria for Water) was published. On November 28,

1980 (45 FR 79318), EPA announced the publication of 64 individual ambient water quality criteria documents for pollutants listed as toxic under section 307(a)(1) of the Clean Water Act. A document addressing 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) was announced on February 15, 1984 (49 FR 5831), completing the coverage of the 65 priority pollutants listed under section 307(a)(1).

EPA issued nine individual water quality criteria documents on July 29, 1985 (50 FR 30784) which updated or revised criteria previously published in the "Red Book" or in the 1980 water quality criteria documents. A revised version of the National Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses was announced at the same time. A bacteriological ambient water quality criteria document was published on March 7, 1986 (51 FR 8012). A water quality criteria document for dissolved oxygen was published on June 24, 1986 (51 FR 22978). All of the publications cited above were summarized in "Quality Criteria for Water, 1986" which was released by the Office of Water Regulations and Standards on May 1, 1986. Final water quality criteria documents for chlorpyrifos, nickel, pentachlorophenol, parathion, and toxaphene were issued by EPA on December 3, 1986 (51 FR 43665). On March 2, 1987, (52 FR 6213), EPA announced the publication of revised ambient water quality criteria for zinc which updated criteria previously published in a 1980 ambient water quality document.

Today EPA is announcing the availability for public comment of a proposed water quality criteria document for chloride for the protection of aquatic organisms. The criteria document announced today may form the basis for enforceable State water quality standards when published in final form.

Dated: September 25, 1987.

Lawrence J. Jensen,
Assistant Administrator for Water.

Summary of Water Quality Criteria Freshwater Aquatic Life

The procedures described in the "Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses" indicate that, except possibly where a locally important species is very sensitive, freshwater aquatic organisms and their uses should not be affected unacceptably if the four-day average concentration of dissolved

chloride does not exceed 230 mg/L more than once every three years on the average and if the one-hour average concentration does not exceed 860 mg/L more than once every three years on the average. This criterion probably will not be adequately protective when the chloride is associated with potassium, calcium, or magnesium, rather than sodium. In addition, because freshwater animals have a narrow range of acute susceptibilities to chloride, this criterion is probably not adequately protective.

Implementation

As discussed in the Water Quality Standards Regulation and the Foreword to this document, a water quality criterion for aquatic life has regulatory impact only after it has been adopted in a State water quality standard. Such a standard specifies a criterion for a pollutant that is consistent with a particular designated use. With the concurrence of the U.S. EPA, States designate one or more uses for each body of water or segment thereof and adopt criteria that are consistent with the use(s). In each standard a State may adopt the national criterion, if one exists, or, if adequately justified, a site-specific criterion.

Site-specific criteria may include not only site-specific criterion concentrations, but also site-specific, and possible pollutant-specific, durations of averaging periods and frequencies of allowed excursions. The averaging periods of "one hour" and "four days" were selected by the U.S. EPA on the basis of data concerning how rapidly some aquatic species react to increases in the concentrations of some pollutants, and "three years" is the Agency's best scientific judgment of the average amount of time aquatic ecosystems should be provided between excursions. However, various species and ecosystems react and recover at greatly differing rates. Therefore, if adequate justification is provided, site-specific and/or pollutant-specific concentrations, durations, and frequencies may be higher or lower than those given in national water quality criteria for aquatic life.

Use of criteria, which have been adopted in State water quality standards, for developing water quality-based permit limits and for designing waste treatment facilities requires selection of an appropriate wasteload allocation model. Although dynamic models are preferred for the application of these criteria limited data or other considerations might require the use of a steady-state model. Guidance on mixing

zones and the design of monitoring programs is also available.

[FR Doc. 87-23181 Filed 10-7-87; 8:45 am]
BILLING CODE 6580-50-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. W-25]

Window Notice for the Filing of FM Broadcast Applications

Release: September 30, 1987.

Notice is hereby given that applications for vacant FM broadcast allotment(s) listed below may be submitted for filing during the period beginning September 30, 1987 and ending November 10, 1987 inclusive. Selection of a permittee from a group of acceptable applicants will be by the Comparative Hearing process.

Channel 288 A

Key Colony Beach..... FL
Wichita Falls..... TX

Channel 278 A

Sacramento..... CA
Radcliff..... KY
Plattsburgh..... NY
Sodus..... NY
Berwick..... PA
New Boston..... TX

Federal Communications Commission.

William J. Tricarico,
Secretary.

[FR Doc. 87-23299 Filed 10-7-87; 8:45 am]
BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreements 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, D.C. Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202-000093-038.

Title: North Europe-U.S. Pacific Freight Conference.

Parties:

Hapag-Lloyd AG
Johnson Scanstar
Compagnie Generale Maritime
Incotrans BV
Sea-Land Service, Inc.

Synopsis: The proposed amendment would provide that a resigning member would have no vote on any matter which would take effect after the date of its resignation and would allow a party to give a proxy to another party, the Chairman or the Secretary of the agreement. It would also tie quorum and majority decision requirements to voting entitlements.

Agreement No.: 202-010987-004.

Title: United States/Central America Liner Association.

Parties:

Crowley Caribbean Transport, Inc.
Sea-Land Service, Inc.
Seaboard Marine Ltd.

Synopsis: The proposed amendment provides that failure by a member to vote within two working days after the commencement of a telecommunications poll, or an abstention by a member in a telecommunications poll, shall be counted as a vote against the matter. The parties have requested a shortened review period.

Agreement No.: 217-011151

Title: Naviera Pacifico/Nedlloyd Lines Space Charter Agreement

Parties:

Naviera Pacifico C.A.
Nedlloyd Lines

Synopsis: The proposed agreement would permit the parties to charter space aboard one another's vessels in the trade between U.S. Pacific Coast ports and ports in Venezuela. The parties have requested a shortened review period.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

Dated: October 5, 1987.

[FR Doc. 87-23305 Filed 10-7-87; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Acquisitions of Shares of Banks or Bank Holding Companies; Monke Farm and Cattle Co. et al.

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 October 23, 1987.

A. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Monke Farm & Cattle Co.*, Nickerson, Nebraska, and William Monke, Fremont, Nebraska, to acquire 8.54 percent; Willard Hegne, Fremont, Nebraska, to acquire 8.55; and Wendell Bruner, Fremont, Nebraska, to acquire 8.55 percent of the voting shares of American Banc Corporation, Fremont, Nebraska, and thereby indirectly acquire American National Bank of Fremont, Fremont, Nebraska.

B. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *William Nesbitt*, Waco, Texas, to acquire 13.16 percent; Willard J. Still, Waco, Texas, to acquire 13.16 percent; Pat Beard, Waco, Texas, to acquire 8.77 percent; David B. Kultgen, Waco, Texas, to acquire 8.77 percent; and Bernard Rapoport, Waco, Texas, to acquire 8.77 percent of the voting shares of CentraBank Corporation, Waco, Texas, and thereby indirectly acquire Central National Bank of Woodway-Hewitt, Waco, Texas.

C. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *John E. Wertin*, Irvine, California; to acquire 80.4 percent of the voting shares of San Clemente Bancorp, San Clemente, California, and thereby indirectly acquire The Bank of San Clemente, San Clemente, California.

Board of Governors of the Federal Reserve System, October 2, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-23274 Filed 10-7-87; 8:45 am]

BILLING CODE 6210-01-M

Formations of; Acquisitions by; and Mergers of Bank Holding Companies; Peoples Bancorp of Worcester, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than October 27, 1987.

A. Federal Reserve Bank of Boston (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Peoples Bancorp of Worcester, Inc.*, Worcester, Massachusetts; to become a bank holding company by acquiring 100 percent of the voting shares of Peoples Savings Bank, Worcester, Massachusetts, which engages in Massachusetts Savings Bank Life Insurance activities. Comments on this application must be received by October 23, 1987.

B. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *First Union Corporation*, Charlotte, North Carolina; to acquire 100 percent of the voting shares of First Union Corporation of Tennessee, Nashville, Tennessee, and thereby indirectly acquire First Union National Bank of Tennessee, Nashville, Tennessee.

2. *Sandy Spring Bancorp, Inc.*, Olney, Maryland; to become a bank holding company by acquiring 100 percent of the voting shares of Sandy Spring National Bank of Maryland, Olney, Maryland.

C. Federal Reserve Bank of Atlanta
(Robert E. Heck, Vice President) 104
Marietta Street, N.W., Atlanta, Georgia
30303:

1. *BOL Bancshares, Inc.*, New Orleans, Louisiana; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Louisiana in New Orleans, New Orleans, Louisiana, Fidelity Bank and Trust Co., Slidell, Louisiana, and BOS Bancshares, Inc., Metairie, Louisiana, and thereby indirectly acquire Bank of the South, Metairie, Louisiana.

2. *South Banking Company*, Alma, Georgia; to acquire 50 percent of the voting shares of Georgia Peoples Bankshares, Baxley, Georgia.

C. Federal Reserve Bank of Chicago
(David S. Epstein, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Mid-Illinois Bancshares, Inc.*, Mattoon, Illinois; to acquire 100 percent of the voting shares of Eagle Bank of Charleston, Charleston, Illinois. Comments on this application must be received by October 23, 1987.

2. *Heritage Racine Corporation*, Racine, Wisconsin; to acquire 87 percent of the voting shares of Bank of Hayward, Hayward, Wisconsin.

3. *Water Tower Bancorp, Inc.*, Chicago, Illinois; to acquire 82.62 percent of the voting shares of Belmont National Bank, Chicago, Illinois.

D. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *McCamey Financial Corporation*, McCamey, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of McCamey Bancshares, Inc., McCamey, Texas, and thereby indirectly acquire Security State Bank, McCamey, Texas.

Board of Governors of the Federal Reserve System, October 2, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-23275 Filed 10-7-87; 8:45 am]

BILLING CODE 6210-01-M

Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company; National Westminster Bank, PLC

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under

§ 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 23, 1987.

A. Federal Reserve Bank of New York
(William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *National Westminster Bank PLC*, London, England, and NatWest Holdings Inc., New York, New York, to acquire 100 percent of the voting shares of National Westminster Bank USA, New York, New York; First Jersey National Corporation, Jersey City, New Jersey, and thereby indirectly acquire The First Jersey and National Bank, Jersey City, New Jersey; The First Jersey National Bank/Central, Trenton, New Jersey; The First Jersey National Bank/South, Atlantic City, New Jersey; The First Jersey National Bank/West, Denville, New Jersey; and The First Jersey National Bank/Fort Lee, Fort Lee, New Jersey; and First Jersey Fort Lee

Corporation, Jersey City, New Jersey. In connection with this application, National Westminster Bancorp, Inc., Wilmington, Delaware, has applied to become a bank holding company.

In connection with this application, National Westminster Bank PLC, London, England, and Natwest Holdings Inc., New York, New York, propose to acquire FJN Corporation, Jersey City, New Jersey, and thereby engage in leasing real property, and to acquire Tilden of Florida, Inc., Fort Lauderdale, Florida, and thereby engage in leasing personal property pursuant to § 225.25(b)(5) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, October 2, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-23276 Filed 10-7-87; 8:45 am]

BILLING CODE 6210-01-M

Acquisition of Company Engaged in Permissible Nonbanking Activities; Republic Bancorp, Inc.

The organization listed in this notice has applied under § 225.23 (a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23 (a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of

fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 23, 1987.

A. Federal Reserve Bank of Chicago (David S. Epstein, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Republic Bancorp, Inc.*, Ann Arbor, Michigan; to acquire Mayflower Mortgage Corporation, Plymouth, Michigan, and thereby indirectly engage in making, acquiring and servicing mortgage loans for its own account or for the account of others pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, October 2, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-23277 Filed 10-7-87; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Immunization Practices Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control announces the following Committee meeting:

Name: Immunization Practices Advisory Committee.

Date: October 28-29, 1987.

Place: Conference Room 207, Centers for Disease Control 1600 Clifton Road NE., Atlanta, Georgia 30333.

Time: 8:30 a.m.

Type of Meeting: Open.

Contact Person: Jeffrey P. Koplan, M.D., Executive Secretary of Committee, Centers for Disease Control (1-2047), 1600 Clifton Road, N.E., Atlanta, Georgia 30333. Telephone: FTS: 236-3751. Commercial: 404/329-3751.

Purpose: The Committee is charged with advising on the appropriate uses of immunizing agents.

Agenda: The Committee will discuss draft revisions of typhoid and cholera recommendations; hear updates on *Haemophilus influenzae* type b, meningococcal, BCG, influenza, and Japanese B encephalitis vaccines; discuss measles vaccine and AIDS patients, and inactivated polio vaccine;

and consider other matters of relevance among the committee's objectives.

Agenda items are subject to change as priorities dictate.

Dated: October 2, 1987.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 87-23239 Filed 10-7-87; 8:45 am]

BILLING CODE 4160-19-M

National Institute for Occupational Safety and Health; Board of Scientific Counselors; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control (CDC) announces the following National Institute for Occupational Safety and Health (NIOSH) committee meeting:

Name: Board of Scientific Counselors (BSC)

Date: October 27, 1987

Place: Conference Room 138, Appalachian Laboratory for Occupational Safety and Health, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505

Time and Type of Meeting: Open: 8:30 a.m. to 9:30 a.m.—October 27; Closed: 9:30 a.m. to 10:00 a.m.—October 27

Contact Person: Roy M. Fleming, Sc.D., Executive Secretary, BSC, NIOSH, CDC, 1600 Clifton Road, NE., Atlanta, Georgia 30333. Telephone: Commercial: (404) 329-3343; FTS: 236-3343

Purpose: The Board is charged with advising the Director of the National Institute for Occupational Safety and Health on the scientific quality and efficacy of the Institute's research.

Agenda: Agenda items for the meeting will include announcements, consideration of minutes of the previous meeting, planning of site visits to review NIOSH divisions, and further meeting dates and locations. Beginning at 9:30 a.m. through 10 a.m., October 27, the Board will discuss certain matters the public disclosure of which could constitute a violation of sections 552b(c)(6) and/or 552b(c)(9)(B) of Title 5 U.S. Code. Therefore, pursuant to said provisions and the determination of the Director, Centers for Disease Control, this portion of the meeting will not be open to the public.

Agenda items are subject to change as priorities dictate. The portion of the meeting so indicated is open to the public for observation and participation. Anyone wishing to make an oral presentation should notify the contact

person listed above as soon as possible before the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the presentation. Oral presentations will be scheduled at the discretion of the Chairperson and as time permits.

A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: October 2, 1987.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 87-23238 Filed 10-7-87; 8:45 am]

BILLING CODE 4160-19-M

Food and Drug Administration

[Docket No. 87D-0292]

Guidelines for the Sampling and Certification of Imported Swordfish for Mercury Residues by Private Laboratories; Availability

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of guidelines for the sampling and the certification of imported swordfish for mercury residues by private laboratories. These guidelines were approved August 13, 1987. These guidelines are of interest to all importers of swordfish and to the private laboratories that are offering certification services.

ADDRESS: Requests for a copy of the guidelines may be submitted to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. (Send two self-addressed adhesive labels to assist the Branch in processing your requests.)

FOR FURTHER INFORMATION CONTACT: Sonia I. Delgado, Center for Food Safety and Applied Nutrition (HFF-314), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0250.

SUPPLEMENTARY INFORMATION: FDA is announcing the availability of guidelines for the sampling and the certification of imported swordfish for mercury residues by private laboratories. The agency issued these guidelines to its field offices on August 14, 1987. FDA issued these guidelines in response to the swordfish industry's request that FDA institute uniform sampling procedures to obtain representative samples from lots of swordfish subject to automatic

detention and certification for mercury residues. This request is based on concern that inconsistencies in sampling procedures between FDA and industry can lead to inconsistencies in analytical results between private laboratories and FDA laboratories.

These guidelines are available for review at the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Dated: October 2, 1987.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 87-23255 Filed 10-7-87; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 87M-0304]

Premarket Approval of Sandimmune® Radioimmunoassay Kit; Sandoz Pharmaceuticals Corp.

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Sandoz Pharmaceutical Corp., East Hanover, NJ, for premarket approval, under the Medical Device Amendments of 1976, of the Sandimmune® Radioimmunoassay Kit. After reviewing the recommendation of the Clinical Chemistry and Clinical Toxicology Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant of the approval of the application.

DATE: Petitions for administrative review by November 9, 1987.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Kaiser Aziz, Center for Devices and Radiological Health (HFZ-440), Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, MD 20910, 301-427-7550.

SUPPLEMENTARY INFORMATION: On November 26, 1985, Sandoz Pharmaceutical Corp., East Hanover, NJ 07936, submitted to CDRH an application for premarket approval of the Sandimmune® Radioimmunoassay Kit. The device is an in vitro radioimmunoassay kit for the cyclosporine drug Sandimmune®. It is indicated for measuring levels of Sandimmune® in whole blood, plasma,

or serum as an aid in monitoring the dosage of the drug.

On October 27, 1986, the Clinical Chemistry and Clinical Toxicology Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On August 31, 1987, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact Kaiser Aziz (HFZ-440), address above.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before November 9, 1987, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be

seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h), 90 Stat. 554-555, 571 (21 U.S.C. 360e(d), 360(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: September 30, 1987.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 87-23320 Filed 10-7-87; 8:45 am]

BILLING CODE 4160-01-M

Public Health Service

Office of Minority Health; Delegation of Authority

Notice is hereby given that in furtherance of the delegation by the Secretary of Health and Human Services on January 14, 1981, to the Assistant Secretary for Health, the Assistant Secretary for Health has delegated to the Director, Office of Minority Health, with authority to redelegate, all the authority delegated to the assistant Secretary for Health under Title III of the General Powers and duties of Public Health Service Act, section 301 (42 U.S.C. 241), as amended, relative to research, investigation, and testing functions, insofar as they pertain to the functions assigned to the Office of Minority Health. In addition, I hereby affirm and ratify any actions taken by the director, Office of Minority Health, and subordinates which involved the exercise of the authorities delegated herein prior to the effective date of delegation. The authorities delegated exclude the authorities to promulgate regulations and to submit reports to the Congress.

The delegation to the Director, Office of Minority Health became effective on September 29, 1987.

Date: September 29, 1987.

Robert E. Windom,

Assistant Secretary for Health.

[FR Doc. 87-23319 Filed 10-7-87; 8:45 am]

BILLING CODE 4160-17-M

Privacy Act of 1974; New System of Records

AGENCY: Public Health Service, HHS.

ACTION: Notification of a new system of records.

SUMMARY: In accordance with the requirements of the Privacy Act, the Public Health Service (PHS) is publishing a notice of a new system of records, 09-30-0049, "Consultant Records Maintained by ADAMHA Contractors, HHS/ADAMHA/OA." We are also proposing routine uses for this new system.

DATES: PHS invites interested parties to submit comments on the proposed routine uses on or before November 9, 1987. PHS has sent a Report of a New System to the Congress and to the Office of Management and Budget (OMB) on October 1, 1987. The routine uses will be effective 30 days after the date of publication unless PHS receives comments which would result in a contrary determination.

ADDRESS: Please submit comments to: Privacy Act Officer, Alcohol, Drug Abuse, and Mental Health Administration, Room 6-102, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-4543.

Comments received will be available for inspection at this same address from 8:30 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Contract Officer, National Institute on Drug Abuse, Room 10-49, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-6677.

The numbers listed above are not toll free.

SUPPLEMENTARY INFORMATION: The Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA) proposes to establish a new system of records: 09-30-0049, "Consultant Records Maintained by ADAMHA Contractors, HHS/ADAMHA/OA." This proposed umbrella system of records will comprise records generated by ADAMHA contractors who provide logistical support for review of grants and/or contracts, conferences, meetings, etc. The records will be used to obtain and pay consultants.

Records collected under this system will be organized and maintained according to the particular study which they support. Records will not be entered into a general or comprehensive data base, nor will there be any general index identifying all persons who are subjects of records in the separate studies covered by this system. However, ADAMHA will be treating the separate sets of records as a single system under the Privacy Act (1) because all of the sets of records serve the same purposes and contain similar types of data, (2) in order to apply consistent policies and practices in the maintenance of such records, and (3) to

make it easier for subject individuals to obtain notification of, or access to, their records.

Individuals will be required to supply Social Security numbers in order to receive payment. However, ADAMHA will not use records in this system to make any determination concerning rights, benefits, or privileges of the individuals.

The records in this system will be maintained in a secure manner compatible with their content and use. Access will be given only to authorized contractor staff whose official duties require access for purposes of carrying out the contract. Individually identifiable records will be kept in a locked, limited-access area. Computerized records will be maintained in accordance with Part 6, "ADP System Security," in the HHS Information Resource Management Manual.

The first routine use proposed for this system allows disclosure to the Department of Justice or a court in the event of litigation. The second routine use, permitting disclosure to a congressional office, is proposed to allow subject individuals to obtain assistance from their representatives in Congress, should they so desire. The third routine use is proposed to allow contractors to accomplish logistical work related to the projects. The fourth routine use proposes to allow disclosure to the Internal Revenue Service of customary tax information related to payment of consultants and experts.

This system notice is written in the present, rather than the future tense, in order to avoid the unnecessary expenditure of public funds to republish the notice after it becomes effective.

Dated: October 1, 1987.

Wilford J. Forbush,

Deputy Assistant Secretary for Health Operations and Director, Office of Management.

09-30-0049

SYSTEM NAME:

Consultant Records Maintained By ADAMHA Contractors, HHS/ADAMHA/OA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Records are located at various contractor sites. A list of specific contractor sites is available from the appropriate System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Consultants who participate in Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA) conferences, meetings, evaluation projects, or technical assistance at site locations arranged by contractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, addresses, Social Security numbers, qualifications, curricula vitae, travel records, and payment records for consultants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, as amended, Section 501, (42 U.S.C. 290aa). This section covers program authorities for ADAMHA and its three Institutes.

PURPOSE(S):

This umbrella system of records covers a varying number of separate sets of records used in different projects. These records are established by contractors to organize programs, obtain and pay consultants, and to provide necessary reports related to payment to the Internal Review Service for these programs for ADAMHA. ADAMHA personnel may use records when a technical assistance consultant is needed for a specialized area of research, review, advice, etc.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USE:

1. The Department of Health and Human Services (HHS) may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when (a) HHS, or any component thereof; or (b) any HHS employee in his or her official capacity; or (c) any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or (d) the United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components, is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

2. Disclosure may be made to a congressional office from the record of

an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

3. ADAMHA proposes to contract with private firms for the purposes of handling logistics for conferences, reviews, development of training materials, and of obtaining the services of consultants. Relevant records will be disclosed to such a contractor or may be developed by the contractor for use in the project. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

4. Information in this system of records is used routinely to prepare W-2 and 1099 Forms to submit to the Internal Revenue Service and applicable State and local governments those items to be included as income to an individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records may be stored in file folders, on index cards, computer tapes and disks, microfiche, microfilm.

RETRIEVABILITY:

Information will be retrieved by name.

SAFEGUARDS:

Measures to prevent unauthorized disclosures are implemented as appropriate for each location. Each site implements personnel, physical, and procedural safeguards such as the following:

1. Authorized Users: Only ADAMHA personnel working on these projects and personnel employed by ADAMHA contractors to work on these projects are authorized users as designated by the system managers.

2. Physical Safeguards: Records are stored in locked rooms, locked file cabinets, and/or secured computer facilities.

3. Procedural Safeguards: Contractors who maintain records in this system are instructed to make no further disclosure of the records except as authorized by the system manager and permitted by the Privacy Act. Privacy Act requirements are specifically included in contracts and in agreements with grantees or collaborators participating in research activities supported by this system. HHS project directors, contract officers, and project officers oversee compliance with these requirements.

4. Implementation Guidelines: DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 of the General Administration Manual, and Part 6, "ADP System Security" in the HHS

Information Resource Management Manual.

RETENTION AND DISPOSAL:

Records will be destroyed 3 years after they are no longer used, or, if payment is involved, 3 years after closeout of the contract.

SYSTEM MANAGER(S) AND ADDRESS:

The policy coordinating official for this system of records is also the System Manager for NIDA.

Contract Officer, National Institute on Drug Abuse, RM 10-49 Parklawn, 5600 Fishers Lane, Rockville, Maryland 20857

Contract Officer, National Institute of Mental Health, RM 15-81 Parklawn, 5600 Fishers Lane, Rockville, Maryland 20857

Contract Officer, National Institute on Alcohol Abuse and Alcoholism, RM 14C-06 Parklawn, 5600 Fishers Lane, Rockville, Maryland 20857

NOTIFICATION PROCEDURES:

To determine if a record exists, write to the appropriate System Manager at the address above. Provide notarized signature as proof of identity. The request should include as much of the following information as possible: (a) Full name; (b) title of project individual participated in; (c) ADAMHA project officer; and (d) approximate date(s) of participation.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. Individuals may also request an accounting of disclosures of their records, if any.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Information gathered from individual consultants and from assignment or travel documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 87-23321 Filed 10-7-87; 8:45 am]

BILLING CODE, 4160-20-M

Privacy Act; Systems of Records

AGENCY: Public Health Service; Department of Health and Human Services.

ACTION: Notification of new system of records, 09-37-0020, "Office of Minority Health Grant Records System, HHS/OASH/OMH."

SUMMARY: In accordance with the requirements of the Privacy Act, the Public Health Service (PHS) is publishing a notice of a proposal to create a new system of records, 09-37-0020 "Office of Minority Health Grants Records System, HHS/OASH/OMH." This new system will maintain the grant files for the Office of Minority Health. We are proposing nine routine uses for this system.

DATE: PHS invites interested persons to submit comments on the proposed routine uses on or before November 9, 1987. PHS has sent a report of the new system to the Congress and to the Office of Management and Budget (OMB) on October 1, 1987. The system of records will be effective 60 days from the date submitted to OMB, unless PHS receives comments on the routine uses which would result in a contrary determination.

ADDRESS: Please submit comments to: Mr. J. Henry Montes, Associate Director for External Programs, Office of Minority Health, PHS, Room 118F, HHH Building, 200 Independence Ave., SW., Washington, D.C. 20201.

Comments received will be available for inspection at the same address from 9:00 a.m. to 4:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Ralph L. Sloat, Chief, Grants Management Branch, Room 18A-10, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-4033. This is not a toll free number.

SUPPLEMENTARY INFORMATION:

The Office of Minority Health (OMH) is proposing to establish a new system of records which will contain its grant program records. The Report of the Secretary's Task Force on Black and Minority Health identified six health problems that account for 80 percent of the excess deaths among minorities. These six, listed in alphabetical order are: cancer; cardiovascular disease and stroke; chemical dependency, measured by death due to cirrhosis; diabetes; homicide, suicide, and accidents (unintentional injuries); and infant mortality. This grant program is designed to stimulate community

coalitions to work on activities aimed at reducing the risk factors associated with these six categories of disease.

There are nine routine uses of information proposed for this new system. These routine uses will permit OMH to release information in certain specified cases to other organizations or individuals for assistance in review of applications or for good administrative procedures, or to protect the government's interests.

Specifically, routine uses are proposed for the following situations:

Routine use 1 will permit OMH to respond to a Congressional inquiry made at the request of a subject individual.

Routine use 2 will permit the DHHS to provide information to the Department of Justice or any other agency in cases where government litigation interests require it.

Routine use 3 will permit OMH to make use of an outside consulting firm to make special analyses, if needed, on trends or data in OMH grant files and for other management purposes. Any such firms would have to certify to abide by Privacy Act requirements before being given access to any files in the system of records.

Routine use 4 will permit OMH to utilize the expertise of individuals who are not official members of a grant review committee to provide comments on particular applications as requested by the Executive Secretary of the review committee.

Routine use 5 will permit OMH to respond to any valid request which may be received from another Federal agency for information in a particular grant file which might bear on an employment, licensing, contracting or grant award action to be taken by that agency.

Routine use 6 acknowledges that OMH will respond to any valid subpoena issued by a Federal agency which may be received requesting information in the system of records.

Routine use 7 permits OMH to assist in any requests for information by the cognizant audit agency.

Routine use 8 permits OMH to assist with any investigation of a violation or potential violation of law by making information in a particular file in the system of records available to the appropriate Federal or State agency as requested.

Routine use 9 permits OMH to disclose information to a grantee in the grant file relevant to the administration of that grant.

The records will be maintained in locked files with general building security. The records will be available

to staff of the Office of Minority Health for administrative purposes, other DHHS staff with a need-to-know, and to contractors for data analysis. Contractors will be bound by the same confidentiality rules that apply to staff.

This notice is written in the present tense, rather than in the future tense, in order to avoid the unnecessary expenditure of public funds to republish the notice after the system becomes effective.

Dated: October 1, 1987.

Wilford J. Forbush,

Deputy Assistant Secretary for Health Operations and Director, Office of Management, Public Health Service.

09-37-0020

SYSTEM NAME:

Office of Minority Health Grants Records System, HHS/OASH/OMH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Minority Health, Parklawn Building, Room 18A-10, 5600 Fishers Lane, Rockville, Maryland 20857.

A current list of contractor sites is available by writing to the address below under SYSTEM MANAGER.

Inactive records are located at the Federal Records Center, 4205 Suitland Road, Suitland, Maryland 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Project Grant Program Directors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Grant files, including grant applications, grant award notices, summary comments of peer reviewers, salary information, staffing lists, general correspondence, and Social Security Numbers (optional).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act Section 301 (42 U.S.C. 242). This section authorizes support of health-related grants.

PURPOSE(S):

The information in this system is used to facilitate day-to-day grants management operations and for purposes of review, analysis, planning and policy formulation by OMH staff members and by other components of DHHS.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry

from the congressional office made at the request of that individual.

(2) The Department may disclose information from this system of records to the Department of Justice, to a court or other tribunal, when

(a) HHS, or any component thereof; or

(b) Any HHS employee in his or her official capacity; or

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components, is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal, is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

(3) Disclosure may be made to a private firm for the purposes of providing services related to grant review, or for carrying out quality assessment, program evaluation, and/or management reviews. Any such contractors will be required to maintain Privacy Act safeguards with respect to such records.

(4) Disclosure may be made to qualified experts not within the definition of Department employees for opinions as a part of the application review and award process.

(5) Disclosure may be made to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit of the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

(6) Where Federal agencies having power to subpoena other Federal agencies' records, such as the Internal Revenue Service or Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

(7) Disclosure may be made to the cognizant Audit Agency for auditing.

(8) In the event that a system of records maintained by the Department indicates a violation or potential

violation of law, whether civil, criminal, or regulatory in nature, and whether arising by 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 (e.g., the Department of Justice), or State (e.g., the State Attorney General's office) charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto for litigation.

(9) Disclosure may be made to the grantee institution in connection with performance or administration under the terms and conditions of the award.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files (files folders).

RETRIEVABILITY:

Retrievable by program director name and grant number.

SAFEGUARDS:

1. Authorized Users: Only staff members of the office of Minority Health (OMH) have regular access. Staff members of other DHHS components have access on a need-to-know basis only.

2. Physical Safeguards: Locked file cabinets, locked offices, general building security.

3. Procedural Safeguards: OMH staff may inspect and review records, with the approval of Grant Management Branch staff. Other DHHS staff will be granted access by the System manager only on a need-to-know basis. Visitors will not be left unattended in the office containing the files. Grant records are either transmitted in sealed envelopes or are hand-carried.

RETENTION AND DISPOSAL:

Approved grant applications and their respective files are retained by OMH for one year beyond the termination date of the project. Disapproved grant applications are held for six months. The grant files are then retired to a Federal Records Center and subsequently disposed of in accordance with the PHS/OASH records control schedule. The records control schedule may be obtained by writing to the System Manager at the following address.

SYSTEM MANAGER(S) AND ADDRESS:

Mr. J. Henry Montes, Associate Director for External Programs, Office of

Minority Health, PHS, Room 118F, HHH Building, 200 Independence Ave. SW, Washington, DC 20201.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the above address. Specify program director's name and/or grant number.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. Positive identification is required. You may also request an accounting of disclosures that have been made of your record, if any.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above and reasonably identify the record, specify the information being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Grant applications, reports and correspondence from organizations interested in improving minority health, summary statements from grant review committees and incoming correspondence from project staff.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 87-23322 Filed 10-7-87; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-87-1739; FR-2417]

National Manufactured Home Advisory Council; Meeting

AGENCY: Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice, meeting of National Manufactured Home Advisory Council.

SUMMARY: This notice announces a meeting of the National Manufactured Home Advisory Council. The meetings will be held on October 29, and 30, 1987.

FOR FURTHER INFORMATION CONTACT: Mabel Mishler, Compliance Branch, Manufactured Housing and Construction

Standards Division, Office of Manufactured Housing and Regulatory Functions, 451 7th Street, SW., Room 9158, Washington, DC 20410-8000; telephone: (202) 755-6584. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: The National Manufactured Housing Construction and Safety Standards Act of 1974 (hereinafter "the Act"), 42 U.S.C. 5401 *et seq.*, requires the Secretary of the Department of Housing and Urban Development to establish Federal construction and safety standards for manufactured homes. The Act also requires that the Secretary appoint a National Manufactured Home Advisory Council composed of twenty-four members. The membership of the Council is selected equally from each of the following categories: (a) The manufactured home industry and related groups, including at least one representative of small business; (b) consumer organizations, community organizations, and recognized consumer leaders; and (c) government agencies including Federal, State and local governments. The purpose of the National Manufactured Home Advisory Council is to advise the Department, to the extent feasible, prior to the establishment, amendment or revocation of any manufactured home construction and safety standard.

In accordance with the Federal Advisory Committee Act, 5 U.S.C. App. I, section 10(a)(2), announcement is made of the following meeting:

The National Manufactured Home Advisory Council will meet on October 29 and 30, 1987. The meetings are open to the public and will convene at 1:00 p.m. on Thursday, October 29, 1987, at the Department of Housing and Urban Development, Departmental Conference Room 10233, 451 7th Street, SW., Washington, DC 20410-8000.

The Advisory Council will discuss and evaluate proposed revisions to the Federal Manufactured Home Construction and Safety Standards (FMHCSS). Revisions to the Standards are being proposed in the areas of thermal energy conservation standards and lead content in potable water lines.

The final agenda will be available at the meeting. Inquiries concerning the agenda may be made after September 30, 1987, by contacting the Office of Manufactured Housing and Construction Standards, HUD, at (202) 755-6584.

Authority

Sec. 605 of the National Manufactured

Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5404; Sec. 10 of the Federal Advisory Committee Act, 5 U.S.C. App. I.

Date: October 1, 1987.

Thomas T. Demery,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 87-2323 Filed 10-7-87; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK-967-4213-15 AA-50379-22]

Alaska Native Claims Selection; Chugach Alaska Corp.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of secs. 12(c), 14(h)(8) and 22(f) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1611(c), 1613(h)(8), 1621(f), and the 1982 CNI Settlement Agreement of January 10, 1983, entered into pursuant to ANCSA and secs. 1302(h) and 1430(a) of the Alaska National Interest Lands Conservation Act of December 2, 1980, Pub. L. 96-487, 94 Stat. 2371, 2475, 2531, will be issued to Chugach Alaska Corporation for approximately 762 acres. The lands involved are located in Secs. 6, 7, and 18, T. 2 N., R. 1 E., Seward Meridian, Alaska, on the Snow River in the vicinity of Seward, Alaska.

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the Anchorage Times. Copies of the decision may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, ((907) 271-5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government or regional corporation, shall have until November 9, 1987 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart

E, shall be deemed to have waived their rights.

Terry R. Hassett,

Chief, Branch of KCS Adjudication.

[FR Doc. 87-23361 Filed 10-7-87; 8:45 am]

BILLING CODE 4310-JA-M

[AK-968-4213-15]

Alaska Native Claims Selection; Cook Inlet Region, Inc.

In accordance with Departmental Regulation 43 CFR 2650.7(d), notice is hereby given that decisions to issue conveyance under the provisions of sec. 14(e) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(e) and sec. 12 of the Act of January 2, 1976, Pub. L. 94-204, 43 U.S.C. 1611 nt, as amended, and Par. I.C.(2)(a) of the document entitled Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area, will be issued to Cook Inlet Region, Inc. for the following described lands:

Serial No.	Land description	Acreage
AA-41952.....	T. 12 N., R. 5 W., Seward Meridian, Alaska.	45 approx.
AA-59945.....	T. 5 N., R. 9 W., Seward Meridian, Alaska.	78.28

A notice of the decisions will be published once a week, for four (4) consecutive weeks, in the Anchorage Daily News. Copies of the decisions may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, ((907) 271-5960).

Any party claiming a property interest which is adversely affected by the decisions, an agency of the Federal government, or regional corporation, shall have until November 9, 1987 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

Olivia Short,

Chief, Branch of Cook Inlet and Ahtna Adjudication.

[FR Doc. 87-23362 Filed 10-7-87; 8:45 am]

BILLING CODE 4310-JA-M

[ID-040-08-4341-15]

Salmon District; Emergency Interim Closure of Public Lands, Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of emergency interim vehicle closure for Snaketrail Ridge Road located on public lands in Custer County, Idaho. The area is located about 2.5 miles southeast of the junction of the East Fork and main Salmon Rivers and about 20 miles south of Challis, Idaho. The closure will be year-round for vehicles greater than 40" in width, thus allowing winter snowmobile use. This Bureau action will take place as a cooperative venture with Idaho Department of Fish and Game, Challis National Forest, and concerned local citizens.

FOR FURTHER INFORMATION CONTACT: Bob Hale, Bureau of Land Management, P.O. Box 430, Salmon, ID 83567; telephone (208) 756-5400.

Dated: September 29, 1987.

Robert W. Heidemann,

Associate District Manager.

[FR Doc. 87-23364 Filed 10-7-87; 8:45 am]

BILLING CODE 4310-GG-M

[WO-150-08-4830-11]

National Public Lands Advisory Council; Call for Nominations

AGENCY: Bureau of Land Management, Interior.

ACTION: Call for nominations for National Public Lands Advisory Council.

SUMMARY: The purpose of this notice is to call for nominations for seven memberships on the Bureau of Land Management's National Public Lands Advisory Council.

The Council consists of 21 members. Under the staggered-term arrangement instituted by the Secretary of the Interior in 1981, the terms of seven members on the Council will expire on December 31, 1987. Current Council members may be reappointed or new members may be appointed. Terms of appointment will be for 3 years, beginning January 1, 1988, and expiring December 31, 1990.

Nominees for membership should be well qualified through education, training and experience to give informed and objective advice concerning land use and resource planning for the public lands.

DATE: Nominations should be received by the Bureau of Land Management by November 10, 1987.

ADDRESS: Persons wishing to nominate individuals to serve on the Council should send biographical data that includes name, address, profession, and other relevant information about the candidate's qualifications to: Director (150), Bureau of Land Management, MS-5558, Department of the Interior, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The function of the Council is to advise the Secretary of the Interior, through the Director, Bureau of Land Management, on policies and programs of a national scope related to the resources and uses of public lands under the jurisdiction of the Bureau of Land Management.

The Council is expected to meet three times a year. Additional meetings may be called by the Director in connection with special needs for advice. Members will serve without salary, but will be reimbursed for travel and per diem expense rates prevailing for Government employees.

FOR FURTHER INFORMATION CONTACT: Karen Slater, Bureau of Land Management (150), MS-5558, Department of the Interior, Washington, DC 20240, Telephone: (202) 343-2054.

Dated: October 2, 1987.

Robert F. Burford,
Director.

[FR Doc. 87-23380 Filed 10-7-87; 8:45 am]

BILLING CODE 4310-84-M

[ID-010-08-4410-08]

Management Framework Plan; Owyhee and Bruneau-Kuna; Idaho

AGENCY: Bureau of Land Management, Boise District Office, Interior.

ACTION: Notice to amend the Owyhee and Bruneau-Kuna Management Framework Plans.

SUMMARY: The Boise District, Bureau of Land Management proposes to amend the Owyhee and Bruneau-Kuna Management Framework Plans (MEPs) to establish research natural areas as Areas of Critical Environmental Concern.

ADDRESS: Requests for additional information and requests to be involved in this planning action can be directed to the Bureau of Land Management, Chief, Planning and Environmental Assistance, 3948 Development Avenue, Boise, Idaho 83705.

FOR FURTHER INFORMATION CONTACT: Ted S. Milesnick, Chief, Planning and Environmental Assistance at the above address or call (208) 334-1582; (FTS) 554-1582.

SUPPLEMENTARY INFORMATION: The Boise District, BLM will evaluate five to ten sites in Owyhee County, Idaho for management as Areas of Critical Environmental Concern to protect research natural area values. These sites are located in the Bruneau and Owyhee Resource Areas. The sites vary in size from 100 acres to approximately 2,000 acres each. These sites would provide representation and protection for several vegetative communities which occur within Idaho. The sites being considered are primarily in good to excellent ecological condition. The main issues anticipated are conflicts between managing the areas as Research Natural Areas or allowing the areas to be open for livestock grazing or unrestricted mineral and energy exploration and development.

An interdisciplinary team including range, wildlife, wilderness and mineral and energy specialists will prepare the amendment and the environmental analysis. A draft amendment and environmental analysis will be circulated to interested publics prior to approval of the proposed amendment.

The existing MFPs for the areas being considered are available for review at the above listed address.

Dated: September 24, 1987.

J. David Brunner,
District Manager.

[FR Doc. 87-23363 Filed 10-7-87; 8:45 am]

BILLING CODE 4310-GG-M

[NM-060-8-4351-90]

Roswell District Advisory Council Tour; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Roswell District Advisory Council Tour.

SUMMARY: Notice is hereby given that the Roswell District of the Bureau of Land Management will conduct a tour of oil field development northwest of Roswell, following an update of Senate Bill S.7: The California Desert Protection Act of 1987.

DATE: Wednesday, November 4, 1987, beginning at 10 a.m.

FOR FURTHER INFORMATION CONTACT: David L. Mari, Associate District Manager, or Barbara Bills-Heiss, Acting Public Affairs Specialist, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201, (505) 622-9042.

SUPPLEMENTARY INFORMATION: The Council will depart from the BLM District Office at 1717 West Second Street, Roswell, NM. The public is

invited to participate at their own expense; transportation will not be provided by BLM.

Francis R. Cherry, Jr.,
District Manager.

[FR Doc. 87-23365 Filed 10-7-87; 8:45 am]

BILLING CODE 4310-FB-M

[AZ-940-07-4212-12; A-20348]

Realty Action; Exchange of Public Land; Mohave and Coconino Counties, AZ

September 29, 1987.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This Notice is to inform the public of the completion of an exchange of public and State land in Arizona. The United States acquired 12,195.51 acres in Mohave and Coconino Counties and the State of Arizona acquired 800.89 acres in Mohave County.

FOR FURTHER INFORMATION CONTACT: Marsha Luke, Arizona State Office, P.O. Box 16563, Phoenix, Arizona 85011. Telephone (602) 241-5534.

SUPPLEMENTARY INFORMATION: On May 12, 1987, the Bureau of Land Management transferred the following described land to the State of Arizona by Patent No. 02-87-0029 and Deed No. AZ-87-003 pursuant to Section 206 of the Federal Land Policy and Management Act of October 21, 1976:

Gila and Salt River Meridian, Arizona

T. 39 N., R. 16 W.,
Sec. 14, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 22, W $\frac{1}{2}$ NW $\frac{1}{4}$.
T. 40 N., R. 15 W.,
Sec. 3, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 40 N., R. 16 W.,
Sec. 33, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 34, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 41 N., R. 12 W.,
Sec. 5, lots 3 and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$.
T. 41 N., R. 13 W.,
Sec. 1, lots 1 to 4, incl., E $\frac{1}{2}$ SW $\frac{1}{4}$.

In exchange the United States acquired the following described land:

Gila and Salt River Meridian, Arizona

T. 29 N., R. 11 W.,
Sec. 36, NW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 34 N., R. 9 W.,
Sec. 16, all.
T. 35 N., R. 14 W.,
Sec. 36, all.
T. 41 N., R. 6 W.,
Sec. 10, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$,
SE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 41 N., R. 13 W.,
Sec. 16, all.
T. 41 N., R. 14 W.,
Sec. 2, lots 1 to 4, incl., S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 16, all.

T. 38 N., R. 4 E.,
Sec. 2, lots 1 to 4, incl., S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$.
T. 38 N., R. 5 E.,
Sec. 2, lots 1 to 4, incl., S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 16, all.
T. 38 N., R. 6 E.,
Sec. 2, lots 1 to 4, incl., S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 32, all.
T. 39 N., R. 3 E.,
Sec. 36, NE $\frac{1}{4}$.
T. 39 N., R. 6 E.,
Sec. 2, lots 1, 3, and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$,
NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 36, W $\frac{1}{2}$.
T. 40 N., R. 6 E.,
Sec. 36, all.
T. 40 N., R. 7 E.,
Sec. 2, lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$,
SE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 16, all.
T. 41 N., R. 4 E.,
Sec. 16, all.
T. 41 N., R. 5 E.,
Sec. 2, S $\frac{1}{2}$;
Sec. 16, all.
T. 42 N., R. 3 E.,
Sec. 36, lots 1 to 4, incl., S $\frac{1}{2}$.
T. 42 N., R. 4 E.,
Sec. 36, lots 1 to 4, incl.
T. 42 N., R. 5 E.,
Sec. 32, lots 3 and 4, SW $\frac{1}{4}$.
T. 42 N., R. 6 E.,
Sec. 32, lots 1 to 4, incl., S $\frac{1}{2}$.

The reconveyed land described above that lies within the boundary of the Grand Canyon National Park is subject to the jurisdiction of the National Park Service.

The purpose of this notice is to inform the public and interested Government officials of the exchange of Federal and State land.

John T. Mezes,
Chief, Branch of Lands and Minerals
Operations.

[FR Doc. 87-23366 Filed 10-7-87; 8:45 am]

BILLING CODE 4310-32-M

[AZ-050-84212-10, CA-20856]

Realty Action; Lease of Lands, San Bernardino County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action—lease of lands, San Bernardino County, California.

SUMMARY: The following described lands and interests therein have been determined to be available for lease under section 302 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732):

San Bernadino Meridian, California

T. 8 N., R. 23 E.,
Sec. 22, SW $\frac{1}{4}$ SW $\frac{1}{4}$, containing 40 acres.

The United States proposes to lease these lands on a modified-competitive basis for use as a full-service truck stop and related facilities. Applications shall be considered.

Such lease will be subject to those rights for a highway access right-of-way granted to California Department of Transportation by right-of-way No. RI-04112 and for a 12 kV electric distribution line granted to the City of Needles by right-of-way No. RI-07071.

Publication of this Notice segregate the subject lands from all appropriations under any other public land laws, including location under the mining laws. This segregation will terminate upon issuance of a lease for these lands, 2 years from the date of this publication, or upon publication of a Notice of Termination, whichever occurs first.

For a period of 45 days from the date of publication of this Notice, interested parties may submit comments to the District Manager, Yuma, Arizona 85364.

Any objections will be reviewed by the State Director, who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of Interior, effective 60 days from the date of publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT:

Mike Ford, Area Manager, Havasu Resource Area, Bureau of Land Management, 3189 Sweetwater Avenue, Lake Havasu City, Arizona 86403, 602-855-8017.

Dated: September 30, 1987.

J. Darwin Snell,
District Manager.

[FR Doc. 87-23367 Filed 10-7-87; 8:45 am]

BILLING CODE 4310-32-M

[ID-050-08-4212-14]

Realty Action; Sale of Public Land; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action, I-21974, I-21982 through I-21986 inclusive and I-24538, I-24539, I-24540, Sale of Public Lands in Lincoln, Jerome, Elmore, and Gooding Counties, Idaho.

SUMMARY: The following described lands were examined, and through land use planning and public input were determined to be suitable for disposal by sale pursuant to section 203(a) of the Federal Land Policy and Management Act of 1976. Only sealed bids will be accepted.

Parcel	Acres	Legal	Case file No.
1	40.00	T. 5 S., R. 15 E., B.M., Section 27: NW $\frac{1}{4}$ SE $\frac{1}{4}$	I-21974
2	5.00	T. 6 S., R. 12 E., B.M., Section 1: N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	I-21982
3	30.00	T. 5 S., R. 11 E., B.M., Section 33: E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$; Section 34: S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	I-21983
4	160.00	T. 7 S., R. 18 E., B.M., Section 19: NE $\frac{1}{4}$ SE $\frac{1}{4}$; Section 30: NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$	I-21984
5	40.00	T. 5 S., R. 17 E., B.M., Section 15: SW $\frac{1}{4}$ NW $\frac{1}{4}$	I-21985
6	40.00	T. 9 S., R. 19 E., B.M., Section 7: SW $\frac{1}{4}$ NE $\frac{1}{4}$	I-21986
7	20.00	T. 6 S., R. 17 E., B.M., Section 2: E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	I-24538
8	20.00	T. 9 S., R. 17 E., B.M., Section 21: N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$	I-24539
9	20.00	T. 9 S., R. 17 E., B.M., Section 21: S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$	I-24540

Parcels 1 through 9, when patented, will be subject to the following reservations:

1. A right-of-way for ditches or canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 USC 945.

2. Oil and gas shall be reserved to the United States.

3. All valid existing rights and reservations.

Parcels 2, 3, 8, and 9, when patented, will also be subject to geothermal resources being reserved to the United States.

Parcels 3, when patented, will also be subject to sodium and potassium resources being reserved to the United States.

The lands are hereby segregated from all appropriation under the public land laws including the mining laws until sold or this sale is suspended.

Sealed bids must be received in this office no later than 1:00 p.m. on December 11, 1987. Bids for less than the appraised fair market value will not be accepted. The appraised values are not available at this time, but will be made public approximately one month before the sale date. A bid will constitute an application for conveyance of mineral interests of no known value. A \$50.00 filing fee for processing such mineral conveyance, along with, but separate from, 30 percent of the full bid price, must accompany each bid.

Parcel 1 was previously offered on December 13, 1985, but was not sold. This is a reoffering of that parcel.

If a parcel is not sold on December 11, 1987, the parcel(s) will be offered the second Friday of each month at the same time and place until sold or the sale is suspended.

All parcels are offered as open competitive sales without preference to past users or adjacent landowners, except parcels 2, 3, 4, and 8. Those parcels are modified competitive bids for December 11, 1987. To qualify as a designated preference-right bidder, the following identified parties must submit a qualified bid on the original sale date.

Parcel 2 is being sold at public auction, subject to a preference bidding designation to allow Mr. Leroy Hess of L&J Development Company to meet the highest bid based on historical occupancy use and adjacent landownership. Refusal or failure to meet the highest qualifying bid within 31 calendar days of this offering shall constitute a waiver of such bidding provisions and the land will be offered to the highest bidder. If no bid is received on the date of this offering, preference provisions will be waived and the land will be offered for sale using competitive procedures on January 8, 1988, and thereafter on the second Friday of each month until sold or the sale is suspended.

Parcel 3 is being sold at public auction, subject to a preference bidding designation to allow Mr. John C. Parke to meet the highest bid based on historical occupancy use and adjacent landownership. Refusal or failure to meet the highest qualifying bid within 31 calendar days of this offering shall constitute a waiver of such bidding provisions and the land will be offered to the highest bidder. If no bid is received on the date of this offering, preference provisions will be waived and the land will be offered for sale using competitive procedures on January 8, 1988, and thereafter on the second Friday of each month until sold or the sale is suspended.

Parcel 4 is being sold at public auction, subject to a preference bidding designation to allow Reservoir Land Company to meet the highest bid based on historical occupancy use and adjacent landownership. Refusal or failure to meet the highest qualifying bid within 31 calendar days of this offering shall constitute a waiver of such bidding provisions and the land will be offered to the highest bidder. If no bid is received on the date of this offering, preference provisions will be waived and the land will be offered for sale using competitive procedures on January 8, 1988, and thereafter on the second Friday of each month until sold or the sale is suspended.

Parcel 8 is being sold at public auction, subject to a preference bidding designation to allow Mr. Jack Watts to meet the highest bid based on historical occupancy use and adjacent landownership. Refusal or failure to meet the highest qualifying bid within 31 calendar days of this offering shall constitute a waiver of such bidding provisions and the land will be offered to the highest bidder. If no bid is received on the date of this offering, preference provisions will be waived and the land will be offered for sale using competitive procedures on January 8, 1988, and thereafter on the second Friday of each month until sold or the sale is suspended.

DATE AND ADDRESS: The sale offering will be held on December 11, 1987, at 1:00 p.m. in the Shoshone District, 400 West F Street, Shoshone, Idaho 83352.

FOR FURTHER INFORMATION CONTACT: Detailed information concerning the sale and conditions, appraised value, bidding procedures, and other details can be obtained by contacting Joe Aitken at (208) 886-2206 or writing to BLM, P.O. Box 2-B, Shoshone, Idaho 83352.

SUPPLEMENTARY INFORMATION: For a period of 45 days from the date of this notice, interested parties may submit comments to the Shoshone District Manager at the above address.

K Lynn Bennett,
District Manager.

[FR Doc. 87-23368 Filed 10-7-87; 8:45 am]

BILLING CODE 4310-GG-M

[NV-930-07-4212-13; N-44686]

Realty Action; Exchange of Public Lands in Elko County, NV

The following described public lands administered by the Bureau of Land Management have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy

and Management Act of 1976, 43 U.S.C. 1716:

Mount Diablo Meridian, Nevada

T. 40 N., R. 69 E.,
Sec. 4, Lots 1 and 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 6, All;
Sec. 8, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$,
SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 14, N $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 16, NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 18, All;
Sec. 20, All;
Sec. 28, W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 41 N., R. 69 E.,
Sec. 18, Lots 1-4 inclusive, NW $\frac{1}{4}$ NE $\frac{1}{4}$,
S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 20, W $\frac{1}{2}$ W $\frac{1}{2}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 30, All;
Sec. 32, W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$.

The areas described above aggregate 4,841.87 acres.

In exchange for these lands the United States will acquire the following described private lands for Lands of Sierra, Inc.:

Mount Diablo Meridian, Nevada

T. 40 N., R. 62 E.,
Sec. 1, All;
Sec. 2, Lots 1-4 inclusive, 6, 7, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. All;
Sec. 10, All;
Sec. 11, All;
Sec. 12, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 41 N., R. 62 E.,
Sec. 26, E $\frac{1}{2}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 27, All;
Sec. 34, All;
Sec. 35, All;
Sec. 36, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

The areas described above aggregate 6,206.75 acres.

In addition to the private lands described above, Lands of Sierra is providing an easement to insure public access to the property.

The purpose of the exchange is to acquire non-Federal lands in the Snake Mountain Range with demonstrated wildlife, riparian and recreation potential. The exchange is consistent with the Wells, Resource Management Plan and is in the public interest. The lands to be disposed of are within the Lands of Sierra, Inc., grazing allotment and contain a total of 417 AUMs. Lands of Sierra does not own the mineral estate for the private offered lands. Therefore there would be no exchange of mineral estates by either party. The exchange would not be consummated any sooner than 60 days after the date this notice is published in the Federal Register.

The above described lands will be subject to an appraisal to determine the value of the lands to be exchanged. The lands involved may be adjusted to

equalize values following the completion of the appraisal.

Land transferred from the United States will contain the following reservations in the patent:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States; Act of August 30, 1980 (26 Stat. 391; 43 U.S.C. 945).

2. All mineral deposits in the lands, and to it, or persons authorized by it, the right to prospect for, mine and remove such deposits from the same under applicable laws and such regulations as the Secretary of Interior may prescribe.

The patent would be issued subject to:

1. Those rights for powerline purposes granted to Raft River Electric Company, its successors or assigns, by right-of-way No. Nev-044466, pursuant to the Act of March 4, 1911 (36 Stat. 1253; 43 U.S.C. 961).

2. Those rights for communication line purposes granted to CP National Telephone, its successors or assigns by right-of-way No. N-2614, pursuant to the Act of March 4, 1911 (36 Stat. 1253; 43 U.S.C. 961).

3. Those rights for roadway purposes granted to Elko County, its successors or assigns, by right-of-way No. N-46813, pursuant to the Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

4. Those rights for roadway purposes granted to the Bureau of Land Management, its successors or assigns, by right-of-way No. N-47144, pursuant to the Act of October 21, 1976 (90 Stat. 2781; 43 U.S.C. 1767).

5. Those rights for roadway purposes granted to the Bureau of Land Management, its successors or assigns, by right-of-way No. N-47145, pursuant to the Act of October 21, 1976 (90 Stat. 2781; 43 U.S.C. 1767).

Title to the offered lands when conveyed to the United States will contain the following reservations:

1. An easement over a portion of sections 1, 2, 3 and 10, T. 40 N., R. 62 E., MDM, of 20 feet in width for communication facilities and incidental purposes, as granted to American Telephone and Telegraph Company by easement recorded in Book 98 of Official Records at Page 294, Elko County, Nevada.

2. A right-of-way executed by Winecup Ranch Partnership to American Telephone and Telegraph Company over a portion of Section 1, T. 40 N., R. 62 E., MDM., for road purposes by document recorded January 13, 1972, in Book 158 of Official Records at Page 373, Elko County, Nevada.

Publication of this notice in the **Federal Register** will segregate the subject lands from all appropriations under the public land laws including the

mining and mineral leasing laws. This segregation will terminate upon the issuance of patent or two years from the date of this notice or upon publication of a Termination of Segregation.

Further information regarding this exchange including the Environmental Assessment is available for review at the Elko District Office, Bureau of Land Management, 3900 E. Idaho, Elko, Nevada 89801. For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Elko District, at the above address. All objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of timely objections, this proposal shall become the final determination of the Department of the Interior.

Dated: September 30, 1987.

Rodney Harris,
District Manager.

[FR Doc. 87-23367 Filed 10-7-87; 8:45 am]
BILLING CODE 4310-HC-M

[INV-930-07-4212-13 (N-46056)]

Land Exchange Conveyance; Opening of Public Lands, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice; issuance of land exchange conveyance document and order providing for opening of public lands, Nevada.

SUMMARY: This notice identifies Federal and non-Federal lands involved in a recently completed exchange transaction. The lands acquired by the United States will become open to the operation of the public land laws on the date specified below. No minerals were reconveyed to the United States.

EFFECTIVE DATE: November 9, 1987.

FOR FURTHER INFORMATION CONTACT: Rod Harris, District Manager, Elko District Office, P.O. Box 831, Elko, Nevada 89801 (702) 738-4071.

SUPPLEMENTARY INFORMATION: The United States issued Deed No. NV-87-001 to Newmont Gold Company on September 25, 1987, for the following described lands pursuant to section 206 of the Act of October 21, 1976 (43 U.S.C. 1716):

Mount Diablo Meridian, Nevada

T. 31 N., R. 53 E.
Sec. 4, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$.

T. 32 N., R. 53 E.
Sec. 33, lots 1, 2, 3, 4, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$.

The area described contains 1,287.44 acres in Elko County, Nevada.

In exchange for these lands, the United States acquired the following described lands from Newmont Gold Company:

Mount Diablo Meridian, Nevada

T. 37 N., R. 55 E.,

Sec. 27 lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Sec. 33, All.

The area described contains 1,027.64 acres in Elko County, Nevada.

The purpose of this exchange was to acquire non-Federal land with demonstrated fishery values and recreation potential. The public interest was served through completion of this exchange.

The Federal and non-Federal land in the exchange were of equal value, \$77,000.00.

At 10:00 a.m., on November 9, 1987, the lands will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10:00 a.m., on November 9, 1987, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 87-23370 Filed 10-7-87; 8:45 am]

BILLING CODE 4310-HC-M

[INV-930-08-4212-18; N-45233]

Realty Action; Non-Competitive Sale of Public Lands in Clark County, NV

The following described land in Mesquite, Clark County, Nevada has been determined to be suitable for sale utilizing non-competitive procedures, at not less than fair market value. Authority for the sale is the Act of October 27, 1986, 100 Stat. 3061 (Pub. L. 99-548). The lands will be offered for sale no later than October 26, 1987.

Mount Diablo Meridian

T. 13 S., R. 71 E.,

Sec. 8, lots 1-3, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 9, lots 1, 5, 6, 8, 11, 17, 19, 21, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 10, lots 5-9, W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 17, lot 1;

Sec. 18, N $\frac{1}{2}$ NW $\frac{1}{4}$.

Aggregating 1,439.62 acres, more or less.

This parcel of land, situated in Mesquite is being offered as a direct sale to the City of Mesquite. Public Law 99-548 directed the Secretary of the Interior through the Bureau of Land Management to sell certain public lands

to the City of Mesquite to allow for community expansion. This is the first phase of a three phase process.

This land is not required for any federal purposes. The sale is consistent with the Bureau's planning system.

A deposit of twenty (20) percent of the appraised fair market value must be paid to the Bureau of Land Management, Las Vegas District Office, no later than October 26, 1987. The balance of the full purchase price shall be paid within 180 days of the City's receipt of the sale offer.

Conveyance of the available mineral estate except for oil, gas, sodium and potassium will occur simultaneously with the sale of the land. The subject lands have no known mineral values, with the exception of oil and gas, sodium and potassium. Acceptance of a direct sale offer will constitute an application for conveyance of those mineral interests. The applicant will be required to pay a \$50.00 non-returnable filing fee for conveyance of the available mineral interests.

The patent, when issued, will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945.

2. All oil and gas, sodium and potassium mineral deposits. A more detailed description of this reservation, which will be incorporated into the patent document, is available for review at the Las Vegas District Office.

and will be subject to:

1. Those rights for highway purposes granted to the State of Nevada, Department of Highways, its successors and assigns by Permit No. N-125, under the Act of August 27, 1958, as amended, 23 U.S.C. 107(d).

2. Those rights for communication site purposes which have been granted to Clark County School District, its successors or assigns, by Permit No. N-3886 under the Act of March 4, 1911, 36 Stat. 1253, formerly 43 U.S.C. 961.

The lands are segregated from all forms of appropriation under the public land laws, including the general mining laws by the Act of October 27, 1986.

Detailed information concerning the sale is available for review at the Las Vegas District Office, Bureau of Land Management, 4765 W. Vegas Dr., Las Vegas, NV.

Dated: October 1, 1987.

Ben F. Collins,

District Manager, Las Vegas, NV.

[FR Doc. 87-23371 Filed 10-7-87; 8:45 am]

BILLING CODE 4310-HC-M

[MT-930-03-4212-13; NDM 62060]

Montana; Conveyance and Order Providing for Opening of Public Land in Bowman County, ND

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This order will open lands reconveyed to the United States in an exchange under the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701 *et seq.* (FLPMA), to the operation of the public land laws. It also informs the public and interested state and local governmental officials of the issuance of the conveyance document.

EFFECTIVE DATE: At 9 a.m. on November 25, 1987, the lands reconveyed to the United States shall be open to the operation of the public land laws, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. The lands described in paragraph 1 below were segregated from settlement, sale, location and entry, including the mining laws, but not from exchange, by the Notices of Realty Action published in the *Federal Register* on December 31, 1985 (50 FR 53404) and on June 25, 1986 (51 FR 23161). The segregation terminated for the affected lands on issuance of the Patent on August 4, 1987.

FOR FURTHER INFORMATION CONTACT: Edward H. Croteau, BLM, Montana State Office, P.O. Box 36800, Billings, Montana 59107, 406-657-6082.

SUPPLEMENTARY INFORMATION: 1. Notice is hereby given that pursuant to section 206 of FLPMA, the following described surface estate was conveyed to Everett Rea! Estate, Inc.:

Fifth Principal Meridian, North Dakota

T. 151 N., R. 99 W.,
Sec. 6, lot 5.
T. 152 N., R. 99 W.,
Sec. 7, lot 3;
Sec. 24, NW 1/4 NE 1/4.
T. 141 N., R. 101 W.,
Sec. 18 SE 1/4 SE 1/4.
T. 152 N., R. 101 W.,
Sec. 12, NW 1/4 SE 1/4;
Sec. 14, SW 1/4 SW 1/4, SE 1/4 SE 1/4;
Sec. 22, SE 1/4 NW 1/4.
T. 152 N., R. 103 W.,
Sec. 24, SE 1/4 SW 1/4.
T. 129 N., R. 106 W.,
Sec. 18, lots 2, 3, NE 1/4 SW 1/4;
Sec. 19, lot 4;
Sec. 30, lot 1.
T. 129 N., R. 107 W.,
Sec. 12, SW 1/4 SW 1/4;
Sec. 13, NW 1/4 NE 1/4, N 1/2 NW 1/4, NE 1/4 SE 1/4;
Sec. 24, E 1/2 SE 1/4, SW 1/4 SE 1/4;
Sec. 34, lot 4.

Aggregating 923.99 acres.

2. In exchange for the above selected land, the United States acquired the surface estate of the following described land in Bowman County, North Dakota:

Fifth Principal Meridian, North Dakota

T. 131 N., R. 106 W.,
Sec. 23, lots 2, 3, W 1/2 NE 1/4, NE 1/4 NW 1/4,
NW 1/4, E 1/2 NW 1/4 NW 1/4 NW 1/4,
SW 1/4 NW 1/4 NW 1/4 NW 1/4, S 1/2 NW 1/4,
NW 1/4, S 1/2 NW 1/4, SW 1/4, W 1/2 SE 1/4;
Sec. 26, W 1/2 NW 1/4, N 1/2 NW 1/4 SW 1/4; and
Sec. 27, SE 1/4 NE 1/4.
Containing 629.5 acres, more or less.

3. The values of Federal public land and the nonfederal land in the exchange were appraised at \$56,500 each. No minerals were transferred by either party in the exchange.

4. At 9 a.m. on November 25, 1987, the lands described in paragraph 2 above that were conveyed to the United States will be open to the operation of the public land laws.

John A. Kwiatkowski,
Deputy State Director, Division of Lands and Renewable Resources.
September 30, 1987.

[FR Doc. 87-23372 Filed 10-7-87; 8:45 am]

BILLING CODE 4310-DN-M

[OR-130-03-4212-13; GP8-1; OR 40851 (WA)]

Exchange of Public Lands; Stevens County, WA

AGENCY: Bureau of Land Management, Interior.

ACTION: Exchange of Public Lands in Stevens County, Washington. The following described public lands have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Willamette Meridian

T. 32 N., R. 38 E.,
Sec. 9, SW 1/4 NE 1/4 NW 1/4.
T. 35 N., R. 38 E.,
Sec. 3, Lot 4;
Sec. 6, Lots 9 & 11, MS996;
Sec. 7, Lot 6;
Sec. 9, SW 1/4 NW 1/4, SW 1/4 NE 1/4.
T. 37 N., R. 38 E.,
Sec. 15, SW 1/4 SE 1/4;
Sec. 22, E 1/2 NE 1/4.
T. 34 N., R. 39 E.,
Sec. 20, SW 1/4 SW 1/4;
Sec. 28, SW 1/4 SW 1/4.
T. 38 N., R. 41 E.,
Sec. 18, SE 1/4 SE 1/4;
Sec. 19, SE 1/4 SE 1/4;
Sec. 20, SE 1/4 NE 1/4, SW 1/4 SW 1/4;
Sec. 29, NW 1/4 NW 1/4, SE 1/4 SW 1/4, E 1/2 SE 1/4;
Sec. 30, NW 1/4 NE 1/4.
T. 40 N., R. 41 E.,
Sec. 24, Lot 1, S 1/2 NE 1/4;

Sec. 25, Lots 2, 3 & 4.
T. 40 N., R. 42 E.,
Sec. 18, S½SE¼.

The area described above aggregates approximately 913 acres in Stevens County, Washington.

In exchange for all or part of these lands, the Federal Government will acquire all or part of the following described private lands from Arden Tree Farms, Inc.:

Williamette Meridian

T. 29 N., R. 37 E.,
Sec. 1, Lots 3, 4, & 5.
T. 31 N., R. 38 E.,
Sec. 24, Lots 4 & 5, NW¼NE¼SE¼;
Sec. 25, Lots 1 & 2, W½NE¼.
T. 31 N., R. 39 E.,
Sec. 2, Portions of S½SE¼NE¼, N½SE¼;
Sec. 3, S½SW¼;
Sec. 4, Lots 1, 2, 3, 4, S½N½, E½SE¼;
Sec. 8, SE¼NE¼SE¼, SE¼SE¼;
Sec. 9, W½SW¼NW¼, W½SW¼;
Sec. 11, S½NE¼;
Sec. 17, MS735;
Sec. 19, W½ of Lot 4;
Sec. 29, SW¼.
T. 39 N., R. 40 E.,
Sec. 20, SE¼NW¼.

The area described above aggregates approximately 1,375 acres in Stevens County, Washington.

The purpose of the land exchange is to facilitate resource management opportunities in selected management areas as identified in the Spokane District's Resource Management Plan. The private lands being offered have very important values for recreation, wildlife habitat, riparian and forest management. The public interest will be highly served by making this exchange.

The value of the lands to be exchanged is approximately equal, and the acreage will be adjusted to equalize the values upon completion of the final appraisal of the lands.

The exchange will be subject to:

1. The reservation to the United States of a right-of-way for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All other valid existing rights, including, but not limited to any right-of-way, easement, or lease of record.

The publication of this notice in the Federal Register will segregate the public lands described above to the extent that they will not be subject to appropriation under the public land laws, including the mining laws. As provided by the regulations of 43 CFR 2201.1(b), any subsequently tendered application shall not be accepted, shall not be considered as filed, and shall be returned to the applicant.

Detailed information concerning the exchange, including the environmental

analysis is available for review at the Spokane District Office, East 4217 Main Avenue, Spokane, Washington 99202.

For a period of 45 days, from the date of publication of this notice in the Federal Register, interested parties may submit comments to the Spokane District Manager at the above address. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become a final determination of the Department of the Interior. Interested parties should continue to check with the District Office to keep themselves advised of changes.

Date of Issue: October 1, 1987.

Joseph K. Buesing,

District Manager.

[FR Doc. 87-23373 Filed 10-7-87; 8:45 am]

BILLING CODE 4310-33-M

[AZ-942-08-4520-12]

Arizona; Filing of Plats of Survey

October 1, 1987.

1. The plats of survey of the following described lands were officially filed in the Arizona State Office, Phoenix, Arizona, on the dates indicated:

A plat representing a dependent resurvey of a portion of the subdivisional lines and a portion of Homestead Entry Survey No. 86, and a survey of the subdivision and a metes-and-bounds survey of lots 8, 9 and 10, in section 11, Township 21 North, Range 7 East, Gila and Salt River Meridian, Arizona, was accepted August 24, 1987, and was officially filed August 31, 1987.

This plat was prepared at the request of the U.S. Forest Service, Coconino National Forest.

A plat representing a dependent resurvey of a portion of subdivisions in section 33, and a survey of lot 20, section 33, Township 11 North, Range 10 East, Gila and Salt River Meridian, Arizona, was accepted September 16, 1987, and was officially filed September 18, 1987.

This plat was prepared at the request of the U.S. Forest Service, Region Three.

A plat (in two sheets) representing a dependent resurvey of the north boundary and of a portion of the south, east, and west boundaries, and the subdivisional lines, and the survey of subdivisions of sections 2 and 5 in Township 19 North, Range 25 East, Gila and Salt River Meridian, Arizona, was accepted September 21, 1987, and was officially filed September 23, 1987.

A plat representing a dependent resurvey of the south boundary and a portion of the west boundary of Township 20 North, Range 26 East, Gila and Salt River Meridian, Arizona, was accepted September 21, 1987, and was officially filed September 23, 1987.

These plats were prepared at the request of the Navajo and Hopi Indian Relocation Commission.

A supplemental plat showing amended lottings created by the segregation of Mineral Survey No. 3210 in section 17, Township 12 North, Range 1 West, Gila and Salt River Meridian, Arizona, was accepted September 16, 1987, and was officially filed September 18, 1987.

This plat was prepared at the request of the Bureau of Land Management, Arizona State Office.

A supplemental plat showing amended lottings created by the segregation of Mineral Survey No. 2744 in section 24, Township 5 North, Range 13 West, Gila and Salt River Meridian, Arizona, was accepted July 1, 1987, and was officially filed July 2, 1987.

This plat was prepared at the request of the Bureau of Land Management, Phoenix District Office.

A supplemental plat showing amended lottings in section 2, Township 3 North, Range 15 West, Gila and Salt River Meridian, Arizona, was accepted August 21, 1987, and was officially filed August 25, 1987.

This plat was prepared at the request of the Bureau of Land Management, Yuma District Office.

2. These plats will immediately become the basic records for describing the land for all authorized purposes. These plats have been placed in the open files and are available to the public for information only.

3. All inquiries relating to these lands should be sent to the Arizona State Office, Bureau of Land Management, P.O. Box 16563, Phoenix, Arizona 85011.

James P. Kelley,

Chief, Branch of Cadastral Survey.

[FR Doc. 87-23374 Filed 10-7-87; 8:45 am]

BILLING CODE 4310-32-M

[OR-050-4410-10:GP8-002]

Oregon; Prineville District Advisory Council Meeting

September 29, 1987.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice is hereby given that a meeting of the Prineville District Advisory Council will be held on November 12, 1987. The meeting will

begin at 10:00 AM in the conference room of the Bureau of Land Management Office located at 185 East Fourth Street, Prineville, Oregon 97754. The agenda will include the following items: (1) Discussion of the Draft Brothers/LaPine Resource Management Plan; (2) the decisions and implementation of the Oregon/Washington BLM Organization Study; (3) the progress on the Prineville District land exchange program; (4) progress on the development of the John Day River Management Plan.

The meeting is open to the public. Anyone wishing to attend and/or make written or oral comments to the Board is requested to contact the District Manager at the above address prior to November 9, 1987.

Summary minutes of the meeting will be available for review and reproduction within 30 days following the meeting.

Dated: September 29, 1987.

James L. Hancock,
District Manager, Prineville District Office.
[FR Doc. 87-23282 Filed 10-7-87; 8:45 am]

BILLING CODE 4310-33-M

[U-34712]

Proposed Reinstatement of Terminated Oil and Gas Lease; Utah

In accordance with Title IV of the Federal Oil and Gas Royalty Management Act (Pub. L. 97-451), a petition for reinstatement of oil and gas lease U-34712 for lands in Uintah County, Utah, was timely filed and required rentals and royalties accruing from December 1, 1986, the date of termination, have been paid.

The lessee has agreed to new lease terms for rentals and royalties at rates of \$7 per acre and 16- $\frac{2}{3}$ percent, respectively. The \$500 administrative fee has been paid and the lessee has reimbursed the Bureau of Land Management for the cost of publishing this notice.

Having met all the requirements for reinstatement of lease U-34712 as set out in section 31 (d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate the lease, effective December 1, 1986, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Orval L. Hadley,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 87-23241 Filed 10-7-87; 8:45 am]

BILLING CODE 4310-DQ-M

[CO-940-07-4220-11; C-027679]

Proposed Continuation of Withdrawal; Colorado

September 29, 1987.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Forest Service, U.S. Department of Agriculture, proposes that the order which withdrew lands for an indefinite period of time for various campground sites, be modified and the withdrawal be continued for 20 years insofar as it affects 10 acres of National Forest System land. The land will remain closed to surface entry and mining, but not to mineral leasing.

DATE: Comments should be received by January 6, 1988.

ADDRESS: Comments should be addressed to State Director, Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215.

FOR FURTHER INFORMATION CONTACT: Doris E. Chelius, BLM Colorado State Office, (303) 236-1768.

The Forest Service, U.S. Department of Agriculture, proposes that the existing withdrawal made by Public Land Order No. 2282, as amended, for an indefinite period of time, be modified to expire in 20 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, insofar as it affects the following described lands:

New Mexico Principal Meridian

Rio Grande National Forest

T. 44 N., R. 6 E.,

Sec. 18, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.

The area described aggregates 10 acres in Saguache County.

The purpose of this withdrawal is for the administration and protection of the Big Springs Campground. No change is proposed in the purpose or segregative effect of the withdrawal. The land will continue to be withdrawn from surface entry and mining, but not from mineral leasing.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with this proposed action may present their views in writing to this office.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will

determine whether or not the withdrawal will be modified and continued and, if so, for how long. Notice of the final determination will be published in the Federal Register. The existing withdrawal will continue until such determination is made.

James D. Crisp,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 87-23283 Filed 10-7-87; 8:45 am]

BILLING CODE 4310-JB-M

Minerals Management Service

Environmental Documents Prepared for Proposed Oil and Gas Operations on the Alaska Outer Continental Shelf

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of the availability of environmental documents prepared for Outer Continental Shelf (OCS) minerals exploration proposals on the Alaska OCS.

SUMMARY: The MMS, in accordance with Federal regulations (40 CFR 1501.4 and 1506.6) that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related Environmental Assessments (EA's) and Findings of No Significant Impact (FONSI's) prepared by the MMS for the following oil and gas exploration activities proposed on the Alaska OCS. This listing includes all proposals for which FONSI's were prepared by the Alaska OCS in the 3-month period preceding this Notice.

Proposal

Standard Alaska Production Company (Standard Alaska) has submitted a plan for permanent abandonment of the artificial gravel structure "Mukluk Island." Mukluk Island is located at the common corner of the below-named leases. Standard Alaska proposes the removal of all materials making up this island and facilities associated with the drilling and support of drilling operations with the exception of some slope-protection materials to depth of 15 feet below sea level and for materials not presently covered by gravel to 25 feet below sea level. Standard Alaska proposes to monitor the island for 5 years after abandonment through photo documentation.

Location

Lease	Block(s)
OCS-Y: 0334.....	280

Lease	Block(s)
0335.....	281
0343.....	324
0344.....	325

Environmental Assessment

EA No. AK 87-04

FONSI Date

July 2, 1987.

Proposal

Tenneco Oil Company (designated as the operator by the lessee, ARCO Alaska, Inc.) proposes to drill up to two wells to explore two leases in the eastern Alaska Beaufort Sea Sale 87 area. The FONSI and associated EA evaluate the potential environmental effects of activities associated with drilling the initial well. These activities include moving the drilling unit to the initial well site during the 1987 open-water season, drilling the initial well between November 1, 1987, and June 2, 1988, and removing the drilling unit from the initial well during the 1988 open-water period.

Location

Lease	Block(s)
OCS-Y:	
0943.....	890
0950.....	935/936

Environmental Assessment

EA No. AK 87-05

FONSI Date

August 18, 1987.

FOR FURTHER INFORMATION CONTACT:

Persons interested in reviewing environmental documents for the proposals listed above or obtaining information about EA's and FONSI's prepared for activities on the Alaska OCS are encouraged to contact the MMS office in the Alaska OCS Region.

The FONSI and associated EA are available for public inspection between the hours of 7:45 a.m. and 4:30 p.m., Monday through Friday at: Minerals Management Service, Alaska OCS Region, Library, 949 East 36th Avenue, Room 502, Anchorage, Alaska 99508, phone: (907) 261-4435.

SUPPLEMENTAL INFORMATION: The MMS prepares EA's and FONSI's for proposals which relate to exploration for oil and gas resources on the Alaska OCS. The EA's examine the potential

environmental effects of activities described in the proposals and present MMS conclusions regarding the significance of those effects. The EA is used as a basis for determining whether or not approval of the proposals constitutes major Federal Actions that significantly affect the quality of the human environment in the sense of NEPA 102(2)(C). A FONSI is prepared in those instances where MMS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary or copy of the EA.

This Notice constitutes the public Notice of Availability of environmental documents required under the NEPA regulations.

Dated: September 29, 1987.

Irven F. Palmer, Jr.,

Acting Regional Director, Alaska OCS Region.

[FR Doc. 87-23381 Filed 10-7-87; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; Raintree Resources, Inc.**AGENCY:** Minerals Management Service.**ACTION:** Notice of the receipt of a proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Raintree Resources, Inc. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 4769, Block 425, West Cameron Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Cameron, Louisiana.

DATES: The subject DOCD was deemed submitted on October 1, 1987. Comments must be received by October 23, 1987, or 15 days after the Coastal Management Section receives a copy of the plan from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Public Information Office, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). A Copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building,

625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, Attention OCS Plans, Post Office Box 44487, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT:

Ms. Angie D. Gobert; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736-2867.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685).

Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: October 2, 1987.

J. Rogers Percy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 87-23382 Filed 10-7-87; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; Chevron U.S.A. Inc.**AGENCY:** Minerals Management Service, Interior.**ACTION:** Notice of the receipt of a proposed development operations coordination document (DOCD).

SUMMARY: Notice is hereby given that Chevron U.S.A. Inc., Unit Operator of the South Timbalier Block 23 Federal Unit Agreement No. 14-08-001-3195, has submitted a DOCD describing the activities it proposes to conduct on the South Timbalier Block 23 Federal unit. Proposed plans for the above area provide for the development and production of hydrocarbons with

support activities to be conducted from an onshore base located at Leeville, Louisiana.

DATE: The subject DOCD was deemed submitted on September 25, 1987.

ADDRESS: A copy of the subject DOCD is available for public review at the Public Information Office, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Mr. Richard Towner, Minerals Management Service, Gulf of Mexico OCS Region, Production and Development, Development and Unitization Section, Unitization Unit, Telephone (504) 736-2641.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Date: September 29, 1987.

J. Rogers Percy,
Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 87-23284 Filed 10-7-87; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; Corpus Christi Oil and Gas Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development operations coordination document (DOCD).

SUMMARY: Notice is hereby given that Corpus Christi Oil and Gas Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 7793, Block 98, West Delta Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Fourchon, Louisiana.

DATE: The subject DOCD was submitted

on September 28, 1987. Comments must be received by October 23, 1987, 15 days after the Coastal Management Section receives a copy of the plan from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Public Information Office, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, Attention OCS Plans, Post Office Box 44487, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Ms. Angie D. Gobert, Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit, Telephone (504) 736-2867.

SUPPLEMENTARY INFORMATION: The purposes of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685).

Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: September 30, 1987.

J. Rogers Percy,
Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 87-23285 Filed 10-7-87; 8:45 am]

BILLING CODE 4310-MR-M

Bureau of Reclamation

Information Collection Submitted for Review to the Office of Management and Budget

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 information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's Clearance Officer at the telephone number listed below. Comments and suggestions on the requirement should be made within 30 days directly to the Bureau Clearance Officer and the Office of Management and Budget Interior Desk Officer at a.c. 202 395-7340.

Title: 43 CFR 426 Acreage Limitation—Bureau of Reclamation Rules and Regulations.

Abstract: These forms are to be completed by all holders of irrigable and irrigation land, as described in 43 CFR Part 426, to declare these irrigable and irrigation landholdings. This information is necessary to determine the landholders' compliance with Title II of the Pub. L. 97-293 and 43 CFR Part 426.

Bureau form numbers: 7-2178 through 7-2181, 7-2183 through 7-2185, 7-2187 through 7-2191, 7-2193 through 7-2195, and 7-2197 through 7-2199.

Frequency: Annually, and when landholding change occurs.

Description of respondents: Owners and Lessees of Land on Federal Reclamation Projects.

Annual responses: 56,610.

Annual burden hours: 20,325.

Bureau clearance officer: Pat Scott, a.c. 202-343-4249.

C. Dale Duvall,

Commissioner, Bureau of Reclamation.

[FR Doc. 87-23265 Filed 10-7-87; 8:45 am]

BILLING CODE 9310-09-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 Office, Washington, DC, 20503, telephone 202-395-7340.

Title: 30 CFR Part 779 Surface Mining Permit Applications—Minimum Requirements for Information on Environmental Resources.

Abstract: Section 507 and 508 of Pub. L. 95-87 require applicants for surface coal mining permits to provide adequate descriptions of the premining environmental resources and cultural, historic, and archeological values existing within the proposed permit area and adjacent areas. This information is used by the regulatory authority to determine whether the applicant can comply with the environmental protection performance standards for surface mining.

Bureau from number: None.

Frequency: On occasion.

Description of respondents: Coal mine operations.

Annual responses: 2000.

Annual burden hours: 1,230,420.

Bureau clearance officer: Darline Grose-Boyd (202) 343-5447.

Dated: September 4, 1987.

Donald Hinderliter,

Acting Assistant Director, Budget and Administration

[FR Doc. 87-23286 Filed 10-7-87; 8:45 am]

BILLING CODE 4310-05-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Overseas Private Investment Corporation

Board of Directors; Public Hearing

AGENCY: Overseas Private Investment Corporation.

ACTION: Notice of public hearing.

SUMMARY: This notice sets forth the schedule and requirements for participation in an annual public hearing to be conducted by the Board of Directors of Overseas Private Investment Corporation (OPIC) on November 16, 1987. The hearing is required by the OPIC Amendments Act of 1985, and this notice is being published to facilitate public participation. The notice also describes OPIC and the subject matter of the hearing.

DATE: The hearing will be held on November 16, 1987 and will begin promptly at 1:00 p.m. Prospective participants must submit to OPIC on or before October 30, 1987 notice of their intent to participate.

ADDRESS: The location of the hearing will be: Interstate Commerce Commission, Hearing Room A, 12th Street and Constitution Avenue, NW., Washington, DC

Notices and prepared statements should be sent to: James R. Offutt, Office of General Counsel, Overseas Private Investment Corporation, Washington, DC 20527.

Procedure

(a) Attendance; Participation

The hearing will be open to the public. However, a person wishing to present his or her views at the hearing must provide OPIC with advance notice on or before October 30, 1987. The notice must include the name, address, and telephone number of the person who will make the presentation, the name and address of the organization which the person represents (if any) and a concise summary of the subject matter of the presentation.

(b) Prepared Statements

Any participant wishing to submit a prepared statement for the record must submit it to OPIC with the notice or, in any event, not later than 5:00 p.m. on November 6, 1987. Prepared statements must be typewritten, double spaced and may not exceed thirty (30) pages.

(c) Duration of Presentations

Oral presentations will in no event exceed twenty (20) minutes, and the time for individual presentations may be reduced proportionately, if necessary, to afford all prospective participants on a particular subject an opportunity to be heard or to permit all subjects to be covered.

(d) Agenda

Upon receipt of the required notices, OPIC will draw up an agenda for the hearing setting forth the subject or subjects on which each participant will speak and the time allotted for each presentation. OPIC will provide each prospective participant with a copy of the agenda.

(e) Publication of Proceedings

A verbatim transcript of the hearing will be compiled and a record of the hearing will be published. The record of the hearing will be available to members of the public at the cost of reproduction.

SUPPLEMENTARY INFORMATION: OPIC is a U.S. Government agency which provides, on a commercial basis, political risk insurance and financing in friendly developing countries for projects which confer positive developmental benefits upon the project country while avoiding negative effects on the U.S. economy. OPIC's Board of Directors is required by 22 U.S.C. 2191A(b) to hold at least one public hearing each year.

FOR FURTHER INFORMATION CONTACT: James R. Offutt, Office of General Counsel, Overseas Private Investment Corporation, 1615 M Street, NW., Washington, DC 20527 (202/457-7038).
Peggy A. Kole,
Corporate Secretary.

October 5, 1987.

[FR Doc. 87-23284 Filed 10-7-87; 8:45 am]

BILLING CODE 3210-01-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 31112]

Joint Application; Canadian Pacific Ltd. & Incan Ships Ltd.

AGENCY: Interstate Commerce Commission.

ACTION: Institution of proceeding.

SUMMARY: Canadian Pacific Ltd. (CPL) and Incan Ships Ltd. (Incan Ships) filed a joint application for this Commission to determine if CPL's proposed purchase of a controlling stock interest in Incan Ships, and thus its wholly-owned subsidiary, Incan Superior, Ltd. (Incan Superior), would violate provisions of 49 U.S.C. 11321.

DATES: An original and 10 copies of comments must be filed by October 28, 1987. An original and 10 copies of applicants' replies to the comments must be filed by November 17, 1987.

Comments and replies referring to Finance Docket No. 31112 must be sent to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of comments must be served on applicants' representative: G. Paul Moates, Sidley & Austin, 1722 Eye Street NW., Washington DC 20006.

Applicants must serve their reply on all parties who file comments.

The application may be inspected at the Commission's office in Washington, DC. Copies are also available from applicants' counsel, G. Paul Moates, at the above address.

FOR FURTHER INFORMATION CONTACT:

Joseph H. Dettmar, (202) 275-7246. [TTD for hearing impaired: (202) 275-1721].

SUPPLEMENTARY INFORMATION: CPL has owned a 38 percent share of Incan Ships since the latter's establishment in 1973. The remaining shares are owned by Inchcape Canada Ltd. (54.4 percent) and Halidon Holdings, Ltd. (7.5 percent). Both have agreed to sell their holdings to CPL. CPL would then own 100 percent of Incan Ships and Incan Ships' wholly-owned subsidiary, Incan Superior. CPL currently controls, *inter alia*, CP Rail and Soo Line Corporation (which in turn controls Soo Line Railroad).

Incan Superior owns one vessel and provides the only seasonal railcar ferry service on Lake Superior between Thunder Bay, Ontario and Superior, Wisconsin. Great Lakes Forest Products, Ltd. (GLFP), which is controlled by CPL, provides over 87 percent of Incan Superior's traffic.

Applicants contend that the section 11321(a) prohibition against common ownership of a railroad and a water common carrier or vessel carrying property or passengers with which it does or may compete may not apply to the subject transaction because there is no effective competition between CP Rail and the vessel operated by Incan Superior. They admit, however, that CP Rail's limited participation in traffic moving from Thunder Bay to destinations in the Midwest may be sufficient to support a finding of competition between CP Rail and Incan Superior. In any case, the applicants maintain that the proposed transaction is authorized under section 11321(b) as there will not be a reduction in competition on the water route. Applicants state that the rail and water operations are complementary rather than competitive, and that CPL intends to improve Incan Superior's efficiency and cost competitiveness through joint marketing programs and coordinated operations to improve vessel use.

The proposed transaction initially appears to have no significant effects on the human environment or energy conservation, but comments on these aspects are invited.

Decided: October 2, 1987.

By the Commission, Jane F. Mackall,
Director, Office of Proceedings.

Noreta R. McGee,
Secretary.

[FR Doc. 87-23293 Filed 10-7-87; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

[Civil Action No. 87-1430-CIV-T-10C]

Lodging of Consent Decree Pursuant to Clean Water Act: General Development Utilities, Inc.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on September 23, 1987, a proposed consent decree in *United States v. General Development Utilities, Inc.*, Civil Action No. 87-1430-CIV-T-10C, was lodged with the United States District Court for the Middle District of Florida. The Complaint filed by the United States alleged violations of the Clean Water Act for failure to obtain a National Pollutant Discharge Elimination System permit for discharges from the defendant's North Port, Florida and Silver Springs Shores, Florida wastewater treatment plants. The complaint sought injunctive relief to require the defendant to comply with the Clean Water Act and civil penalties for past violations. The decree requires defendants to achieve compliance with the Clean Water Act by ceasing all discharges by no later than April 30, 1988. In addition, defendant must comply with interim discharge requirements and effluent limitations and must perform monitoring and reporting activities. Defendant must also pay a civil penalty for past violations of \$487,000.00.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. General Development Utilities, Inc.*, D.J. Ref. 90-5-1-1-2887.

The proposed consent decree may be examined at the office of the United States Attorney, Middle District of Florida, Robert Timberlake Building, 500 Zack Street, Tampa, Florida, and at the Region IV office of the Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365. Copies of the proposed consent decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1517, Ninth Street and Pennsylvania Avenue, NW., Washington, DC. A copy of the proposed consent decree may be obtained in person from the above address or by mail from the Environmental Enforcement Section, Land and Natural Resources Division,

Department of Justice, P.O. Box 7611, Washington, DC 20044. When requesting a copy, please refer to *United States v. General Development Utilities, Inc.*, D.J. Ref. 90-5-1-1-2887, and enclose a check in the amount of \$1.70 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

Roger J. Marzulla,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 87-23307 Filed 10-7-87; 8:45am]

BILLING CODE 4410-01-M

[Civil Action No. B-86-88 TFGD)]

Lodging of Consent Decree Pursuant to Clean Air Act; Raymark Industries, Inc., et al.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on September 24, 1987, a proposed Consent Decree in *United States v. Raymark Industries, Inc., et al.*, Civil Action No. B-86-88 (TFGD), was lodged with the United States District Court for the District of Connecticut. The proposed Consent Decree concerns the alleged discharge of asbestos, a hazardous air pollutant, from that portion of the manufacturing facility located at 75 East Main Street, Stratford, Connecticut, that is presently operated by Brake Systems, Inc. The proposed Consent Decree requires Brake Systems, Inc. to implement a comprehensive compliance plan and pay a civil penalty for an alleged past violation of the Clean Air Act.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Raymark Industries, Inc.*, D.J. Ref. 90-5-2-1-865.

The proposed Consent Decree may be examined at the offices of the United States Attorney, United States Court House, 141 Church Street, New Haven, Connecticut 06510; the Environmental Protection Agency, Region I, JFK Federal Building, Boston, Massachusetts 02203; and the Environmental Enforcement Section, Land and Natural Resources Division, United States Department of Justice, Room 1517, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section,

Land and Natural Resources Division of the United States Department of Justice at the above address. In requesting a copy, please enclose a check in the amount of \$4.10 payable to the Treasurer of the United States, to cover the cost of reproduction.

Roger J. Marzulla,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 87-23308 Filed 10-7-87; 8:45 am]

BILLING CODE 4410-01-M

[AAG/A Order No. 5-87]

Privacy Act of 1974; Removal of a System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the Justice Management Division, Department of Justice is eliminating a system of records entitled "Executive Biography, JUSTICE/JMD-012." The Division is eliminating the system because it has found that it is not a useful management tool. The index has been destroyed in accordance with General Records Schedule 23, item 7.b., as approved by the Archivist of the United States. Accordingly, the system, as published in the Federal Register on January 10, 1980, (45 FR 2229), is removed from the Department's compilation of Privacy Act systems.

Dated: September 16, 1987.

Harry H. Flickinger,

Assistant Attorney General for Administration.

[FR Doc. 87-23309 Filed 10-7-87; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

[Docket No. 87-63]

Hearing; James Hastings, D.D.S., Placerville, CA

Notice is hereby given that on June 2, 1987, the Drug Enforcement Administration, Department of Justice, issued to James Hastings, D.D.S. an Order to Show Cause as to why the Drug Enforcement Administration should not revoke your DEA Registration, AH9009932, and deny any pending applications.

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 10:00 a.m. on Wednesday, October 14, 1987, in Courtroom No. 2041, United

States Tax Court, Federal Building, 450 Golden Gate Avenue, San Francisco, California.

Dated: October 2, 1987.

John C. Lawn,

Administration.

[FR Doc. 87-23259 Filed 10-7-87; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 87-29]

Hearing; Joseph P. Hutsko, D.O., Allentown, PA

Notice is hereby given that on February 17, 1987, the Drug Enforcement Administration, Department of Justice, issued to Joseph P. Hutsko, D.O., an Order to Show Cause as to why the Drug Enforcement Administration should not deny your application for registration executed on November 24, 1986.

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 10:00 a.m. on Thursday, October 29, 1987, in Courtroom No. 10, Room 309, United States Claims Court, 717 Madison Place, NW., Washington, DC.

Dated: October 2, 1987.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 87-23260 Filed 10-7-87; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 87-40]

Hearing; Carl Suchar, D.O., Clearwater, FL

Notice is hereby given that on March 31, 1987, the Drug Enforcement Administration, Department of Justice, issued to Carl Suchar, D.O., an Order to Show Cause as to why the Drug Enforcement Administration should not revoke your DEA Certificate of Registration, AS1718723, and deny any pending applications for registration.

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 10:00 a.m. on Tuesday, October 20, 1987, in Courtroom No. 803, United States Tax Court, Twigg Building, 700 Twigg Street, Tampa, Florida.

Dated: October 2, 1987.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 87-23261 Filed 10-7-87; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 87-64]

Hearing; Vincent A. Sundry, D.O., Tarpon Springs, FL

Notice is hereby given that on July 27, 1987, the Drug Enforcement Administration, Department of Justice, issued to Vincent A. Sundry, D.O. an Order to Show Cause as to why the Drug Enforcement Administration should not deny your application for registration.

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 10:00 a.m. on Thursday, October 22, 1987, in Courtroom No. 803, United States Tax Court, Twigg Building, 700 Twigg Street, Tampa, Florida.

Dated: October 2, 1987.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 87-23262 Filed 10-7-87; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 87-47]

Hearing; Neveille Williams, D.D.S., Houston, TX

Notice is hereby given that on May 6, 1987, the Drug Enforcement Administration, Department of Justice, issued to Neveille Williams, D.D.S. an Order to Show Cause as to why the Drug Enforcement Administration should not deny your application for registration executed on August 24, 1986.

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 Tuesday, October 20, 1987, in the South Courtroom, United States Tax Court, 400 2nd Street, NW., Washington, DC.

Dated: October 2, 1987.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 87-23263 Filed 10-7-87; 8:45 am]

BILLING CODE 4410-09-M

Office of Juvenile Justice and Delinquency Prevention

Program Announcement; Juvenile Justice Statistics and Systems Development Program

AGENCY: Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, Justice.

ACTION: Notice of clarification of deadline date.

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention (OJJDP), pursuant to sections 241 and 224(b)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, announces a clarification of the deadline date for receipt of applications for the Juvenile Justice Statistics and Systems Development Program Announcement, **Federal Register**, Vol. 52, No. 186, Friday, September 25, 1987. The deadline is Monday, November 16, 1987.

Other program information published in the **Federal Register** on September 25,

1987, regarding this solicitation is current and applicable.

FOR FURTHER INFORMATION CONTACT:

Barbara Allen-Hagen at 202/724-5929; or Douglas Dodge at 202/724-5914.

Verne L. Speirs,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 87-23232 Filed 10-7-87; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; Babcock and Wilcox Co. et al.

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether

the workers are eligible to apply for adjustment assistance under title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 19, 1987.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 19, 1987.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street NW., Washington, DC 20213.

Signed at Washington, DC, this 28th day of September 1987.

Glenn M. Zech,

Acting Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (union workers firm)	Location	Date received	Date of petition	Petition No.	Articles produced
Babcock & Wilcox, Co. (USWA)	Beaver Falls, PA	9/28/87	9/14/87	20,111	Steel.
Babcock & Wilcox, Co. (USWA)	Ambridge, PA	9/28/87	9/14/87	20,112	Steel.
Babcock & Wilcox, Co. (USWA)	Koppel, PA	9/28/87	9/14/87	20,113	Steel.
Babcock & Wilcox, Co. (boilermaker)	Donora, PA	9/28/87	9/13/87	20,114	Steel.
Ballard Enterprises (company)	Houston, TX	9/28/87	9/16/87	20,115	Geological consulting.
Bighart Pipeline Co. (workers)	Tulsa, OK	9/28/87	9/15/87	20,116	Oil.
Bow Pipeline Co. (workers)	Tulsa, OK	9/28/87	9/15/87	20,117	Oil.
Champion Die Co. (company)	Lynn, MA	9/28/87	8/18/87	20,118	Cutting dies.
Chiha Incorp. (ILGWU)	N. Bergen, NJ	9/28/87	9/17/87	20,119	Loungewear.
Dillingham Ship Repair (IAM&AW)	Portland, OR	9/28/87	9/17/87	20,120	Ship repair.
Esselte Boorum (GCIU)	Syracuse, NY	9/28/87	9/15/87	20,121	Binders.
Gramercy Mills (ILGWU)	Passaic, NJ	9/28/87	9/11/87	20,122	Bathing suits.
Hamilton Brothers Oil Co.	Houston, TX	9/28/87	9/11/87	20,123	Oil.
Kanawha Glass Co.	Dunbar, WV	9/28/87	9/21/87	20,124	Table & novelty ware.
Klopman Fabrics (workers)	Dublin, VA	9/28/87	9/15/87	20,125	Fabric.
Mechanical Systems, Inc. (workers)	Houston, TX	9/28/87	9/4/87	20,126	Cranes & valves.
NCA, Inc. (workers)	Burlington, NC	9/28/87	9/18/87	20,127	Electrical wiring.
Ristance Assemblies (workers)	Bremen, IN	9/28/87	9/11/87	20,128	Wire harnesses.
III-V Semiconductor, Inc. (workers)	Troy, NY	9/28/87	9/14/87	20,129	Diodes.
Streetman, Inc. (company)	Natchez, MS	9/28/87	9/14/87	20,130	Oil & gas.
Todd Shipyard Corp. (company)	Jersey City, NJ	9/28/87	9/17/87	20,131	Ships.
Unisys (MMC Bldg) (workers)	Eagan, MN	9/28/87	8/4/87	20,132	Computer products.
Unisys (Plant 8) (workers)	Eagan, MN	9/28/87	8/4/87	20,133	Computer products.
MCR, Inc. (workers)	Mebis, NC	9/28/87	9/18/87	20,134	Electrical wiring.

[FR Doc. 87-23310 Filed 10-7-87; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-19, 870]

Dismissal of Applications for Reconsideration; Crescent Brick Co., Altoona, PA

Pursuant to 29 CFR 90.18 an

application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at Crescent Brick Company, Altoona, Pennsylvania. The review indicated that

the application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-19, 870; Crescent Brick

Company, Altoona, Pennsylvania
(September 29, 1987).

Signed at Washington, DC this 29th day of
September 1987.

Marvin M. Fooks,

Director, Office of Trade Adjustment
Assistance.

[FR Doc. 87-23311 Filed 10-7-87; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-20, 005]

**Dismissal of Applications for
Reconsideration; Double E Well
Service, St. Louis, OK**

Pursuant to 29 CFR 90.18 an
application for administrative
reconsideration was filed with the
Director of the Office of Trade
Adjustment Assistance for workers at
Double E Well Service, St. Louis,
Oklahoma. The review indicated that
the application contained no new
substantial information which would
bear importantly on the Department's
determination. Therefore, dismissal of
the application was issued.

TA-W-20, 005; Double E Well Service,
St. Louis, Oklahoma (September 29,
1987).

Signed at Washington, DC this 29th day of
September 29, 1987.

Marvin M. Fooks,

Director, Office of Trade Adjustment
Assistance.

[FR Doc. 87-23312 Filed 10-7-87; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-19,848]

**Determinations Regarding Eligibility
To Apply for Worker Adjustment
Assistance; Correction; E.F. Johnson
Company, Waseca, WI**

In Federal Register Doc. 87-20076
appearing on page 32976 in the Federal
Register of September 1, 1987 the
company location under Affirmative
Determinations for TA-W-19,848, E.F.
Johnson Company, Waseca, Wisconsin
should be corrected to read "Waseca,
Minnesota".

Signed at Washington, DC, this 29th day of
September 1987.

Marvin M. Fooks,

Director, Office of Trade Adjustment
Assistance.

[FR Doc. 87-23313 Filed 10-7-87; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-19,764]

**Negative Determination Regarding
Application for Reconsideration;
Inexco Oil Co., Houston, TX**

By an application dated August 20,
1987, one of the petitioners requested
administrative reconsideration of the
Department's negative determination on
the subject petition for trade adjustment
assistance for workers at Inexco Oil
Company, Houston, Texas. The denial
notice was signed on July 27, 1987 and
published in the Federal Register on
August 25, 1987 (52 FR 32071).

Pursuant to CFR 90.18(c)
reconsideration may be granted under
the following circumstances:

(1) If it appears on the basis of facts
not previously considered that the
determination complained of was
erroneous;

(2) If it appears that the determination
complained of was based on a mistake
in the determination of facts not
previously considered; or

(3) If, in the opinion of the Certifying
Officer, a misinterpretation of facts or of
the law justified reconsideration of the
decision.

The initial petition was filed on behalf
of corporate staff workers of Inexco Oil
Company and its wholly owned
subsidiary Wilson Brothers Drilling
Company, Seminole, Texas. Inexco Oil
was sold to the Louisiana Land and
Exploration Company (LLE) in July,
1986.

The petitioner claims that the
Department never considered Inexco's
crude oil sales and production. The
petitioner subsequently provided the
names of four major oil companies who
purchased crude oil from Inexco in 1986.
Further, the petitioner claims that to
deny adjustment assistance benefits
because the workers were not
separately identifiable by product is
inconsistent with the data collection of
other Federal government agencies, such
as the Bureau of Labor Statistics which
groups production, clerical and white
collar employees together in its industry
employment data for the petroleum
industry.

First, the corporate staff at Inexco Oil
performed a service and do not produce
an article as required in the Trade Act
of 1974. Therefore, the corporate staff
cannot be certified for adjustment
assistance unless other workers of the
firm producing articles are
independently certified for adjustment
assistance and reduced demand for their
services can be substantiated. Workers
who produced natural gas at Inexco did
not meet the increased import criterion
of the Group Eligibility Requirements.

U.S. imports of dry natural gas declined
absolutely and relative to domestic
shipments in 1986 compared with 1985,
which is the period applicable to the
petition. The ratio of imports of natural
gas to domestic shipments in 1986 was
four percent. Workers producing crude
oil at Inexco were not denied
adjustment assistance because they
were not separately identifiable by
product. All workers at Inexco Oil were
denied adjustment assistance because
the "contributed importantly" test was
not met. The Department's findings
show the "dominant cause" of worker
separations at Inexco to be the sale of
Inexco to LLE which resulted in workers
separations to reduce duplicate
activities especially at the corporate
level. Inexco's 1985 Annual Report
states that Inexco was actively seeking
to sell its assets or the company. Worker
separations caused by the sale of the
company and a subsequent severance
program would not form a basis for
certification.

Further, workers of the Wilson
Brothers Drilling Company, performed
oil and gas drilling services. The
workers were denied certification to
apply for adjustment assistance on
September 25, 1986, under an earlier
petition (TA-W-17,610). The denial
notice was published in the Federal
Register on October 10, 1986 (51 FR
36186). The Department has consistently
determined that the performance of
services does not constitute the
production of an article, as required by
section 222 of the Trade Act of 1974 and
this determination has been upheld in
the U.S. Court of Appeals.

Investigation findings show that
although Inexco was primarily a gas
producer a substantial amount of its
revenues came from crude oil. The
findings also show that Inexco Oil sold
all the crude oil it could produce. A
review of Inexco's crude oil properties,
which constitute the major share of its
crude oil revenues, show that there was
a slight decline, in barrels, of crude oil
production, in the first half of 1986
compared to the same period in 1985.
However, this is attributed to a natural
decline resulting from the gradual
exhaustion of crude oil in the various
fields. Officials of several of major
crude oil customers reported that their
firms purchase all the domestic crude oil
available and meet their shortfall with
imported oil. Other customers, whose
names were furnished by the petitioner,
showed increased purchases of crude oil
from Inexco in the first half of 1986
compared to the same period in 1985 as
a result of new wells and fields in other
geographic areas coming into operation.

The petitioner also claims that the Department did not investigate the relationship between the proven reserves of hydrocarbon producers and how they interact with lending institutions. The consideration of such relationships is not a matter for investigation because it is not a criterion for certification under the Trade Act. This relationship would not satisfy any of the group eligibility criteria for certification in section 222 of the Act.

Conclusion

After review of this application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 29th Day of September, 1987.

Stephen A. Wandner,

Deputy Director, Office of Legislative and Actuarial Services, UIS.

[FR Doc. 87-23314 Filed 10-7-87; 8:45 am]

BILLING CODE 4510-30-M

Bureau of Labor Statistics

Request for Comments on Changes in Local Area Unemployment Statistics (LAUS) Procedures

AGENCY: Bureau of Labor Statistics, Labor.

ACTION: Request for comments on proposed changes in local area unemployment statistics methodology.

SUMMARY: Following a year of optional use and numerous comments and simulations in two research areas, the Bureau of Labor Statistics intends to introduce mandatory methodological improvements in the procedures for developing local area unemployment statistics. These procedures involve the estimation of agricultural employment and Federal and Railroad unemployment. These proposals had been available as optional methodological procedures during 1987 as announced in a *Federal Register* Notice dated December 19, 1986, and published on December 29, 1986 at 51 FR 46958.

DATE: Comments must be submitted on or by November 9, 1987.

ADDRESS: Send comments to: U.S. Department of Labor, Bureau of Labor Statistics, 441 G Street NW., Room 2083, Washington, DC 20212

FOR FURTHER INFORMATION CONTACT: Sharon Brown, 202-523-1081.

Dated at Washington, DC, this 30th day of September 1987.

Janet L. Norwood,
Commissioner.

[FR Doc. 87-23315 Filed 10-7-87; 8:45 am]

BILLING CODE 4510-24-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for The Arts; Expansion Arts Advisory Panel (Challenge III Section) Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) as amended, notice is hereby given that a meeting of the Expansion Arts Advisory Panel (Challenge III Section) to the National Council on the Arts will be held on October 23, 1987 from 9:00 a.m.-4:15 p.m. in room 714 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

A portion of this meeting will be open to the public on October 23, 1987 from 9:00 a.m.-9:30 a.m. The topics for discussion will be General Program Overview.

The remaining sessions of this meeting on October 23, 1987 from 9:30 a.m.-4:15 p.m. are for the purpose of application review. In accordance with the determination of the Chairman published in the *Federal Register* of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and (9)(B) of section 552b of Title 5, United States Code.

If you need special accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202/682-5532, TTY 202/682-5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5433. September 29, 1987.

Yvonne M. Sabine,
Acting Director, Council and Panel Operations, National Endowment for the Arts.
[FR Doc. 87-23267 Filed 10-7-87; 8:45 am]

BILLING CODE 7537-01-M

Music Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby

given that a meeting of the Music Advisory Panel (Opera-Musical Theater New American Works Prescreening) to the National Council on the Arts will be held on October 27-29, 1987, from 9:00 a.m.-5:30 p.m. in room 716 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman published in the *Federal Register* of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

Yvonne M. Sabine,

Acting Director, Council and Panel Operations, National Endowment for the Arts, October 1, 1987.

[FR Doc. 87-23383 Filed 10-7-87; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Permit Applications Received Under Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit applications received under the Antarctic Conservation Act of 1978.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978 (Pub. L. 95-541). NSF has published regulations under the Antarctic Conservation Act of 1978 at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by November 6, 1987. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESS: Comments should be addressed to Permit Office, Room 627,

Division of Polar Programs, National Science Foundation, Washington, DC 20550.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers at the above address or (202) 357-7934.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Public Law 95-541), has developed regulations that implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora" for all United States citizens. The Agreed Measures, developed in 1964 by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Specially Protected Areas and Sites of Special Scientific Interest. Additional information was published in the *Federal Register* on July 24, 1987.

The application received is as follows:

Applicant: John L. Bengtson, National Marine Mammal Laboratory, 7600 Sand Point Way, NE., Seattle, Washington 98115.

Activity for Which Permit Requested

Taking. The applicant is conducting seabird research in the vicinity of the Antarctic Peninsula and South Shetland Islands. Take by capture, marking, handling, and release is requested for up to 6150 Chinstrap penguins, 1100 Macaroni penguins, and 400 Cape Petrels. Take by sacrifice and collection of specimen material is requested for up to 3 American Shearwaters. Permission is requested to import the Shearwater specimens into the U.S. and subsequently export them to Canada for analysis.

Location: Antarctic Peninsula Area
Dates: November 1987–October 1988.

Charles E. Myers,

Permit Office,

[FR Doc. 87-23384 Filed 10-7-87; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-483]

Environmental Assessment and Finding of no Significant Impact; Union Electric Co.

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment which involves a core reload and would

permit operation of the Callaway Plant, located at the licensee's site in Callaway County, Missouri, with high burnup fuel. The proposed amendment would be in response to the licensee's application for Cycle 3 operation, dated March 31, 1987.

Environmental Assessment

Identification of proposed action: The amendment would allow the licensee to use extended burnup fuel during the Cycle 3 and subsequent reloads. The highest region average burnup at the end of the cycle is expected to be 48,000 megawatt days per metric ton of uranium (MWD/MTU). The current generic assessment (including Tables S-3 and S-4) of the environmental impact of the nuclear fuel cycle contained in the Code of Federal Regulations and other NRC reports was prepared for discharge fuel burnups of 33,000 MWD/MTU.

The need for the proposed action: The proposed amendment is needed to permit the licensee to operate the plant with extended burnup fuel.

Environmental impacts of the proposed action

1.0 Impacts On General Public

In the Final Environmental Statement Related to the Operation of the Callaway Plant (FES) dated January 1982, the staff calculated the dose commitments to individuals and the population residing around Callaway Unit 1 to assess the impacts on people from radioactive material released as part of the normal operation of the plant. Although the concentrations of some of the radionuclides in the primary coolant may increase due to the use of the higher burnup fuel, it is expected that the quantities of radioactive effluents that were previously estimated to be released (see Tables C.1 and C.2 on pp. C-3 and C-4 of the FES) contain a sufficient amount of conservatism to offset this increase. These values were based on a reactor power level of 3565 megawatts thermal (see Tables 11.1 through 11.3 on pages 11-2 through 11-4 of the Safety Evaluation Report Related to Operation of Callaway Plant, NUREG-0830). Since the previously estimated quantities of radioactive effluents remain valid, the radiological impact analysis of the FES for members of the public remains valid. The staff concludes that doses to members of the public would remain below the dose design objectives of 10 CFR Part 50, Appendix I, and would not be significant.

In Chapter 5.9.4 of the FES, the staff evaluated the environmental impacts of two types of accidents: (1) "design basis

accidents" and (2) "severe accidents." "Design basis accidents" were postulated to occur to determine whether specific safety features (e.g., containment sprays, filters for the containment and fuel handling building) of the Callaway Plant met acceptable design and performance criteria. These safety features are described more thoroughly in the Final Safety Analysis Report (FSAR) for Callaway. "Severe accidents" are accidents with more severe sequences than the design basis accidents and they lead to a severely damaged reactor core or core melt.

Estimated doses were listed in the FES (Table 5.6 on page 5-46; and Table 15.1 on page 15-12 of NUREG-0830) for six design basis accidents: (1) Rod ejection; (2) steam generator tube rupture; (3) fuel handling accident; (4) main steam line break; (5) failure of a letdown line; and (6) large break loss-of-coolant-accident (LOCA). The staff's methodology for evaluating each of these accidents is described in the Standard Review Plan, NUREG-0800, and the references therein. The doses to the thyroid and whole body are primarily due to exposure of individuals to radioiodines and noble gases, respectively. These radionuclides quickly reach an equilibrium in the core of the reactor because their half-lives are much less than one year.

Of the six design basis accidents listed in Table 5-6 of the FES, the doses from the two design basis accidents whose doses could be increased by the use of higher burnup fuel were reevaluated since they involve the release of gap activity. Only the control-rod-ejection accident and the fuel-handling accident result in the release of principally the gap activity. The staff has reestimated the doses for these two accidents, and the potential doses are less than 25% of the guideline values given in 10 CFR Part 100.

It was not necessary to reevaluate the other accidents because the doses from these accidents are not primarily due to the release of gap activity. The technical specifications limit the doses for the steam generator tube rupture, the failure of a letdown line, and the main steamline break by limiting the concentrations of radioiodines in the primary system and secondary system. For the LOCA analysis, the quantity of radionuclides assumed to be released already exceeded the amount of gap activity estimated to be in the higher burnup fuel.

In regard to "severe accidents," by their very nature they involve releases greater than the gap activity. Although the higher burnup fuel would contain

higher quantities of the long-lived nuclides (e.g., Cs-134, Cs-137, Sr-90, and the transuranics), it is the staff's judgement that the Summary of Environmental Impacts and Probabilities presented in Table 5.8, page 5-54, of the FES remains valid given the uncertainties involved in such assessments.

Further, as stated in the FES (page 5-64), "the overall assessment of environmental risk of accidents, assuming protective action, shows that it is less than the risk for normal operational releases, although accidents have a potential for acute fatalities and economic costs that cannot arise from normal operations." The staff concludes that the proposed increase in burnup would not result in a significant increase in the annual risk to members of the public from reactor accidents.

2.0 Occupational Radiation Exposure

Although the doses to nuclear power plant workers varies from reactor to reactor and from year to year, it can be projected for environmental impact purposes by using previous experience. Exposure of workers was assessed in the FES (Chapter 5.9.3, pages 5-25 through 5-28), and a range of values was presented. The FES discussion is still applicable.

3.0 Uranium Fuel Cycle and Transportation

In addition to the impacts associated with the operation of the reactor, there are impacts associated with the uranium fuel cycle. The uranium fuel cycle consists of those facilities (e.g., uranium mills, fuel fabrication plants, etc.) that are necessary to support the operation of the reactor. The FES (Chapter 5.10

and Appendix G) described the impacts associated with the uranium fuel cycle. These impacts were based on 30 years of operation of a model light-water reactor for discharge fuel burnups of 33,000 MWD/MTU.

The current generic assessment of the environmental impacts of the fuel cycle are contained in Tables S-3 and S-4 of 10 CFR Part 51. Table S-3 presents the environmental impacts of the fuel cycle in terms of natural resource use and chemical and radiological effluents. Table S-4 presents the environmental impacts of the transportation of fuel to and from a reference reactor.

A study was conducted by the Atomic Industrial Forum National Environmental Studies Project, AIF/NESP-032 dated June 1985, entitled, "The Environmental Consequences of Higher Fuel Burn-up." The results of this report are expressed in terms of extended values of Tables S-3 and S-4, extended burnup source terms for Rn-222 and Tc-99, and environmental dose commitment. The study concluded that extending fuel burnup to 60,000 MWD/MTU results in environmental consequences which are either less than or virtually the same as those assumed in the current regulations. The staff considers the AIF/NESP-032 report values acceptable for use in support of higher fuel burnup rates at NRC-licensed facilities.

Data extracted from AIF/NESP-032 and 10 CFR Part 51 Table S-3 are reproduced in Table 1. The environmental impacts were prorated by the projected fuel cycle requirements at higher burnups. AIF/NESP-032 used the following reference conditions for the development of the front-end requirements: (a) 80% Capacity Factor;

(b) 1000 MWe Reference Reactor; (c) 0.25 w/o Tails; (d) Uranium Recycle; (e) 18-month Refueling Cycle; (f) U-236 neutron effect; (g) 0.1% Ore Grade; and (h) 90% Milling Efficiency. These reference conditions are the same as used by the staff in Table S-3 except for the last four items which were updated to reflect current conditions or knowledge more accurately. The 18-month cycle is considered more typical than the 12-month cycle previously used. The neutron poison effect of U-236 was included to maintain the conservative nature of the requirements. The ore grade and milling efficiency were reduced from previous values of 0.2% and 100%, respectively, to reflect expected average conditions over the next 20 years. AIF/NESP-032 also utilized the updated ORIGEN 2 code to determine the isotopics of the back-end of the fuel cycle.

Table 1 shows environmental fuel cycle impacts from the AIF/NESP-032 report at fuel burnup rates of 33,000 and 60,000 MWD/MTU. Also shown are the comparable values from the S-3 Table (33,000 MWD/MTU burnup rate) in 10 CFR 51.51. The reason that the AIF and 10 CFR Part 51 values at 33,000 MWD/MTU are different is because the AIF values reflect the more accurate current conditions and knowledge for refueling cycle, U-236 neutron effect, ore grade, and milling efficiency, as discussed above. The principal influence is the change in ore grade from 0.2% to 0.1%. The differences between the NESP 33,000 MWD/MTU and NESP 60,000 MWD/MTU columns are due only to changes in fuel burnup rates and are the values that should be compared for the purposes of this assessment.

TABLE 1.—ENVIRONMENTAL FUEL CYCLE IMPACTS AT EXTENDED BURNUP

	NESP 33000 MWD/MT	NESP 60000 MWD/MT	10CFR 51 Table S-3
Natural Resources Use:			
Temporarily committed	180	157	100
Undisturbed area	134	114	(79)
Disturbed area	46.5	42.8	(22)
Permanently committed	19.3	17.0	13
Overburden moved (million of MT)	6.69	6.32	2.8
Water (millions of gallons)			
Discharged to air	271	263	160
Discharged to water bodies	12,800	12,900	11,090
Discharged to ground	304	288	127
Total	13,375	13,451	11,377
Fossil Fuel:			
Electrical Energy (1000s of MWH)	375	374	323
Equivalent Coal (1000s of MT)	137	136	118
Natural gas (10 ⁶ × scf)	143	121	135
Effluents Chemical (MT):			
Gases (including entrainment)			
SO _x	5,140	5,160	4,400
NO _x	1,400	1,390	1,190

TABLE 1.—ENVIRONMENTAL FUEL CYCLE IMPACTS AT EXTENDED BURNUP—Continued

	NESP 33000 MWD/MT	NESP 60000 MWD/MT	10CFR 51 Table S-3
Hydrocarbons	18.1	17.7	14
CO	34.4	34.2	29.6
Particulates	1,340	1,350	1,154
Other gases			
F	.753	.727	.67
HC1	.0136	.0075	.014
Fission Products & Transuranics	.345	.227	.203
Liquids			
SO ₄	11.2	11.0	9.9
NO ₃	26.2	15.9	25.8
Fluoride	13.8	11.4	12.9
Ca	6.24	6.28	5.4
C1	9.78	9.80	8.5
Na	13.8	13.6	12.1
NH ₃	11.6	7.08	10.0
Fe ³	.462	.466	.4
Solids	222,000	211,000	91,000
Tailings Solutions (1000)	585	556	240
Effluents Radiological (Curies):			
Gases (including estrainment)			
Rn-222	10,926	10,266	
Rn-226	.022	.0209	.02
Th-230	.022	.0209	.02
Uranium	.0372	.0354	.034
Tritium (thousands)	18.1	17.7	18.1
C-14	19.6	15.3	24
Kr-85 (thousands)	334	308	400
Ru-106	.136	.106	.14
I-129	1.08	1.05	1.3
I-131	.928	.519	.83
Tc-99	.13	.119	
Fission Products & Transuranics	.345	.227	.203
Liquids			
Tc-99	1.072	.984	
Uranium & Daughters	2.29	2.17	2.1
Ra-226	.00374	.00355	.0034
Th-230	.00165	.00157	.0015
Th-234	.01	.00551	.01
Fission & Activation Products	5.9×10^{-6}	5.18×10^{-6}	5.9×10^{-6}
Solids (buried on site)			
Other than high level (shallow)	11,400	11,300	11,300
TRU and HLW	1.1×10^7	1.1×10^7	1.1×10^{10}
Effluents-thermal (billions BTU)	4,570	4,440	4,063
Transportation (person-rem) exposure of workers and	2.76	1.93	2.5
General Public Occupational Exposure		12.5	22.6

Table 2 is a comparison of environmental impacts from transportation of radioactive material for extended burnup. The values from the S-4 Table are identical to the values in the NESP 33,000 MWD/MTU column.

TABLE 2.—ENVIRONMENTAL IMPACTS FROM TRANSPORTATION OF RADIOACTIVE MATERIALS FOR EXTENDED BURNUP

	NESP ¹ 33000 MWD/ MT	NESP 60000 MWD/MT
Heat (BTU/ hr.)	250,000	250,000

TABLE 2.—ENVIRONMENTAL IMPACTS FROM TRANSPORTATION OF RADIOACTIVE MATERIALS FOR EXTENDED BURNUP—Continued

	NESP ¹ 33000 MWD/ MT	NESP 60000 MWD/MT
Weight (lbs./ truck)	73,000	73,000
Traffic:		
Truck (per day)	1	1
Rail (per month)	3	3
Exposure:		
Workers (persons)	200	200

TABLE 2.—ENVIRONMENTAL IMPACTS FROM TRANSPORTATION OF RADIOACTIVE MATERIALS FOR EXTENDED BURNUP—Continued

	NESP ¹ 33000 MWD/ MT	NESP 60000 MWD/MT
Dose (mrem/ person)	0 - 300	0 - 300
Total Dose (man- rem)	4	3
Public (onlook- ers)	1,100	1,100

TABLE 2.—ENVIRONMENTAL IMPACTS FROM TRANSPORTATION OF RADIOACTIVE MATERIALS FOR EXTENDED BURNUP—Continued

	NESP ¹ 33000 MWD/ MT	NESP 60000 MWD/MT
Dose (mrem/ person).. (along route).....	0.003-1.3 600,000	0.003-1.3 600,000
Dose (mrem/ person).. Total Dose (man- rem).....	0.0001-0.06 3	0.0001-0.06 2.1
Accidents: Radiologi- cal Effects Common Causes..... (years between deaths)..... (years between injury).....	(²) 126 7	(²) 202 12
Property Damage per reactor year.....	\$475	\$296

¹ These values are the same as Table S-4 in 10 CFR 51.

² Small.

As can be seen from Tables 1 and 2, when different assumptions are taken into account, extending fuel burnup results in slight changes to the radiological and non-radiological environmental consequences which would not lead to significant changes to the impacts associated with the uranium fuel cycle and transportation.

Alternative to the Proposed Action: Since we have concluded that the environmental effects of the proposed action are negligible, any alternatives with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the amendment request. Such actions would not reduce environmental impacts.

Alternative Use of Resources: This action involved no use of resources not previously considered in the Final Environmental Statements (construction permits and operating license) for the Callaway Plant.

Agencies and Persons Consulted: The NRC staff reviewed the licensee's request that supports the proposed

amendment. The NRC staff did not consult other agencies or persons. However, the NRC staff was assisted by a study conducted by the Atomic Industrial Forum National Environmental Studies Project, AIF/NESP-032 dated June 1985, entitled "The Environmental Consequences of Higher Fuel Burnup."

Finding of no Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed amendment.

Based upon the environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For details with respect to this action, see the request for amendment dated March 31, 1987 and supplemented April 15, June 5, June 18, July 16, July 28, August 7, August 31, and September 9, 1987, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Callaway County Public Library, 710 Court Street, Fulton, Missouri 65251 and the John M. Olin Library, Washington University, Skinker and Lindell Boulevards, St. Louis, Missouri 63130.

Dated at Bethesda, Maryland, this 2nd day of October 1987.

For the Nuclear Regulatory Commission.

David L. Wigginton,

Acting Director, Project Directorate III-3,
Division of Reactor Projects.

[FR Doc. 87-23339 Filed 10-7-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-456-OL; 50-457-OL]

Commonwealth Edison Co. (Braidwood Station, Unit Nos. 1 and 2); Oral Argument

Notice is hereby given that, in accordance with the Appeal Board's order of September 3, 1987, oral argument on the pending appeal of intervenors Bridget Little Rorem, et al., from the Licensing Board's May 19, 1987 concluding partial initial decision in this operating license proceeding will be heard at 10:00 a.m. on Wednesday, October 21, 1987 in the NRC Public Hearing Room, Fifth Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland.

For The Appeal Board.

Dated: September 30, 1987.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 87-23340 Filed 10-7-87; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review by Office of Management and Budget

Agency clearance officer: Kenneth A. Fogash, (202) 272-2142.

Upon written request copy available from: Securities and Exchange Commission, Office of Consumer Affairs and Information Services, Washington, DC 20549.

Extension

File No. 270-54, Form 8-A
File No. 270-117, Regulation F
File No. 270-120 Form SR
File No. 270-70, Regulation 12B
File No. 270-116 Rule 12d1-3
File No. 270-125 Form 3

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.), the Securities and Exchange Commission has submitted for an extension of clearance of the following forms: Form 8-A; Regulation F; Form SR; Regulation 12B; Rule 12d1-3 and Form 3. Form 8-A effects 1940 respondents at an estimated 8 hours per form for a total of 15,520 burden hours. Regulation F effects 7 respondents at an estimated 3 hours per form for a total of 21 burden hours. Form SR effects 2566 respondents at an estimated 5.5 hours per form for a total of 14,113 burden hours. Regulation 12B is not a form but contains rules that effect other forms. As such, it has been assigned one hour for administrative purposes. Rule 12d1-3 effects 688 respondents at an estimated .5 hours per form for a total of 344 burden hours. Form 3 effects 13,265 respondents at an estimated 2.5 hours per form for a total of 33,163 burden hours.

Submit comments to OMB Desk Officer, Mr. Robert Neal (202) 272-7340, Office of Information and Regulation Affairs, Commerce & Lands Branch, Room 3228 NEOB, Washington, DC 20503.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-23349 Filed 10-7-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-24979; SR-NASD-87-20]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change

The National Association of Securities Dealers, Inc. ("NASD") submitted on April 16, 1987, copies of a proposed rule change pursuant to section 19(b) of the

Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4² thereunder, proposing a Pilot Program, for a period of two years, between the NASD and the International Stock Exchange of the United Kingdom and The Republic of Ireland, Ltd., formerly the Stock Exchange, London, England ("Exchange").³

Notice of the proposed rule change, together with its terms of substance, was provided by the issuance of a Commission release (Securities Exchange Act Release No. 24364, April 17, 1987), and by publication in the *Federal Register* (52 FR 13891, April 27, 1987). The Commission received two comment letters on the proposed rule change⁴ and a response to the first comment letter from the NASD.⁵

I. Background

The Pilot Program is the first program for the transmission of quotation information between a United States self-regulatory organization ("SRO") and an exchange not located in North America.⁶ The terms of the Pilot

Program are set forth in an agreement entered into between the NASD and the Exchange. Under the agreement, the Exchange furnishes the NASD with current bid and ask quotations for the securities that comprise the Financial Times/Stock Exchange ("FTSE")-100 and for non-U.K. domiciled securities disseminated through the TOPIC⁷ International Service. The Exchange also provides on a real-time basis the current level of the FTSE-100 Index.⁸ The display of information received from the Exchange includes symbols of the Exchange securities, the competing market makers' quotations for those securities, and a directory of Exchange market makers' symbols and telephone numbers. The NASD will display the Exchange information on authorized NASDAQ terminals.

The NASD provides the Exchange with the current bid and ask quotations of all market makers for the securities comprising the NASDAQ-100 Index,⁹ the NASDAQ Financial Index,¹⁰ and all American Depositary Receipts ("ADRs") underlying non-U.K. domiciled securities. It also provides the current level of the NASDAQ-100 Index on a real-time basis. The Exchange will display the NASDAQ information on its TOPIC authorized terminals and TOPICLINE.

The Pilot Program is an informational link only and does not have an execution capability. Currently there is no provision for orders to be automatically routed to specific market makers. Any subscriber who wishes to execute a trade based on a quote viewed via NASDAQ or TOPIC must consult a telephone list and contact a market maker in the security in order to execute a trade.

The NASD, after consultation with the Exchange, modified its original proposal to address certain concerns raised by Instinet in its comment letter on the original proposal.¹¹ The NASD's current

rule filing reflects those changes. As modified, the Pilot Program will permit access to linkage data exclusively by NASDAQ market makers and Exchange dealers that make markets in one or more issues that are quoted in the linkage and traded in both market centers.¹²

II. Comments

The principal issue raised by Instinet is whether the costs of the program have been equitably allocated.¹³ Currently, Instinet pays the NASD a vendor fee of \$1,600 per month and a subscriber fee of \$8.75 per terminal per month for receipt of the National Quotation Data Service ("NQDS") feed. Similarly, TOPIC subscribers in the United Kingdom are charged approximately \$6,656 per year for the first terminal receiving TOPIC information, and approximately \$4,160 per year for each additional terminal receiving the information.¹⁴ The Stock Exchange Automated Quotations ("SEAQ") charge is approximately \$3,084 per terminal per year.¹⁵ Under the terms of the Pilot Program, however, market makers who receive the quote information will not be separately charged for receipt of that information. The NASD argues that such an "in-kind" exchange of quote information is consistent with its obligation to charge reasonable fees under section 15A(b)(5)

¹ 15 U.S.C. 78s(b) (1982).

² 17 CFR § 240.19b-4 (1987).

³ The Exchange and the NASD requested a no-action position with respect to broker-dealer registration raised by the dissemination in the United States of individual market maker quotations from foreign broker-dealers. The staff granted this no-action request on a temporary basis, noting however that this position did not extend to any activities resulting in substantial U.S. contacts or involving solicitations of U.S. investors other than the transmission of quotations from the Exchange to NASDAQ and the executions of trades based on these quotations. Letter from Mary Chamberlin, Chief Counsel, Division of Market Regulation, SEC, to Frank Wilson, General Counsel, NASD, dated May 2, 1986; letter from Robert L.D. Colby, Deputy Chief Counsel, Division of Market Regulation, SEC, to Richard B. Smith, Esq., Davis, Polk & Wardwell, dated July 3, 1986. This position has been extended until December 31, 1987. Letter from Robert L.D. Colby, Chief Counsel, Division of Market Regulation, SEC, to Frank Wilson, General Counsel, NASD, dated June 9, 1987.

⁴ Letters from Daniel T. Brooks, Cadwalader, Wickersham and Taft, Counsel for Institutional Networks Corporation ("Instinet"), to Jonathan G. Katz, Secretary, SEC, dated June 30, 1987 and September 25, 1987.

⁵ Letter from Frank J. Wilson, Executive Vice President and General Counsel, NASD, to Jonathan G. Katz, Secretary, SEC, dated August 6, 1987.

⁶ The terms of the Pilot Program were filed with the Commission as SR-NASD-86-4. The Commission approved the Pilot Program for a six-month period. See Securities Exchange Act Release No. 23158 (April 21, 1986), 51 FR 15989 (April 29, 1986) ("original proposal"). The Pilot Program has been extended a number of times since then, most recently until September 30, 1987. See Securities Exchange Act Release Nos. 23729 (October 20, 1986), 51 FR 39444 (October 28, 1986); 23952 (January 5, 1987), 52 FR 887 (January 9, 1987); 24292 (April 2, 1987), 52 FR 11578 (April 9, 1987); 24544 (June 3, 1987), 52 FR 21761 (June 9, 1987); and 24862 (August 28, 1987), 52 FR 33674 (September 4, 1987).

⁷ TOPIC is the acronym for Teletext of Price Information by Computer.

⁸ The FTSE-100 Index consists of a capitalization weighted measure of the individual securities included in the Index.

⁹ NASDAQ is the acronym for National Association of Securities Dealers Automated Quotations. The NASDAQ-100 Index represents 100 of the largest non-financial foreign and domestic companies in the NASDAQ/National Market System ("NMS"). It is a capitalization weighted measure of the value of the individual securities included in the Index.

¹⁰ The NASDAQ Financial Index represents the 100 largest domestic financial companies in the NASDAQ/NMS.

¹¹ See letter from Daniel T. Brooks, Cadwalader, Wickersham and Taft, Counsel for Instinet, to John Wheeler, Secretary, SEC, dated April 16, 1986.

¹² Under the terms of the original proposal, all NASDAQ Level 2 and 3 terminals and all TOPIC terminals were eligible to receive the quotation information without any additional charge. Both NASDAQ Level 2 and 3 services include the bids and offers of individual market makers for each individual security.

¹³ In addition, Instinet asserts that the Pilot Program is inconsistent with sections 11A and 15A of the Act and with the antitrust laws.

¹⁴ These estimates assume a dollar/pound exchange rate of \$1.60/pound. The actual charges in pounds are 4,160 and 2,600, respectively.

¹⁵ TOPIC screens are used to view the market for Exchange securities and will carry the NASDAQ information. The TOPIC service carries the mid-price for United Kingdom equity securities. To receive the competitive market maker quotes for these securities, a subscriber also must subscribe to the SEAQ Level 2 service. Exchange member firms that are market makers must use a SEAQ terminal to input and view their own quotations.

¹⁶ The actual charge in pounds is 1,928. A TOPIC subscriber in the United States must pay \$15,000 per year to receive the TOPIC service that does not include the SEAQ Level 2 feed. In order to receive SEAQ information, a TOPIC subscriber in the United States must pay an additional subscriber fee of \$3,000—discounts are available for additional terminals. At present, there are only 126 TOPIC terminals in the United States. Subscribers in the United Kingdom pay subscriber fees that are considerably less than those charged to subscribers based in the United States. We understand that the difference in cost is attributable to satellite charges that are an integral part of the transatlantic dissemination of information.

of the Act¹⁶ because of the impracticality of undertaking a separate cost allocation, the similarity of the information exchanged, and the pilot nature of the program. In addition, as discussed below, the NASD asserts that the Pilot Program constitutes a marketplace to marketplace exchange.

In contrast, Instinet argues that the NASD, by refusing to allocate separately the costs attributable to the Pilot Program, has impeded Instinet's ability to compete in the United States and the United Kingdom markets for the distribution of quotation information. Specifically, Instinet asserts that because neither party will charge the other party or the subscribers of either party for the exchange of quotation information, Instinet's ability to compete will be impeded because its customers will be required to pay separate subscriber charges for receipt of substantially the same information.

In addition, Instinet disagrees with the NASD's assertion that the charges being foregone are comparable. Instinet states that, based on the present fee structure, the Exchange would owe the NASD approximately \$102,060 per year and the NASD would owe the Exchange approximately \$24 million per year for the information each receives. Instinet argues that unless the costs allocable to the link are separately billed to subscribers receiving information pursuant to the link, it is at a competitive disadvantage both in the United States and the United Kingdom. For example, Instinet asserts that it is unable to compete with the NASD in the United States to provide Exchange data to NASDAQ subscribers because the NASD is providing the data to them at no cost.¹⁷ Similarly, Instinet asserts that it will have difficulty competing with the Exchange for the distribution of data for NASDAQ securities in the United Kingdom,¹⁸ because the Exchange

receives the data from the NASD and disseminates it to its market makers free of charge.

In its response to Instinet's comment letter, the NASD asserts that the Pilot Program constitutes a marketplace to marketplace exchange that was undertaken to foster more efficient market operations and expanded opportunities for competitive market making. The NASD further points out that the Pilot Program is an experiment similar to those commonly undertaken by self-regulatory organizations to foster progress in the securities markets. The NASD believes that during the two-year period the benefits of the Pilot Program will become evident.

III. Discussion

The Commission generally views agreements between American and foreign securities exchanges as positive developments in the increasing internationalization of the world's securities markets. The Commission believes there are benefits to be gained from the first transatlantic linkage of major equity securities markets. A two-year Pilot Program for the exchange of quotation information is a useful preliminary step to determine the degree of interest in London for OTC securities and the degree of interest in the United States for Exchange securities. The two-year Pilot Program also will facilitate the joint exploration of the implications of a trading linkage between the NASD and the Exchange, and will provide a mechanism for the two organizations to address any problems that might arise with the information exchange and the future allocation of fees to the subscribers of the Pilot Program. The Commission believes that this is a rational way to approach any contemplated linkage.¹⁹

At the same time, however, the increased availability of quotation information raises the need for appropriate surveillance and investigatory procedures. Before approving the Pilot Program for the two-year period the Commission must be satisfied that adequate safeguards have been established to protect investors and to detect fraudulent or manipulative acts and practices. In this connection,

it establishes a burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

¹⁹ The Commission expects the NASD to report its findings on the costs and benefits of the Pilot Program within eighteen months of the date of this order. The NASD's analysis should include a monthly survey of market makers participating in the linkage in both the United States and the United Kingdom including share volume and the number of quotation inquiries in each security.

the NASD and the Exchange have provided for information sharing, investigatory, and surveillance measures in the agreement memorializing the linkage.

First, the agreement provides that the NASD will have access to all regulatory information it needs for purposes of its surveillance and investigation responsibilities with respect to the securities in the Pilot Program. The NASD states that for several years the Exchange has been willing to cooperate with the NASD in the area of information disclosure, quotation halts, suspensions and resumption of trading, and the surveillance and investigation of trading in securities of mutual market concern. The agreement reached between the NASD and the Exchange also specifically confirms that the Commission and the United Kingdom regulatory authorities will have access to shared surveillance information. In this regard, although the NASD/Exchange surveillance sharing agreement is extremely general, in view of the fact that the Pilot Program is solely an information exchange, the Commission believes that the surveillance measures in the agreement, in conjunction with the Commission's own Memorandum of Understanding with the United Kingdom Department of Trade and Industry,²⁰ constitute adequate regulatory safeguards for the limited purposes of the Pilot Program.

Section 15A(b)(5) requires that the NASD's rules provide for the equitable allocation of fees, and section 15A(b)(9) prohibits the NASD from adopting a rule that fosters any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Furthermore, section 11A(a)(1)(C)(ii) of the Act sets forth as among the goals of the Act the furthering of fair competition between exchange markets and markets other than exchange markets.²¹

The Commission finds Instinet's assertion that the Pilot Program is anti-competitive because the costs of the program are not reasonably allocated, to

¹⁶ Instinet, under a variety of different labels, (i.e., Sections 11A and 15A of the Act) makes essentially one argument, i.e., that because the costs of the Pilot Program are not separately allocated, Instinet finds itself at a competitive disadvantage. For purposes of this order, the Commission is considering this argument in unity.

¹⁷ Although Instinet's calculations are based on the only information available to Instinet, they implicitly assume that a per terminal subscriber fee is the proper way to measure the cost of the Pilot Program. In a program that is temporary as well as of a start-up nature, however, there may be alternative methods of assessing the costs. For example, the parties could have agreed to use their out of pocket costs as a measure of the cost of the program. Also, the NASD and the Exchange are providing information on a limited group of securities; subscribers to NASDAQ receive the entire NASDAQ feed.

¹⁸ Instinet asserts that the provision of the data at no cost is inconsistent with Section 15A of the Act in that it is not a reasonable allocation of costs and

²⁰ Since the original approval order authorizing the temporary operation of the Pilot Program, the Commission, the Commodity Futures Trading Commission and the United Kingdom Department of Trade and Industry entered into a Memorandum of Understanding ("MOU") that is intended to enhance international enforcement of both countries' securities laws by providing assistance for investigations of violative conduct as well as market oversight. In particular, matters involving insider trading, market manipulation and misrepresentation relating to market transactions in the respective jurisdictions are subject to the MOU.

²¹ See also section 11A(c)(1)(D).

be unpersuasive.²² While the NASD is subject to an obligation under the Act to charge fair and reasonable fees, any NASD rule filing also must be analyzed as to its effects on the statutory goal to enhance the efficient execution of securities transactions. A quotation exchange will enhance the ability of NASD and Exchange market makers to make competitive and efficient markets and improve their ability to ensure that their customers receive best execution of their orders. In particular, such information should permit market makers in both countries to disseminate more accurate quotations that reflect the trading activity that has occurred or is occurring in the other country. Finally, the quotation exchange may increase interest in securities traded through NASDAQ and SEAQ and, as a result, increase the liquidity of both markets. In view of these additional purposes of the Act which may be served by a market maker to market maker approach (in contrast to the dissemination of quotation information to non-market makers which primarily only serves the goal of the widespread dissemination of such information), the Commission believes that, for purposes of commencing a pilot program limited to an exchange of quotations it is unnecessary, given the practical difficulties of accomplishing such an allocation in an international context, for the NASD to allocate separately the costs of such an exchange. The Commission continues to believe, however, that, as a matter of analytical clarity, it would be preferable for the NASD and the Exchange to establish a separate cost allocation for the

information that they are mutually providing.²³

In this connection, the Commission believes that the NASD has made a good faith effort to address the competitive concerns raised by Instinet. For example, the NASD and the Exchange significantly reduced the number of recipients of the information. Only market makers that are making a market in the securities traded in the linkage will receive the information at no additional charge, i.e., if a dual market is made in a security then a market maker on either side can receive the quotations. Thus, under the modified proposal only 972 TOPIC terminals will receive the information, in contrast to the 9,500 terminals that would have received the information under the original proposal. Similarly, only 1,634 NASDAQ Level 3 terminals will receive the information under the current proposal, in contrast to 2,807 NASDAQ Level 2 and 3 terminals that would have received the information under the original proposal. All other users of the information will have to pay to receive it, including any United States firms that are not making a market in any of the Exchange securities quoted in the link and any institutional investors that would be interested in obtaining quotation information on Exchange securities they may have in their portfolios. In addition, the information being exchanged as part of the Pilot Program is limited to a subset of the NASDAQ and SEAQ information. In light of the limited competitive impact, the Commission believes it is reasonable for the NASD and the Exchange to absorb their respective costs, and unnecessary for them to allocate separately to one another those costs for purposes of the two-year pilot.

The Commission recognizes, however, that Instinet also objects to these modifications by the NASD which are designed to mitigate any potential effects of the program on Instinet.²⁴ Specifically, Instinet argues that such a limitation raises concerns about fair allocation of costs among NASD members because implicit in such an arrangement is the fact that some

NASDAQ market makers will not be receiving the London information even though other NASDAQ subscribers will receive the information without paying any additional charges. The Commission believes, however, that in conceiving a new program to establish potential new markets, it is reasonable for the NASD to allocate costs in a manner that is sensitive to the start-up nature of the program.²⁵

Accordingly, the Commission finds that the NASD's proposed rule change does not foster any burden on competition not necessary or appropriate in furtherance of the purposes of the Act and that approval of the proposed rule change on a two-year pilot basis is consistent with the Act and the rules and regulations thereunder applicable to the NASD, and, in particular, the requirements of sections 11A and 15A, and the rules and regulations thereunder. We have carefully considered all of Instinet's arguments. While we recognize that the NASD/Exchange quotation exchange may have some impact on Instinet and other vendors, we conclude that because effects on vendors are as narrowly limited as is practically consistent with the start up of the Pilot Program, any such impact outweighs the benefits outlined above. Nevertheless, the Commission will monitor carefully the impact of the quotation exchange on competing vendors during the pilot period. The Commission, therefore, emphasizes that it is not reaching any final determination with respect to the issues raised by Instinet but is only determining that the allocation of costs and fees for purposes of the two-year Pilot is reasonable and, therefore, does not impose an inappropriate competitive burden on Instinet.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved for a period of two years from the date of this order.

²² Instinet also argues that the NASD's proposal is inconsistent with the federal antitrust laws. The Act, however, contains its own competition standard for evaluating proposed rule changes. See *United States v. NASD*, 422 U.S. 694 (1975); *Gordon v. New York Stock Exchange, Inc.*, 422 U.S. 659 (1975). Section 15A(b)(9) of the Act requires that "[t]he rules of the association do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of [the Act]." As interpreted by the courts and elaborated by the legislative history of the Securities Acts Amendments of 1975, Pub. L. 94-29, 89 Stat. 97 (1975), it is clear that neither the Commission in its own rulemaking nor the exchanges are required to pursue the least anti-competitive alternative. See *Belenke v. SEC*, 608 F.2d 193, 199-200 (7th Cir. 1979); *Bradford Nat'l Clearing Corp. v. SEC*, 590 F.2d 1085, 1105; and Senate Committee on Banking, Housing and Urb. Affs., *Report to Accompany S. 249: Securities Acts Amendments of 1975*, ("Senate Report"), S. Rep. No. 94-75, 94th Cong., 1st Sess. 30 (1975). Rather, the Commission is required to balance competitive implications in light of the other purposes of the Act, such as the protection of investors and the maintenance of fair and orderly markets. See sections 11A(a)(1)(C)(ii); 11A(b)(5)(B); and 11A(c)(1) (C) and (D) of the Act.

²³ In addition, the Commission expects that, during the pilot period, the NASD will continue to examine the possibility of developing a separate allocation of costs associated with the pilot. In this regard, the Commission requests that the NASD report to the Commission the results of that analysis within 18 months of the date of this order.

²⁴ Instinet also expressed concern that the NASD is planning to expand the quotation link to provide for automatic execution of trades. Of course, any change in the terms or operation of the Pilot Program must be submitted to the Commission for its review pursuant to section 19(b) of the Act.

²⁵ The Commission previously has approved proposed rule changes in which transaction fees were waived as a competitive response to market conditions or to encourage trading in a developing product. See, e.g., *Securities Exchange Act Release No. 24827* (August 20, 1987), 52 FR 32380 (August 27, 1987), in which the Commission approved the Pacific Stock Exchange's request to waive transaction and order book charges for trades executed in options on Microsoft Corporation and Mentor Corporation and Securities Exchange Act Release No. 22470 (September 26, 1985), 50 FR 40640 (October 4, 1985), in which the Commission permitted the Chicago Board Options Exchange to forego charging transaction fees on foreign currency option contracts for a limited period in order to encourage trading of those contracts.

For the Commission by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Dated: October 2, 1987.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 87-23290 Filed 10-7-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-24981; File No. SR-Phlx-86-36]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Order Approving Proposed Rule Change

I. Introduction

On October 20, 1986, the Philadelphia Stock Exchange, Inc. ("Phlx") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposal to make permanent its customer margin letter of credit ("LC") program.³ The proposal was published for comment on November 24, 1986.⁴ No comments were received. For the reasons discussed below, the Commission is approving the proposed rule change.

II. Description of the Proposed Rule Change

The proposed rule change requests that the Commission approve on a permanent basis Phlx's program relating to use of LCs to satisfy foreign currency option customer margin requirements. In brief, the proposal would amend Phlx Rule 722 to enable Phlx members to be named beneficiaries on "standby letters of credit"⁵ issued for their customers'

accounts by Phlx-approved banks and trust companies. Those LCs would secure customers' initial and maintenance margin requirements relating to their open short foreign currency option positions. As described in detail below, the proposal requires LCs to contain certain terms and establishes LC issuer qualification standards. It also establishes a comprehensive financial protection scheme for issuers of LCs.

Regarding LC terms, the proposal requires each LC to contain an LC issuer's unqualified commitment to pay to the Phlx member, on demand, a specified sum of money equal to, or greater than, the amount of the original margin required when the position was opened. Further, the LC commitment must be irrevocable. Moreover, the LC must not expire later than 18 months after its issuance date.⁶ Finally, any LC issued by a non-U.S. institution must be issued and payable at a United States agency or branch of the issuer.

To ensure that only financially responsible institutions can issue LCs under the program, the proposal contains comprehensive issuer qualification standards. Both U.S. and non-U.S. institutions can qualify as issuers under those standards. United States issuers must: (1) Be organized under the laws of the U.S. or a state thereof and be regulated and examined by federal or state authorities having regulatory authority over banks or trust companies; and (2) have, at the time of approval and continuously thereafter, shareholders' equity of at least \$200,000,000.⁷ A non-U.S. issuer (organized under the laws of a country other than the U.S.) must: (1) Have a branch or agency located in the U.S.; (2) have, at the time of approval and continuously thereafter, shareholders' equity of more than \$200,000,000; (3) have its principal executive office in a country (a) rated Aaa by Moody's

Investors Service ("Moody's") and/or AAA by Standard & Poor's Corp. ("S&P")⁸ or (b) approved by Phlx's Business Conduct Committee ("BCC") as an AAA equivalent country based on consultations with at least two entities satisfactory to the BCC as experienced in international banking and finance; and (4) have a P-1 rating from Moody's and/or an A-1 rating from S&P on its commercial paper or other short-term obligations.⁹

To enable Phlx to analyze an applicant's financial condition, the proposal requires each applicant to provide Phlx initially with its most recent annual report. If a U.S. issuer applicant's annual report is more than 90 days old, the applicant must supply Phlx with its most recent quarterly financial statement; a non-U.S. applicant must supply semi-annual financial reports.¹⁰ The proposal also requires each applicant to inform Phlx in writing about those individuals authorized to sign LCs and the applicant's legal authority to issue LCs.

After Phlx approval, both issuers and Phlx members must comply with ongoing, special reporting requirements. All issuers must supply Phlx with annual reports as they are issued. In addition, U.S. institutions must provide Phlx with quarterly financial statements and non-U.S. institutions must provide Phlx with semi-annual financial reports. In addition, whenever a Phlx member approves a customer foreign currency options account and accepts an LC under the program, it must report to Phlx: (1) The LC issuer's name; (2) the customer's name; (3) the LC dollar amount; (4) the LC expiration date; and (5) customer suitability information including, but not limited to, net income, net worth, occupation or type of business enterprise, and experience in trading securities and/or commodities. Members also must provide Phlx with copies of any subsequent LC accepted for an approved account. In addition, Phlx members must report monthly the

¹ 15 U.S.C. 78s(b)(1) (1982).

² 17 CFR 240.19b-4 (1987).

³ The Commission approved the LC program on a one year pilot basis in December 1983. Securities Exchange Act Release No. 20497 (December 16, 1983), 48 FR 56882. In this pilot, LCs could be used for initial margin purposes only. In June 1985, the Commission extended the pilot program and expanded it to permit the use of LCs to meet maintenance, as well as initial, margin requirements. Securities Exchange Act Release No. 22189 (June 28, 1985), 50 FR 31802.

⁴ Securities Exchange Act Release No. 23821 (November 17, 1986), 51 FR 42321 ("November 1986 Notice").

⁵ A "standby letter of credit" represents an obligation to the beneficiary on the part of the issuer: (1) To repay money borrowed by or advanced to or for the account of the account party; or (2) to make payment on account of any evidence of indebtedness undertaken by the account party; or (3) to make payment on account of any default by the account party in the performance of an obligation. See, e.g., 12 CFR 208.8(d) (1987).

⁶ The proposal eliminates the pilot program requirement that an LC not terminate before expiration of any related options positions. A member firm accepting an LC that would terminate before the option's expiration would be required to monitor the customer's account to ensure that the customer posts adequate substitute margin, such as another LC, cash, or cash equivalents, before the LC termination date. This will ensure that adequate margin will be maintained at all times.

⁷ Banks meeting this standard and approved to issue LCs under the Phlx program are Amro Bank (\$2.13 billion shareholders' equity as of 12/31/86), Bank of America (\$3.78 billion as of 12/31/86), Fidelity Bank (\$393 million as of 6/30/87), Philadelphia National Bank (\$502 million as of 6/30/87), Pittsburgh National Bank (\$627 million as of 12/31/86), and Provident Bank (\$329 million as of 12/31/86). See letter from Diana Anderson, Director of Examinations, Phlx, to David Underhill, Attorney, Division of Market Regulation, SEC, dated August 28, 1987.

⁸ These ratings are based on the rating assigned to sovereign debt issued by the country's central government.

⁹ If a non-U.S. institution's short-term obligations are not rated, it still can qualify if: (1) Any commercial paper or short-term obligation issued by its parent or an affiliated entity has such a rating, or (2) any commercial paper or short-term obligation issued by non-affiliated entities and supported or guaranteed by the institution has such a rating, or (3) the issuer, its parent or any affiliated entity has an Aaa rating from Moody's or an AAA rating from S&P on its long-term obligations, or (4) it has been approved by the BCC as a P-1 equivalent institution.

¹⁰ During the pilot program, non-U.S. issuers were required to supply their most recent quarterly financial statements, as were U.S. applicants.

class and series of each LC-secured option position and the transaction date establishing the position. Finally, each member must notify Phlx promptly of: (1) The withdrawal of any LC; (2) the assignment of an exercise notice to any LC-secured option position; and (3) the liquidation of any LC-secured option position.

As noted above, the proposal contains several provisions designed to ensure the controlled use of LCs. First, the proposal includes concentration requirements that are intended to protect Phlx members against the financial risk arising from over-reliance on LCs of any one LC issuer or for any one customer. The proposal requires that the total amount of LCs issued and outstanding by any one financial institution for the account of any one customer not exceed 15% of the unimpaired capital and surplus of the issuing institution.¹¹ Moreover, the total amount of LCs issued and outstanding at any time by an institution naming any one Phlx member as beneficiary must not exceed 20% of the unimpaired capital and surplus of the issuer. Second, the proposal prohibits a member from allowing a customer to effect a transaction or to maintain a position in foreign currency options against an LC if the amount of margin required under Regulation T of the Board of Governors of the Federal Reserve System ("Federal Reserve Board" or "FRB")¹² would exceed the amount of the LC. If such a deficiency occurs the member must require the customer to deposit promptly with the member: (1) A new or modified LC in an amount equal to, or greater than, the required margin amount, or (2) other acceptable forms of margin in an amount equal to, or greater than, the margin deficiency under Regulation T. If the customer fails to provide the needed collateral, the member, under Regulation T, must liquidate open customer positions sufficient to meet the margin deficit.¹³ Third, the proposal prohibits a bank or trust company from issuing an LC to cover its own foreign currency option positions.

Finally, the proposal provides flexibility to Phlx in dealing with LC issuers. Phlx can at any time refuse or revoke its approval of any financial institution as an LC issuer under the program. In addition, Phlx at any time

can suspend, terminate or otherwise modify a member's ability to accept an LC, on its own initiative or at the direction of the Commission or the Board of Governors of the Federal Reserve System.

III. Phlx's Experience Under the Pilot Program

Phlx outlined its experience under the pilot program in its rule filing and in an April 1986 report to the Commission.¹⁴ With respect to the scope of pilot program use, Phlx noted that seven issuers had been approved under the program, two being non-U.S. institutions. Moreover, three of the seven have been actively issuing LCs. In addition, five customers have been using LCs, and three Phlx members have been accepting LCs for margin purposes.¹⁵ To date, seven LCs have been issued under the program. Phlx anticipates that LC use will expand to at least 30 foreign currency option customers if the program is made permanent.¹⁶

Phlx represented that members accepting LCs have found the LC program requirements and procedures uncomplicated. Moreover, those members report that LC use facilitates monitoring of customer margin deposits. Indeed, members reported that, notwithstanding the absence of "economies of scale" due to the relatively small use of LCs to date, they did not incur any meaningful increase in related administrative costs.¹⁷

IV. Phlx's Rationale for the Proposed Rule Change¹⁸

Phlx believes that the LC Program should be approved for several reasons.

¹⁴ See letter from Susan R. Mann, Vice President, Phlx to Richard G. Ketchum, Director, Division of Market Regulation, SEC, dated April 30, 1986 ("April 1986 Report").

¹⁵ *Id.* at 3-4; November 1986 Notice, *supra* note 4, 51 FR at 42321.

¹⁶ April 1986 Report, *supra* note 14, at 4.

¹⁷ *Id.* at 9.

¹⁸ While the Options Clearing Corporation ("OCC") has established an LC program, Phlx members currently cannot pass through customer LCs to OCC to satisfy members' related OCC margin requirements. This is due largely to the fundamental differences between clearing and margin LCs. In particular, a clearing LC names OCC as its beneficiary (rather than a Phlx member) and is issued according to OCC's required clearing margin levels (rather than those set by the Federal Reserve Board for securities margin). The member therefore must use its own assets that qualify as forms of margin under OCC Rule 604, including cash, certain government securities, and common stocks. Some Phlx members have passed on the incremental OCC margin-related costs to customers that participate in the Phlx program. OCC and Phlx currently are discussing ways to allow customers LCs to be used to secure OCC margin obligations.

First, customer use of LCs for margin purposes facilitates trading. Customers can focus more readily on effecting appropriate trading strategies without being distracted by the need to monitor margin deposits or by potential cash flow problems arising from margin requirements.¹⁹ Second, LC use frees up customer assets that otherwise would be needed to meet margin deposit requirements. Phlx notes that customer costs relating to LC issuance are small in comparison to the costs related to posting traditional margin collateral, *e.g.*, cash, Treasury bills or marginable securities.²⁰ Third, administrative costs are reduced. LC use eliminates the daily cost of wiring funds back and forth between customers and members to meet margin requirements. In sum, Phlx believes that, as LC use grows,²¹ it will contribute to increased trading of foreign currency options, thereby increasing market liquidity, to the benefit of all market participants.²²

Finally, Phlx believes that the several minor amendments to the program should be approved. The first amendment requires non-U.S. issuers to provide Phlx with semi-annual, not quarterly, financial reports. Phlx believes that this amendment is needed to conform the proposal to the different financial reporting timetable of non-U.S. institutions. Generally, those institutions do not prepare quarterly reports. Phlx believes it will be able to protect its members by relying on semi-annual reports as well as information supplied by reputable rating agencies and research organizations specializing in bank and institutional ratings.

The second amendment eliminates the requirement that an LC not terminate earlier than the expiration date of the related options contracts. Phlx believes that this limitation hindered customers wishing to roll forward foreign currency option writing programs because customers seeking to write call options that expire after the letter of credit terminates needed to post either cash margin on the options or second LC with an extended expiration date. Phlx believes that the amendment will increase customer flexibility and will reduce the costs associated with LC use.

¹⁹ November 1986 Notice, *supra* note 4, 51 FR at 42321; April 1986 Report, *supra* note 14, at 5.

²⁰ April 1986 Report, *supra* note 14 at 6.

²¹ Phlx anticipates that LC use will increase substantially after permanent approval of the program, as customers, financial institutions and Phlx member firms recognize the flexibility and benefits of using LCs for margin purposes. *Id.* at 4; November 1986 Notice, *supra* note 4, 51 FR at 42321-22.

²² April 1986 Report, *supra* note 14, at 6.

¹¹ This 15% requirement is equivalent to the current federal lending limitation of 15% of stockholders' equity. See, *e.g.*, 2 U.S.C. 84 (1982).

¹² 12 CFR 220.18(h) (1987).

¹³ If the additional margin required is \$500 or less, however, the member is not required to liquidate positions. Phlx Rule 722 (c)(8).

As additional support for the amendment, Phlx noted that OCC accepts from its clearing members for OCC margin purposes LCs that terminate before the related options positions expire. To protect itself, OCC ensures that before an LC terminates, clearing members post adequate collateral to secure their obligations.²³

V. Discussion

The Commission recognizes that the proposal raises concerns over providing investors with increased leverage through use of LCs to meet their Regulation T margin deposit requirements (particularly because LCs will be uncollateralized).²⁴ More specifically, brokers and their customers are exposed to special financial risks relating to the use of uncollateralized LCs should an LC issuer delay or fail to make payment on demand of the LC beneficiary (i.e., the Phlx member) because (1) the issuer becomes insolvent or (2) the issuer believes that "fraud in the underlying transaction" occurred.²⁵

²³ In any event, OCC Rule 605 requires OCC to report any OCC margin deficit to its members before 9:00 a.m., Central Time.

²⁴ When it approved the pilot program, the Commission noted that the use of uncollateralized LCs is less problematic in the foreign currency options market because of certain special characteristics of that market. In particular, LCs are customary in international trade, and persons likely to participate in the foreign currency options market are accustomed to their use. In addition, LCs often are issued in international trade against anticipated production of other goods that would be difficult to deposit as collateral. Finally, the depth and liquidity of the underlying foreign currency market reduces the volatility concerns underlying margin regulation. Because of the special characteristics and uses of foreign currency options, the Commission believed that a flexible method of margin to permit firms to write such options without locking up their cash reserves was warranted. Any proposal to permit LCs for margin purposes for other securities would raise additional issues not addressed by this order.

²⁵ Problems also can arise if the account party to an LC (i.e., the foreign currency options customer) becomes insolvent. Courts generally have held that an LC beneficiary can draw on an LC even though the account party is bankrupt. See *Westinghouse Credit Corp. v. Page*, 18 Bankr. 713 (D.D.C. 1982) ("In re Page"); *Postal v. Smith* (In re Marine Distrib., Inc.), 552 F.2d 791, 795 (9th Cir. 1975). One court, however, issued a preliminary injunction to halt payment on an LC because of the incongruity of the security interests of the issuer and the LC beneficiaries. *Twist Cap, Inc. v. Southeast Bank of Tampa*, 1 Bankr. 284 (M.D. Fla. 1979). The *Twist Cap* decision has been widely criticized. See, e.g., *Planes, Inc. v. Fairchild Aircraft Corp.*, 29 Bankr. 370, 371 (N.D. Ga. 1983); *Baird, Standby Letters of Credit in Bankruptcy*, 49 U. Chi. L. R. 130 (1982); *Chaitman and Sovern, Enjoining Payment on a Letter of Credit in Bankruptcy: A Tempest in a Twist Cap*, 38 Bus. Law. 21, 33 (1982); *McLaughlin, Letters of Credit as Preferential Transfers in Bankruptcy*, 50 Fordham L. Rev. 1033 (1982). One court noted that "the overwhelming authority of the law after [Twist Cap] indicates that an [LC] and its proceeds are not property of the estate * * * and therefore the payment of an [LC] is not a transfer of assets in violation of the automatic stay provisions

For the reasons detailed below, the Commission believes Phlx's LC Program is designed to minimize these risks and should facilitate transactions in foreign currency options.

With respect to concerns over issuer insolvency, the Commission's analysis begins with its experience with LCs in the clearing agency context.²⁶ The Phlx LC program is similar to previously-approved LC programs at several registered clearing agencies. In connection with the Commission's approval of a segment of OCC's LC program in 1983, the Commission articulated several factors that are necessary to ensure that an LC program does not create unnecessary financial risks arising from issuer insolvency.²⁷ The Commission suggested that an LC program should: (1) Contain measures designed to ensure that LCs are accepted only from financially responsible issuers; (2) protect the LC beneficiary from becoming exclusively dependent upon any one bank as an LC issuer; and (3) contain sufficient safeguards to protect beneficiaries in the event that an issuer delays or refuses payment.

Respecting the first factor, the Commission believes that the proposal's comprehensive LC issuer qualification standards described in detail above should enable Phlx to approve only financially sound institutions as LC issuers. The Commission notes that nearly identical standards have worked well over the years at OCC and other clearing agencies. Moreover, because LC issuers must continue to comply with the qualification standards (together with the related financial reporting requirements), the proposal should enable Phlx to monitor continuously and effectively the financial condition of LC issuers. That monitoring ability will be

of [the Bankruptcy Code]." *Braucher v. Continental Ill. Nat'l Bank & Trust Co. of Chicago* (In re Ill.-Cal. Express, Inc.), 50 Bankr. 232, 234-35 (D. Col. 1985). In this regard, the Commission expects that the Phlx promptly would reexamine the availability of continued reliance on LCs if there were a material change in the law such that substantial questions were raised regarding whether a Phlx member still could recover under an LC in the event of a customer's insolvency. Indeed, the very rationale for the use of LCs would be in doubt were such a question to arise.

²⁶ For example, in August 1981, the Commission approved a proposal submitted by National Securities Clearing Corporation ("NSCC") that enables NSCC's participants to secure their clearing fund obligations with LCs issued by NSCC-approved banks. See *Securities Exchange Act Release No. 18052* (August 21, 1981), 46 FR 43341. Similarly, OCC's LC program is much like Phlx's program, although the LCs issued under the two programs are different (see note 18, *supra*). See, e.g., *Securities Exchange Act Release No. 19422* (January 12, 1983), 48 FR 2481 ("OCC Release").

²⁷ See OCC Release, *supra* note 26, 48 FR at 2483.

complemented by the information provided Phlx through the proposal's member reporting scheme. Thus, Phlx should have a continuous, clear picture of LC use and the extent of its members' potential exposure. Finally, Phlx's authority to revoke issuer approval or to terminate a member's ability to accept LCs assures the Commission that LC use under Phlx's program will be controlled and safe.

The Commission believes that the proposal satisfies the second factor, i.e., that the LC recipient not be dependent upon any one bank as an LC issuer. As described above, the proposal contains specific "concentration requirements" for LC issuers. Those requirements are designed to reduce the risks of a member becoming excessively dependent upon any single LC issuer or relying on an excessive amount of LCs for the account of any one customer. The Commission notes that analogous concentration requirements in the clearing agency context have been effective in guarding against these risks.²⁸

Finally, the Commission concludes that the proposal satisfies the third factor, i.e., that Phlx members are protected against the risks of delayed or refused payment arising from issuer insolvency. Members generally must obtain from customers sufficient margin deposits respecting short foreign currency option positions within seven business days after the sale.²⁹ Failing this, the Phlx member promptly must liquidate the position. If an LC was deposited as margin and the foreign currency option customer became insolvent so that it could not meet its settlement obligation upon exercise of an option, the Phlx member would draw on the LC. If payment on the customer's LC then were delayed or refused by the issuer due to issuer insolvency, the member still would be able to liquidate any other customer positions to satisfy the customer's settlement obligations. Generally, the obligation of the issuer to pay the beneficiary of an irrevocable LC

²⁸ See, e.g., NSCC Rule 4, Section 1; OCC Rule 604, Interpretation and Policy .02; and Midwest Clearing Corporation Article IX, Rule 2, Section 1.

²⁹ Phlx Rule 722(c) (6) (ii). Similarly, Phlx's proposal prohibits members from effecting additional foreign currency options transactions or maintaining such positions for a customer against an LC when the LC amount is smaller than the customer's margin deposit requirement. To lift these restrictions, the member must obtain from the customer additional margin deposits in the form of a new or amended LC acceptable to Phlx or other assets acceptable under Regulation T. Moreover, if the customer fails to provide adequate margin promptly, the Phlx member can liquidate the customer's positions to satisfy the deficiency.

is independent of any contractual obligations between the beneficiary and the account party. An LC issuer, however, may properly refuse to make payment when there is "fraud in the transaction" with respect to either the underlying contract between the account party and the beneficiary or the beneficiary's procurement of the issuance of the LC.³⁰

The Commission believes that several factors reduce significantly the risk that an LC issuer would default based on fraud in the transaction. As described above, Phlx will monitor actively the initial issuance of LCs, as well as the day-to-day functioning of the program. In addition, the Commission notes that the LC beneficiaries *i.e.*, Phlx members, issuers, and account parties (*i.e.*, foreign currency options customers) that can be expected to participate in the LC program are large institutions operating in a unique, institutionalized market.³¹ Finally, the Commission notes that U.S. courts generally follow a policy favoring enforcement of letters of credit³² and that conduct giving rise to fraud in the transaction claims generally has arisen in the context of documentary sales transactions.³³

Accordingly, the Commission believes that the Phlx proposal is consistent with the policies underlying section 7 of the Act.³⁴ The Phlx proposal should help to

increase the liquidity and depth of the foreign currency options market, while ensuring that proper margin as required by section 7, is initially extended and subsequently maintained on foreign currency options positions.³⁵

VI. Conclusion

On the basis of the foregoing, the Commission has concluded that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder, and, in particular, the requirements of sections 6(b)(5)³⁶ and 7.

It Is Therefore Ordered, pursuant to section 19(b)(2) of the Act,³⁷ that Phlx's proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: October 2, 1987.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 87-23350 Filed 10-7-87; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-8103]

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; Collins Foods International Inc. (Common Stock, \$.10 Par Value)

October 2, 1987.

Collins Foods International, Inc. ("Company"), has filed an application with Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d-2(d) promulgated thereunder, to withdraw the above specified security from listing and registration on the Pacific Stock Exchange, Inc. ("PSE").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The Company does not believe the volume of trading in the shares on the PSE is sufficient to justify the expense of

no opinion on the appropriateness of extending the use of LCs to options products other than foreign currency options.

³⁵ The FRB staff has represented that, while Regulation T does not specifically authorize LC use [see 12 CFR section 220.18(h) (1978)], the FRB will not object to Commission approval of the Phlx proposal and will continue this "no-action" position "until the necessary Regulation T amendment can be considered by the Board." See Letter from Laura Homer, Securities Credit Officer, FRB, to David L. Underhill, Staff Attorney, Division of Market Regulation, SEC, dated February 2, 1987.

³⁶ 15 U.S.C. 78(f)(5) (1982).

³⁷ 15 U.S.C. 78s(b)(2) (1982).

maintaining the listing. The shares are also listed on the New York Stock Exchange, Inc. ("NYSE"). During the six month period January 1, 1987 to June 30, 1987, a total of 7,878,700 shares of CFI stock were traded, on which 85.52% was traded on the NYSE and 6.31% was handled on the PSE. The remaining sales took place on other exchanges or over the counter.

The Company believes that maintenance of a single listing on the NYSE will adequately serve the needs of the investing public in providing a fair and ready market for the shares, since such a large proportion of total trading takes place on the NYSE already. Withdrawal of the shares from listing on the PSE will result in savings of approximately \$5,000 in yearly fees payable to the PSE as well as savings relating to the cost of compliance with PSE rules and regulations, relating to the listing, which costs are difficult to quantify but are deemed by the Company, not be insignificant.

Any interested person may, on or before October 26, 1987, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 87-23288 Filed 10-7-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-16028; File No. 812-6600]

Application; Germany Fund

October 2, 1987

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under Investment Company Act of 1940 ("1940 Act").

Applicant: The Germany Fund, Inc.

Relevant 1940 Act Sections:

Exemption requested under section 6(c) from the provisions of section 12(d)(3) of the 1940 Act.

³⁰ See U.C.C. section 5-114(2) (1986); *Itek Corp. v. First Nat'l Bank of Boston*, 730 F.2d 19, 24-25 (1st Cir. 1984); *W.O.A., Inc. v. City Nat'l Bank of Fort Smith, Ark.*, 640 F. Supp. 1157, 1158-59 (W.D. Ark. 1986); *Stein v. Schroder Banking Corp.*, 177 Misc. 719, 31 N.Y.S.2d 631 (Sup. Ct. 1941). One court described fraud in the transaction as "situations of fraud in which the wrongdoing of the beneficiary has so vitiated the entire transaction that the legitimate purpose of the independence of the issuer's obligation would no longer be served." *Intraworld Indus., Inc. v. Girard Trust Bank*, 461 Pa. 343, 359, 336 A.2d 316, 324-25 (1975).

³¹ Because of the size and depth of the foreign currency market and the nature of its participants, it is unlikely that any dislocation to the foreign currency options market arising out of the nonperformance of an LC would have an effect on the underlying currency.

³² See, e.g., *Pringle-Associated Mortgage Corp. v. Southern Nat'l Bank of Hattiesburg, Miss.*, 571 F.2d 871, 874 (5th Cir. 1978); *In re Page*, *supra* note 25, 18 Bankr. at 717.

³³ If the issuing bank were to allege fraud in the transaction and refuse or delay payment on an LC, the Phlx member still would be able to liquidate customer positions to satisfy the customer's settlement obligations.

³⁴ 15 U.S.C. section 78(g) (1982). The Commission notes that use of LCs in areas beyond foreign currency options would raise additional questions. The relatively low cost of LCs permits an investor to increase the leverage in his investment. This increased leverage correspondingly increases his potential losses from adverse price movements in the underlying stock. In turn, those increased losses could result in liquidations in the options or underlying security market, raising certain of the price volatility concerns underlying federal margin regulation. Accordingly, the Commission expresses

Summary of Application: Applicant seeks an order permitting it to invest in securities of the following major German banks, which are publicly traded on one or more of the German stock exchanges: Dresdner Bank, Commerzbank, Bayerische Hypotheken-und Wechsel-Bank, Bayerische Vereinsbank and BHF Bank (collectively hereinafter referred to as the "Banks"). Such investments would be subject to the same quantitative limits as and comparable conditions to those imposed on investments in U.S. broker-dealers in Rule 12d3-1 under the 1940 Act.

Filing Date: The application was filed on January 16, 1987 and amended on August 21, 1987 and September 10, 1987.

Hearing or Notification of Hearing: If no hearing is ordered, the requested exemption will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on October 27, 1987. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve Applicant with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, in the case of an attorney-at-law, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street NW., Washington, DC 20549. The Germany Fund., c/o Stephen K. West, Esq., Sullivan & Cromwell, 125 Broad Street, New York, NY 10004.

FOR FURTHER INFORMATION CONTACT: Brion Thompson, Special Counsel (202) 272-3016 (Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION:

Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800) 231-3282 (in Maryland (301) 258-4300).

Applicant's Representations

1. Applicant is a diversified closed-end management investment company registered under the 1940 Act. Applicant's common stock is listed on the New York Stock Exchange.

2. Applicant's investment objective is to seek long-term capital appreciation through investment in equity and equity-linked securities of German companies which are either listed or planned to be listed on one or more of the German stock exchanges or admitted to be

admitted to regulated unlisted trading on such exchanges.

Applicant may also invest in Deutsche mark ("DM")-denominated bonds issued by the Federal Republic of Germany, the German Federal Railways and Post Office, as well as in DM-denominated debt instruments issued by certain private and public entities, including multinational lending institutions and supranational institutions. For temporary defensive purposes, Applicant may invest in U.S. dollar and DM-denominated money market instruments.

3. The Investment Adviser of Applicant is Capital Management International GmbH of Deutsche Bank ("CMI"), an entity organized under the laws of the Federal Republic of Germany, and the Manager of Applicant is Deutsche Bank Capital Corporation ("DBCC"), a corporation organized under the laws of the State of New York. Both are wholly-owned subsidiaries of Deutsche Bank AG ("Deutsche Bank"), an entity organized under the laws of the Federal Republic of Germany. Both CMI and DBCC are registered as investment advisers under the Investment Advisers Act of 1940.

Pursuant to the Investment Advisory Agreement, CMI, in accordance with Applicant's stated investment objective, policies and restrictions, makes recommendations to DBCC with respect to Applicant's investments, and upon instructions given by DBCC as to suitable securities for investment by Applicant, transmits purchase and sale orders and selects brokers and dealers to execute portfolio transactions on behalf of Applicant. Pursuant to the Management Agreement, DBCC acts as the corporate manager and administrator of Applicant and, subject to the supervision of Applicant's Board of Directors and pursuant to recommendations made by CMI, determines suitable securities for investment by Applicant.

4. German commercial and banking laws permit banks to act, either directly or indirectly, as securities broker/dealers, investment bankers/underwriters, mutual and other investment funds managers and investment advisers. All the major German commercial and central savings banks, including the Banks, are members of the German stock exchanges. Therefore, investment in such Banks would be subject to the prohibitions of section 12(d)(3) of the 1940 Act. With respect to the relief provided by Rule 12d3-1, because German companies, including banks, are not required to publicly disclose their income by line of business, it is not

possible for Applicant to definitively ascertain whether the Banks derive more or less than 15 percent of their gross revenues from securities-related activities for any given period. Because of the extent of the Banks' participation in securities-related business at the present time, Applicant has assumed for purposes of this application that investment in the Banks would be subject to the conditions of Rule 12d3-1(b).

5. As of October 31, 1986, the five Banks represented 9.13% of the F.A.Z. Index, which includes a broadly representative list of major industrial, mining, financial and utility stocks. In addition, as of April 25, 1986, Dresdner Bank, Commerzbank, and Bayerische Vereinsbank were the eleventh, thirteenth, and sixteenth largest companies in Germany, respectively, based on market capitalization.

Applicant's Legal Analysis

Applicant has reviewed all the conditions set forth in Rule 12d3-1(b) and represents that it will be able to satisfy all but one of the conditions. Applicant cannot satisfy the condition that any equity security acquired must be a "margin security" as defined in Regulation T promulgated by the Board of Governors of the Federal Reserve System. Because the equity securities of the Banks are not listed on a United States securities exchange or traded in the United States in the over-the-counter market, they cannot be "margin securities." Because Applicant is unable to satisfy all of the conditions of Rule 12d3-1(b), it is unable to take advantage of good investment opportunities and to increase the diversification of its portfolio, particularly its diversification within the financial sector of the German economy.

2. In support of the requested relief, Applicant submits that the securities of the Banks clearly have at least the degree of investor interest and depth and breadth of market as certain securities traded on U.S. national securities exchanges or in the U.S. over-the-counter market which have been designated as "OTC margin stocks." Applicant also submits that the Banks' securities would meet listing criteria concerning total market value, earning power and share distribution and would, based on these grounds, be eligible for listing on one or more of the following: The New York Stock Exchange, The American Stock Exchange or the NASDAQ National Market System. Applicant further submits that its investment in securities issued by the

Banks would clearly have no adverse effect on the liquidity of its portfolio.

Applicant asserts that the public information available about the Banks in Germany is at least equal to information available in Germany about other German issuers in nonregulated industries in which the Fund regularly invests, including those listed on German stock exchanges. Applicant submits that the disclosure required by the German Commercial Code, Corporation Act and Stock Exchange Law, while not in all respects as comprehensive as U.S. securities laws, provide significant disclosure in connection with the issuance of securities which is the "substantial equivalent" of the disclosure required by the Securities Act of 1933.

Applicant therefore asserts that the five Banks and their securities would meet the criteria necessary to qualify as "OTC margin stock" if they were U.S. issuers. Thus, the policy for the requirement that equity securities acquired must be "margin securities" would not be compromised by granting the exemption requested in order to allow Applicant to invest in these well-established and highly regulated companies.

8. Applicant submits that, given the significant market share of the Banks and their prominence in the financial services sector of the German economy, it would be able to take advantage of good investment opportunities and to increase the diversification of its portfolio were it permitted to invest in equity and debt securities of the Banks. Applicant asserts that the granting of the requested exemptive order is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

9. Applicant undertakes that it will invest in the debt and equity securities of Dresdner Bank, Commerzbank, Bayerische Hypotheken-und Wechsel-Bank, Bayerische Vereinsbank and BHF Bank only if:

(i) Subject to Applicant's undertaking that each such investment will comply with all the requirements of Rule 12d3-1 except the requirement that such equity securities be margin securities;

(ii) The equity securities are listed on one or more of the German stock exchanges.

Applicant's Conditions

Applicant agrees that if the requested order is granted, such order will be expressly conditioned on Applicant's compliance with the undertaking set forth above.

For the SEC, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,
Assistant Secretary.

[FR Doc. 87-23351 Filed 10-7-87; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-16027; 812-6734]

Application and Temporary Order; GW Utilities Limited

October 2, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application under the Investment Company Act of 1940 ("1940 Act").

Applicant: GW Utilities Limited.

Relevant 1940 Act Sections: Order requested under section 3(b)(2) or, alternatively, under section 6(c).

Summary of Application: Applicant seeks an order declaring it to be primarily engaged in a business other than that of investing, reinvesting, owning, holding or trading in securities, or, alternatively, granting it an exemption from all provisions of the 1940 Act and rules and regulations thereunder. Applicant further requests an order pursuant to section 3(b)(2) of the 1940 Act exempting it during the period from July 25, 1987, until the SEC shall make a final determination on the application.

Filing Date: The application was filed on May 26, 1987, and amended on September 4, 1987.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on October 26, 1987. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. GW Utilities Limited, One First Canadian Place, Suite 600, Toronto, Ontario, Canada M5X 1A1, Attention: Secretary; with a copy to: Gregory K. Palm, Esq., Sullivan & Cromwell, 125 Broad Street, New York, NY 10004.

FOR FURTHER INFORMATION CONTACT:

Victor R. Siclari, Staff Attorney (202) 272-2190 or Brion R. Thompson, Special Counsel (202) 272-3016 (Division of Investment Management).

SUPPLEMENTARY INFORMATION:

Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier who can be contacted at (800) 231-3282 (in Maryland (301) 258-4300).

Applicant's Representations

1. As a result of the reorganization of Gulf Canada Corporation ("Gulf"), a Canadian corporation, pursuant to a court-approved statutory arrangement (the "Arrangement"), Applicant acquired and is conducting certain businesses formerly conducted by Gulf, Gulf Canada Limited, and Hiram Walker Resources Ltd. ("Hiram Walker"). The Arrangement was authorized by Gulf's board of directors and approved by Gulf's shareholders.

2. Prior to the effective date of the Arrangement, July 1, 1987 (the "Effective Date"), Applicant had no material assets or operations. Pursuant to the Arrangement, Applicant now is engaged primarily in four lines of business: in the distilled spirits business through its 49% ownership of Hiram Walker-Gooderham & Worts Limited ("HW-GW"); in the natural gas distribution business through an 83% interest in The Consumers' Gas Company Ltd. ("Consumers"); in the pipeline business through its 40.8% interest in Interprovincial Pipe Line Limited ("IPL"); and in the oil and gas business through IPL's wholly-owned subsidiary, Home Oil Company Limited ("Home").

3. Consumers is one of Canada's largest natural gas distribution utilities, serving residential, commercial and industrial customers in parts of Canada and New York. IPL is the operator of the longest crude oil and liquids pipeline system in North America. Home, which carries on IPL's natural resource operations, is engaged in the exploration for and production of hydrocarbons. Home's activities are primarily conducted in Canada and, to a lesser extent, in other countries, excluding the United States. HW-GW and certain of its subsidiaries carry on the distilled spirits business which they formerly carried on as subsidiaries of Hiram Walker. HW-GW ranks among the largest distillers in the world, and certain of its brands are marketed throughout the world.

4. Applicant's investments in minority-owned IPL and HW-GW and

majority-owned Consumers, calculated on a pro forma basis at estimated fair market value as at March 31, 1987, account for approximately \$824 million (35%), \$814 million (34%), and \$721 million (30%), respectively, or 99% in the aggregate, of Applicant's total assets of \$2.4 billion. All dollar amounts are stated in Canadian dollars.

Applicant's Legal Analyses

1. Applicant comes within the definition of an investment company as contained in section 3(a)(3) of the 1940 Act since more than 40% of its assets on an unconsolidated basis are "investment securities." Therefore, Applicant requests under section 3(b)(2) of the 1940 Act that the SEC find and declare by order that Applicant is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly or (A) through majority-owned subsidiaries or (B) through controlled companies conducting similar types of businesses.

2. With respect to section 3(a)(1) of the 1940 Act, Applicant did not in the past, does not now and does not propose to hold itself out as being engaged primarily in the business of investing, reinvesting or trading in securities. Rather, it is a holding company engaged in a number of business enterprises through its majority-owned subsidiary, Consumers, and through IPL and HW-GW, two companies each of which Applicant jointly "controls" with another major shareholder within the meaning of section 2(a)(9) of the 1940 Act. Neither Consumers, IPL or HW-GW is an investment company itself within the meaning of section 3(a) of the 1940 Act. Furthermore, Applicant is not a special situation investment company. The acquisition of the stock of the companies in which it has ownership interests and the holding of such stock was and is for the purpose of engaging in the business activities of the companies involved and is not for the purpose of increasing the value of such companies' securities for profitable resale at some future date.

3. Applicant's historical development, its public representations of policy, the activities of its directors and officers, the nature of its present assets and the source of its present income further support issuance of the order requested under section 3(b)(2), as follows.

4. Applicant's predecessors (Gulf, Gulf Canada Limited, and Hiram Walker) historically have actively conducted the businesses which Applicant is engaging in as integral parts of its current business. Consumers amalgamated with

HW-GW in 1980 and both became wholly-owned subsidiaries of Hiram Walker in 1981. Consumers subsequently issued shares to the public and was 83% owned when Hiram Walker was acquired by Gulf in 1986. HW-GW remained a wholly-owned subsidiary of Hiram Walker until December 1986. Certain of the Applicant's executive officers have had long associations working with their counterparts in HW-GW. Four of HW-GW's current directors are also directors or officers of Applicant. Applicant and its predecessors also have had an established relationship with IPL. Prior to the Effective Date, Gulf exercised its right to appoint five directors. Of the IPL directors most recently elected, three are also directors of and one is a senior vice president of Applicant. These directors, and the other directors nominated by Applicant's predecessor, have played and are expected to continue to play an important role in the management of IPL. IPL's president and chief executive officer is a former executive vice president of Applicant's predecessor, Hiram Walker. Similarly, IPL's vice president-finance and chief financial officer, vice president-corporate services and treasurer were officers of a subsidiary of Hiram Walker prior to 1987. Furthermore, on the Effective Date, Gulf's shareholders became Applicant's shareholders and as such, are aware of the historical involvement in these lines of business.

5. Applicant's representations of policies to date have been few, and were, in fact, made by Gulf in connection with the Arrangement. In the Proxy Statement, Gulf stated that Applicant would "be engaged in the gas distribution, pipelines, natural resources and distilled spirits businesses through interests in Consumers, IPL * * * and HW-GW." Applicant intends to engage in these four distinct lines of business through significant equity interests in the three operating corporations, not in the business of trading in securities, and does not hold itself out as being an investment company.

6. Applicant's directors and executive officers have had extensive involvement in the management of businesses with extensive natural resource operations. Certain of Applicant's directors and executive officers are also directors and officers of HW-GW, IPL and Consumers. In addition, a majority of Applicant's directors and executive officers are engaged, either as directors or officers or both, in the management of businesses with substantial operations in areas of activity similar to that conducted by Applicant through its

operating subsidiaries. With the exception of one, all of Applicant's directors and senior officers had been or are directors or senior officers of Gulf and thus are familiar with Applicant's businesses. None of Applicant's directors or executive officers is a portfolio management or brokerage professional.

7. Moreover, on a fair market value, pro forma basis, Consumers, IPL and HW-GW accounted for 30 percent, 35 percent and 34 percent, respectively, or 99 percent cumulatively, of Applicant's assets at March 31, 1987. Because minority-owned IPL and HW-GW are each engaged in a type of business different from that of the other, however, section 3(b)(2)(B) may not permit such assets to be considered together with those of majority-owned Consumers in support of Applicant's contention that it is primarily engaged in businesses other than investing, reinvesting, owning, holding or trading in securities. Nevertheless, Applicant asserts that it should be deemed to be primarily engaged in operating businesses because, on an unconsolidated basis, (1) the combined value of its investment in regulated utilities through Consumers and IPL represents 65 percent of Applicant's total assets, or (2) the combined value of Consumers and HW-GW represents 64 percent of Applicant's total assets.

8. Applicant's 1986 annual pro forma equity earnings from Consumers, IPL and HW-GW are \$59 million (39 percent), \$43 million (28 percent), and \$50 million (32 percent), respectively. Applicant's earnings from other sources (primarily interest income) represent less than 1 percent of such earnings.

9. In the alternative, Applicant requests an order under section 6(c) of the 1940 Act exempting it from all provisions of the 1940 Act. Applicant submits that exempting it from all provisions of the 1940 Act is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

Applicant's Conditions

If the requested order is granted, Applicant agrees to the following conditions:

1. Applicant will not engage in the trading of investment securities for speculative purposes so as to bring Applicant's activities within those intended to be regulated by the 1940 Act.

2. Applicant intends to continue to be primarily engaged in non-investment company businesses.

3. Applicant will notify the staff of the Division of Investment Management immediately of any proposed material changes to be made in its investments.

Temporary Order

The request for exemptive relief pending final determination on the application by the SEC has been considered, and it is found that, in view of the circumstances set forth above and in the application, cause has been shown for granting such relief. Accordingly,

It Is Ordered, pursuant to section 3(b) (2) of the 1940 Act, that the application for an order exempting Applicant from all provisions of the 1940 Act be, and hereby is, granted, during the period from July 25, 1987, until the SEC shall make a final determination upon the request for the permanent order set forth in the application, subject to the undertakings to which Applicant has consented and which are set forth above and in the application.

For the SEC, by the Division of Investment Management, under delegated authority.

Shirley E. Hollis,
Assistant Secretary.

[FR Doc. 87-23352 Filed 10-7-87; 8:45 am]
BILLING CODE 8010-01-M

[File No. 1-8297]

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; Homefree Village Resorts, Inc. (Common Stock, \$.001 Par Value)

October 1, 1987.

Homefree Village Resorts, Inc. ("Company"), has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the above specified security from listing and registration on the Boston Stock Exchange, Inc. ("BSE").

The reasons alleged in the application for withdrawing this security from listing and registration on the BSE include the following:

Trading in the Company's common stock on the Exchange has been minimal. The Company's common stock is traded on the over-the-counter market under the symbol HMFR with trading reported by the National Association of Securities Dealers Automated Quotation System ("NASDAQ"). Substantially all

trading in the company's common stock occurs in the over-the-counter market. Upon approval by its stockholders, the Company intends to implement a "Pairing Plan" pursuant to which the Company will "pair" its shares of common stock with interests in Homefree Investors L.P. so that such shares and interests may be purchased or sold only as a unit. If the Company continued to list its common stock on the Exchange, it would be necessary to list the partnership interests in Homefree Investors L.P. on the Exchange in order to implement the Pairing Plan.

Any interested person may, on or before October 22, 1987 submit by letter to the Secretary of the Securities and Exchange Commission, Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 87-23289 Filed 10-7-87; 8:45 am]
BILLING CODE 8010-01-M

[Release No. IC-16031 / File No. 812-6785]

Application for Exemption; John Hancock Mutual Life Insurance Co. ("John Hancock") and John Hancock Variable Annuity Account V "Account V"

October 2, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "1940 Act").

Applicants: John Hancock Mutual Life Insurance Company "John Hancock" and John Hancock Variable Annuity Account V ("Account V").

Relevant 1940 Act Sections:

Exemption requested under section 6(c) from sections 26(a)(2)(C) and 27(c)(2).

Summary of Application: Applicants seek an order to permit John Hancock to deduct from Account V the mortality and expense risk charges imposed under individual combination fixed/variable annuity contracts (the "Contracts")

issued by John Hancock and a deferred sales charge equal to one percent of certain purchase payments made on the contract.

Filing Date: The application was filed on June 8, 1987 and amended on September 22, 1987.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any request must be received by the SEC by 5:30 p.m., on October 28, 1987. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicants with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street, Washington, DC 20549; John Hancock, c/o Sandra M. Molley, John Hancock Place, Boston, Massachusetts 02117.

FOR FURTHER INFORMATION CONTACT: Clifford E. Kirsch, Staff Attorney (202) 272-3032 or Lewis B. Reich, Special Counsel (202) 272-2061 (Office of Insurance Products and Legal Compliance).

SUPPLEMENTARY INFORMATION:

Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800) 231-3282 (in Maryland (301) 253-4300).

Applicants' Representations

1. Account V, a registered unit investment trust under the 1940 Act, was established by John Hancock pursuant to Massachusetts law to fund the Contracts. A registration statement on Form N-4 under the Securities Act of 1933 has been filed to register the offering of the Contracts. Account V presently comprises five subaccounts each of which invests solely in the shares of one of the portfolios of John Hancock Variable Series Fund I, Inc., and a fixed annuity account. John Hancock, a registered broker/dealer, is the principal underwriter for the Contracts.

2. Prior to a Contract's maturity, John Hancock assesses an Annual Maintenance Charge of \$30 (with the right reserved to increase the charge to \$50) at the beginning of each Contract year after the first and at full surrender

during a Contract year. In addition, for certain administrative services, John Hancock makes a daily charge to the Account equal to .35% on an annual basis of the current value of its assets.

3. Prior to a Contract's maturity, a deferred sales charge equal to 1 percent of the purchase payments made in the immediately preceding Contract year is deducted from the Accumulated Value of the Contract at the beginning of each Contract Year after the first. A Withdrawal Charge is assessed whenever any amount is withdrawn from a deferred Contract prior to maturity. During the first two Contract Years, any amount withdrawn is subject to a Withdrawal Charge. In any Contract Year after the second, a Withdrawal Charge is assessed upon any amount withdrawn in excess of 10% of the difference between the purchase payments made prior to the beginning of the Contract year and any partial withdrawals (including Withdrawal Charges assessed) made prior to the beginning of the Contract Year without the assessment of any charges.

4. Withdrawal Charges are based upon a percentage of the purchase payments made to date less any partial withdrawals, deferred sales charges, Annual Maintenance Charges, and Withdrawal Charges to date and are assessed as follows:

Years from date of deposit to date of withdrawal	Withdrawal charge, (percent)
less than 1	8.5
1 but less than 2	7.5
2 but less than 3	7.5
3 but less than 4	7.5
4 but less than 5	6.0
5 but less than 6	4.5
6 but less than 7	3.0
7 or more	0

5. The application states that in no event will the aggregate withdrawal charges against a contract plus the 1% deferred sales charge ever exceed 8.5% of the purchase payments received.

6. For assuming certain risks under the Contracts, John Hancock imposes a daily mortality and expense risk charge of .90% of the net asset value of each subaccount of Account V. The charge is allocable .45% to John Hancock's assumption of mortality risks and .45% to John Hancock's assumption of expense risks. Applicants represent that the level of this charge is guaranteed and will not change.

7. Applicants represent that the mortality and expense risk charge is reasonable in relation to the risks assumed by John Hancock under the Contracts and that John Hancock is entitled to reasonable compensation for

its assumption of mortality and expense risks.

8. Applicants further represent that the mortality and expense risk charge is within the range of industry practice with respect to comparable annuity products. This representation is based upon John Hancock's analysis of publicly available information about similar industry products, taking into consideration such factors as current charge levels, the existence of charge level guarantees, and guaranteed annuity rates.

9. Applicants also represent that there is a reasonable likelihood that Account V's proposed distribution financing arrangement will benefit Account V and the contract owners.

10. Applicants submit that the deferred sales charge is a very small fraction of the amount of front-end sales load charges permitted under section 27 of the 1940 Act and, as such, is much more favorable to owners of the Contracts than the imposition of a sales load of the permitted amount. Because small amounts will be deducted during the lives of the Contracts for sales expenses, more money will be available for investment for the benefit of the owners of the Contracts.

Applicants' Conditions

If the requested order is granted, Applicants agree to the following conditions:

1. John Hancock will maintain at its administrative offices, available to the Commission, a memorandum setting forth in detail the products analyzed in the course of, and the methodology and results of, its comparative survey.

2. John Hancock will maintain at its administrative offices and make available to the Commission a memorandum setting forth the basis for the conclusion that Account V's distribution financing agreement will benefit Account V and the contract owners.

3. Account V will invest only in management investment companies which undertake, in the event such company adopts a plan under Rule 12b-1 to finance distribution expenses, to have a board of trustees (or directors), a majority of whom are not interested persons of the company, approve any such plan under Rule 12b-1.

4. Applicants will monitor Account V to ensure that, with respect to any Contract, total deferred sales charges assessed plus total Withdrawal Charges assessed will not exceed 8.5 percent of the total purchase payments made under the Contract.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 87-23353 Filed 10-7-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-16029; (812-6784)]

Application; Pilgrim Government Securities Fund et al.

October 2, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for an amended order under the Investment Company Act of 1940 (the "1940 Act").

Applicants: Pilgrim Government Securities Fund, Pilgrim High Income Fund, Pilgrim International Bond Fund (collectively, "Applicants" or the "Partnerships").

Relevant 1940 Act Sections: Exception requested under section 6(c) from section 2(a)(19).

Summary of Application: Applicants seek to amend an existing order exempting Applicants' Managing General Partners to the extent that they are deemed interested persons solely because they are general partners in the Partnerships (Investment Company Act Release No. 15507, December 30, 1986) ("Existing Order") to now include an additional and future independent Managing General Partners elected subsequent to the Existing Order.

Filing Date: The application was filed on July 7, 1987.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on October 27, 1987. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicants with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street NW., Washington, DC 20549. Applicants, c/o Murray L. Simpson, Gaston Snow & Ely Bartlett, 101 California Street, 30th Floor, San Francisco, California 94111.

FOR FURTHER INFORMATION CONTACT: Paul J. Heaney, Financial Analyst (202) 272-2847, or Brion R. Thompson, Special Counsel, (202) 272-3016 (Division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person, or the SEC's commercial copier who can be contacted at (800) 231-3282 (in Maryland (301) 258-4300).

Applicants' Representations

1. Each Partnership is a diversified, open-end management investment company registered under the 1940 Act. Each Partnership is organized as a limited partnership in the State of California and shares of each fund are being offered exclusively to foreign investors with the objective of earning income that is not subject to U.S. Federal income tax.

2. Each Partnership will offer a single class of shares registered under the Securities Act of 1933 and the 1940 Act and purchasers will be required to become limited partners of that Partnership. Each Partnership's shareholders will have the voting, approval and other rights required under the 1940 Act but, consistent with the California Revised Limited Partnership Act, will not have the right to participate in the control of a Partnership's business.

3. The general partners of each Partnership consist of one corporate general partner (the "Non-Managing General Partner"), which will not take any role in management (except temporarily, in extraordinary circumstances) and a number of individual general partners (the "Managing General Partners"), who establish the investment policies and supervise and review its operations. The Existing Order exempts certain existing individual Managing General Partners of each Partnership, as of the date of the Existing Order, from the provisions of section 2(a)(19) of the 1940 Act to the extent that they are deemed "interested persons" solely because they are partners and co-partners of each Partnership and the non-Managing General Partner ("Independent Managing General Partners"), but does not exempt any future individual Managing General Partners of the Partnerships. Applicants seek to amend the Existing Order to extend to future individual Managing General Partners and one existing individual Managing General Partner, Felice R. Cutler, in particular, on the same basis set forth in

the original application on which the Existing Order was granted.

Applicants' Legal Conclusions

1. Certain individual Managing General Partners are "interested persons" of the Partnerships and their investment manager and principal underwriter, as defined in section 2(a)(19) of the 1940 Act, solely by virtue of being partners of the Partnerships and co-partners of the non-Managing General Partner.

2. Section 2(a)(19) contains a proviso that excludes those individuals who would be interested persons of an investment company solely because they are directors of an investment company in corporate form, but contains no comparable exclusions for partners or co-partners if such company is a partnership. Applicants state that the Partnerships have been structured so that the independent Managing General Partners are the functional equivalents of the non-interested directors of an incorporated investment company.

3. Absent the requested exemption, Ms. Cutler may not be able to act as an independent Managing General Partner and the limitation could restrict the ability of the Partnerships to respond on decisions requiring the action of independent Managing General Partners. Prospective relief is also necessary and appropriate to permit independent Managing General Partners who may be elected in the future to begin fulfilling their obligations as the functional equivalents of independent directors upon election without the need for repeated amendments of the Existing Order.

4. The amendment to the Existing Order is necessary and appropriate in the public interest, and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the 1940 Act.

For the SEC, by the Division of Investment Management, under delegated authority.

Shirley E. Hollis,
Assistance Secretary.

[FR Doc. 87-23354 Filed 10-7-87; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Order 87-10-7; Docket 44644]

Application of American International Airways, Inc.

AGENCY: Department of Transportation.

ACTION: Notice of order to show cause.

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue orders finding that American International Airways, Inc., is fit to engage in the air transportation authorized by its certificate and reissuing the certificate so as to grant it permission to use the trade name Connie Kalitta Flying Service, cancelling its redundant charter certificates, and cancelling sections 104 and 418 certificates issued to Connie Kalitta Services, Inc.

DATE: Persons wishing to file objections should do so no later than October 20, 1987.

ADDRESSES: Responses should be filed in Docket 44644 and addressed to the Documentary Services Division, Department of Transportation, 400 7th Street SW., Room 4107, Washington, DC 20590 and should be served on the parties listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Carol A. Szekely, Air Carrier Fitness Division, P-56, U.S. Department of Transportation, 400 7th Street SW., Washington, DC 20590, (202) 366-9721.

Dated: October 2, 1987.

Matthew V. Scocozza,
Assistant Secretary for Policy and International Affairs.

[FR Doc. 87-23376 Filed 10-7-87; 8:45 am]

BILLING CODE 4910-62-M

[Order 87-10-6]

Fitness Determination of Custom Air Service, Inc.

AGENCY: Department of Transportation.

ACTION: Notice of commuter air carrier fitness determination, order to show cause.

SUMMARY: The Department of Transportation is proposing to find that Custom Air Service, Inc., is fit, willing, and able to provide commuter air service under section 419(c)(2) of the Federal Aviation Act.

Responses: All interested persons wishing to respond to the Department of Transportation's tentative fitness determination should file their responses with the Air Carrier Fitness Division, Room 6420, Department of Transportation, 400 7th Street, SW., Washington, DC 20590, and serve them on all persons listed in Attachment A to the order. Responses shall be filed no later than October 20, 1987.

FOR FURTHER INFORMATION CONTACT:

Mrs. Mary Catherine Terry, Air Carrier Fitness Division, Department of Transportation, 400 7th Street, SW., Washington, DC 20590, (202) 366-2343.

Dated: October 2, 1987.

Matthew V. Scocozza,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 87-23377 Filed 10-7-87; 8:45 am]

BILLING CODE 4910-62-M

[Docket 45163]**Spokane-Vancouver Service Case; Assignment of Proceeding**

October 5, 1987.

This proceeding has been assigned to Administrative Law Judge Daniel M. Head. All future pleadings and other communications regarding the proceeding shall be served on him at the Office of Hearings, M-50, Room 9228, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366-2142.

William A. Kane, Jr.,

Chief Administrative Law Judge.

[FR Doc. 87-23379 Filed 10-7-87; 8:45 am]

BILLING CODE 4910-62-M

Privacy Act of 1974; Telephone Station Message Detail Reports

The Department of Transportation herewith proposes to modify the system of records on telephone usage for administrative billing purposes, titled "Telephone Station Message Detail Reports", DOT/A11-4. The proposed modification provides for dissemination of telephone usage reports to managers for review. The records will identify Departmental employees use of telephones to place Federal Telecommunications Systems (FTS) and Commercial Long Distance Calls.

Any person or agency may submit written comments on the proposed system to the Privacy Officer (M-34) Room 7109, U.S. Department of Transportation, 400 Seventh Street, SW. Washington, DC., 20590. Comments must be received within 30 days from date of this notice to be considered.

If no comments are received, the proposed changes will become effective 60 days from the date of issuance. If comments are received, the comments will be considered and where adopted the document will be republished with the changes.

Issued in Washington, DC, October 2, 1987.

Jon H. Seymour,

Assistant Secretary for Administration.

Narrative Statement for the Department to Transportation Assistant Secretary for Administration, Office of Information Resource Management, Telephone Station Message Detail Report

The Department of Transportation proposes to modify the existing Privacy Act systems of records relating to telephone usage for administrative billing purposes. The modification provides for dissemination of telephone usage reports to managers for review.

The records will relate to the use of the Department's telephones to place Federal Telecommunications System (FTS) and Commercial Long Distance calls. They will also identify assignment of telephone numbers and locations of telephones to Department employees.

Each month the Office of the Secretary (OST) and the Operating Administrations' telecommunications representatives will be provided a report of all commercial long distance calls made from each telephone number in their respective organizations during the previous month. The report will include information on all commercial long distance calls made from the number; employee name; telephone number; the time the call was made and the duration and cost of the call. There will also be periodic reports of off-net FTS calls providing the same information.

OST and Operating Administrations' telecommunications representatives will coordinate these reports with the appropriate office managers to review, certify, and when necessary, to arrange for reimbursement to the Federal Government for nonofficial commercial long distance and off-net FTS calls.

Only Telecommunications Management Branch personnel within the Office of the Secretary and selected operation and maintenance contract personnel will have access to tapes. Printed copies of the OST and Operating Administration reports will be provided to the respective telecommunications contacts, as appropriate, for dissemination to managers. All will be responsible for implementation of necessary safeguards. The purpose of this report is to comply with the Office of Management and Budget Circular A-130, Appendix I, entitled "Federal Agency Responsibilities for Maintenance of Records about Individuals" [50 FR 52738 (1985)].

Privacy Act Implications of Call Detail Programs; Proposed Notice**SYSTEM NAME:**

Station Message Detail Recording (SMDR)

SYSTEM LOCATIONS:

U.S. Department of Transportation, Assistant Secretary for Administration, Room 9112, 400 7th Street, SW., Washington, DC 20590.

Decentralized segments are located at Operating Administrations' contacts offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department of Transportation employees who make Federal Telecommunications Systems (FTS) and Domestic and International Commercial Long Distance calls from the three Headquarters Buildings: The Nassif and Trans Point Buildings and Federal Building-10A.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records relating to the use of the Department's administrative telephones to place FTS and Commercial Long Distance calls, records indicating assignment of telephone numbers to Departmental employees, and records relating to the location of telephones.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM:

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Magnetic Tape storage via batch processing and paper copy.

RETRIEVABILITY:

Records are retrieved by telephone number or routing symbol, from the telecommunications contacts in the Operating Administrations and the Telecommunications Management Branch in OST.

SAFEGUARDS:

Only telecommunications personnel within the Office of the Secretary and operation and maintenance contract personnel have access to tapes. Telecommunications contacts and managers in OST and the Operating Administrations will have access to printed records. Printed records will have a cover sheet indicating Privacy Act coverage.

RETENTION AND DISPOSAL:

Records are disposed of as provided in National Archives and Records Administration General Records Schedule 12.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Telecommunications Management Branch, M-33, U.S. Department of Transportation, Office of the Secretary, Office of Information Resource Management, 400 Seventh Street SW., Room 9112, Washington, DC 20590.

NOTIFICATION PROCEDURES:

Contact Telecommunications Management Branch, M-33, at the above address.

RECORD ACCESS PROCEDURE:

Contact Telecommunications Management Branch, M-33 at the above address or telecommunications contacts in the Operating Administrations.

Individuals may review their own data upon presentation of a valid Department of Transportation identification card to their Operating Administration contact or the Telecommunications Management Branch in OST.

RECORD SOURCE CATEGORIES:

Telephone assignment records, call detail listings and results of administrative inquiries relating to assignment of responsibility for placement of specific long distance calls.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 87-23378 Filed 10-7-87; 8:45 am]

BILLING CODE 4910-62-M

Federal Aviation Administration**Proposed Advisory Circular 25.785-1A; Flight Attendant Seat Requirements**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of proposed Advisory Circular 25.785-1A and request for comments.

SUMMARY: This notice announces the availability of and requests comments on a proposed advisory circular (AC) pertaining to flight attendant seat installations. This notice is necessary to give all interested persons an opportunity to present their views on the proposed AC.

DATES: Comments must be received on or before February 5, 1988.

ADDRESS: Send all comments on the proposed AC to: Federal Aviation

Administration, Attention: Transport Standards Staff, ANM-110, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. Comments may be inspected at the above address between 7:30 a.m. and 4:00 p.m. weekdays, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Jan Thor, Transport Standards Staff, at the address above, telephone (206) 431-2127.

SUPPLEMENTARY INFORMATION:**Comments Invited**

A copy of the proposed AC may be obtained by contacting the person named above under "FOR FURTHER INFORMATION CONTACT." Interested persons are invited to comment on the proposed AC by submitting such written data, views, or arguments as they desire. Commenters should identify AC 25.785-1A and submit comments, in duplicate, to the address specified above. All communications received on or before the closing date for comments will be considered by the Transport Standards Staff before issuing the final AC.

Background

Advisory Circular 25.785-1 was issued on December 4, 1981, in order to clarify changes made to §§ 25.785 and 121.311 of the Federal Aviation Regulations, by Amendments 25-51 and 121-155, respectively.

In September 1985, the FAA held a Public Technical Conference on Emergency Evacuation of Transport Airplanes in Seattle, Washington. As a result of the conference, three working groups were formed to discuss the issues and recommendations expressed at the conference. The three groups were Design and Certification, Operations and Training, and Maintenance and Reliability. The Design and Certification Working Group, in turn, subdivided into three subgroups: Evacuation Demonstration, exits, and Escape Slides. The Exits Subgroup recommended, in part, that AC 25.785-1 be revised to provide guidance relative to the close proximity of aft-facing flight attendant seats and forward-facing passenger seats. Information is given in this AC which would assist in the design of airplane interiors or the placement of seats which would preclude a passenger from striking a flight attendant during an emergency landing.

Other recommendations from the Exits Subgroup pertained to the width of single and double flight attendant seats, and the proper installation of torso restraint systems. This AC also includes guidance relating to these two areas of flight attendant seat installation.

Issued in Seattle, Washington, on July 21, 1987.

Darrell M. Pederson,
Acting Manager, Aircraft Certification Division, ANM-100.

[FR Doc. 87-23252 Filed 10-7-87; 8:45 am]
BILLING CODE 4910-13-M

[Summary Notice No. PE-87-25]**Petition For Exemption; Summary of Petitions Received; Dispositions of Petitions Issued; Aviall, Inc., et al**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before: October 28, 1988.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, DC, on October 1, 1987.

Denise D. Hall,
Acting Manager, Program Management Staff.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
25366	Aviall, Inc. and Caledonian Airmotive, Ltd.	14 CFR 145.47(b) and 145.51(d)	To allow petitioner to perform services including inspection, repair, maintenance, overhaul, and return to service of aircraft engines, appliances, parts and components for which petitioner is appropriately rated for installation on any U.S.-registered aircraft without geographical limitation, and in accordance with their ratings.
25315	Eugene G. Lewis	14 CFR 65.91(c)	To allow petitioner relief from the 3-year requirement relating to a currently effective mechanic certificate with both an airframe rating and a powerplant rating.
21991	United Airlines	14 CFR 63.39(b)(1) and (b)(2), and 121.425(a)(2)(i) and (a)(2)(ii)	To allow petitioner, its flight engineers and flight engineer applicants to use a FAA-approved pictorial means and an approved simulator, in lieu of an actual static airplane for demonstrating the satisfactory performance of a preflight inspection and assigned flight engineer duties.
25389	Executive Air Fleet Corporation	14 CFR 61.57(d) and 135.247(a)(2)	To allow pilots of petitioner holding airline transport pilot certificates and serving as pilot in command in passenger-carrying operations of a turbojet airplane, operating under Part 91 or 135, to serve as PIC of aircraft carrying passengers during the hours of darkness without having made three takeoffs and landings during the hours of darkness within the preceding 90 days.
003SW	Parker Hannifin	14 CFR 29.305(a) and (b) and 29.501	To allow petitioner to design the elastic spring members of a Bell Model 412 helicopter wheel landing gear design to the same standards required for a helicopter skid landing gear. The elastic spring members would experience permanent yield under limit design load and would be subject to ultimate design load derived from a "reserve energy" landing condition § 29.501(a)(2) and (3).
042CE	British Aerospace Public Limited Co.	§ 23.807(d)(1)(i)	To allow certification of the Jetstream Series 3200 in the Community Category of Part 23 with one larger overwing exit on the side opposite the passenger entrance door in lieu of the required two smaller exits.
033CE	Beech Aircraft Corporation	§ 23.807(d)(1)(i)	To permit certification of a Model 2000 Airplane with one emergency exit in the cabin opposite the main entrance door, which will not comply with § 23.807(d)(1)(i). The Beech Model 2000 is a twin-turbopropeller engine, nine-passenger airplane intended to be certified in the commuter category. Granted: 4 September 1987.
036CE	OMAC, Inc.	§ 23.903(e)(2)	To permit certification of a OMAC Model L300 airplane with an engine installation that does not provide a means for stopping the rotation of the engine, which does not comply with § 23.903(e)(2). The OMAC Model L300 is a single pusher turbo-propeller engine, eight-passenger airplane intended to be certificated in the normal category. Granted: 27 August 1987.
038CE	Porsche Aviation Products, Inc.	§ 23.991(a)(1)	To permit supplemental type certification of a Cessna Model 172 Airplanes using the Porsche PFM3200No1 engine, which will not comply with § 23.991(a)(1). The Cessna Model 172 is a small single reciprocating engine, four place airplane. Granted: 27 August 1987.
039CE	Porsche Aviation Products, Inc.	§ 23.991(a)(1)	To permit supplemental type certification of a Cessna Model 182 Airplanes using the Porsche PFM3200No3 engine, which will not comply with § 23.991(a)(1). The Cessna Model 182 is a small single reciprocating engine, four place airplane. Granted: 27 August 1987.
24808	Pan American World Airways	§§ 121.433(c)(9)(iii), 121.441(a)(11) and 121.441(b)(1) and Appendix F of Part 121 of the FAR.	To permit PAA to combine recurrent training and proficiency checks for pilots in command (PIC) into one annual training and proficiency check session. In addition, the line check required by § 121.440 would be administered 6 months subsequent to the annual training and proficiency check session in lieu of the recurrent training presently required. Granted: August 10, 1987.
24085	Air Transport Association	Appendix H of Part 121 of the FAR	Petitioned on behalf of ATA's members and other air carriers for an exemption from a specific provision of Appendix H of Part 121 of the Federal Aviation Regulations (FAR) to accomplish total initial and upgrade pilot training and checkin in a Phase II simulator, in lieu of a Phase II simulator. Denial: August 10, 1987.
012NM	United Airlines	§ 25.1305(d)(3)	This exemption would allow United Airlines to operate all of their Boeing Model 737-300 airplanes without having engine rotor unbalance indicators installed. Denial: 19 August 1987.
25201	Department of the Air Force	14 CFR 61.73(b)(1)	To allow petitioner's Academy cadet soaring instructors to obtain an FAA commercial pilot-glider certificate without having to comply with the commercial pilot-glider certification requirements of Part 61 or the military pilot qualification requirements. Denied, September 21, 1987.
25370	Britt Airways, Inc.	14 CFR 135.337 and 135.339	To allow petitioner to use certain instructor pilots of Embraer Aircraft Corporation to train petitioner's initial cadre of pilots in the Embraer 120 type airplane without holding U.S. certificates and ratings and without meeting all of the applicable training requirements of Subpart H of Part 135 of the FAR. Granted, September 25, 1987.
25067	Flightsafety International	14 CFR 61.2	To allow foreign nationals who already possess U.S. pilot certificates to receive additional aircraft training and ratings at training centers operated by petitioner outside the United States. Denied, September 21, 1987.
21605	Alaska Airlines, Inc.	14 CFR 121.574(a)(1) and (3)	To allow the carriage and operation of oxygen storage, generating, and dispensing equipment when the equipment is furnished and maintained by hospitals within the State of Alaska for medical use by patients who are passengers requiring emergency medical attention. Granted, September 14, 1987.
19634	Douglas Aircraft Company	14 CFR 121.310(d)(4)	To allow operators of DC-8 series aircraft to operate these aircraft in passenger-carrying operations with a cockpit control device for each emergency light as required. Granted, September 16, 1987.
25358	Britt Airways, Inc.	14 CFR 121.411(a)(1), (a)(2), (a)(3), and (a)(6) and 121.413(b) and (c)	To allow petitioner to utilize certain highly qualified pilot flight instructors from Aeroformation and Aerospatiale for the purpose of training petitioner's initial cadre of pilots in the Aerospatiale 42 type airplane in Toulouse, France, without holding appropriate U.S. certificates and ratings and without meeting all of the applicable training requirements of Subpart H of Part 121. Granted, September 14, 1987.

PETITIONS FOR EXEMPTION—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought
25374	Bar Harbor Airways, Inc., d.b.a. Eastern Express	14 CFR 121.411(a)(1), (a)(2), (a)(3), and (a)(6) and 121.413(b) and (c).	To allow petitioner to utilize certain highly qualified pilot flight instructors from Aeroformation and Aerospatiale for the purpose of training petitioner's initial cadre of pilots in the Aerospatiale 42 type airplane in Toulouse, France, without holding U.S. certificates and ratings and without meeting all of the applicable training requirements of Subpart N of Part 121. Granted, September 14, 1987.

[FR Doc. 87-23246 Filed 10-7-87; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

[FHWA Docket No. 87-20]

Contract Procedures; Buy America Requirements**AGENCY:** Federal Highway Administration (FHWA), DOT.**ACTION:** Notice of request for national waiver of Buy America; request for comments.

SUMMARY: In accordance with 23 CFR 635.410(c)(6), the FHWA hereby provides notice that it has received a request for a national waiver of the requirements of 23 CFR 635.410 (Buy American Requirements) for Reno Mattresses (Gabion wire baskets). The Federal regulations in 23 CFR 635.410 provide, with exceptions, that no Federal-aid highway construction project in which steel materials are to be used is to be authorized for advertisement or authorized to proceed unless all manufacturing processes for such materials occur in the United States. The request stated that since there is only one domestic producer of Reno Mattresses, the waiver would stimulate competition thus serving the public interest. To assist FHWA in assessing this request for waiver, comments are specifically requested on the present availability of the domestic supply and if there exists a reasonably available quantity of satisfactory quality to meet present needs. Additionally, comments are requested on the comparative costs of Reno Mattresses and competition in the industry.

The request was made by Terra Aqua, Inc., Reno, Nevada. Copies of the petition for waiver have been placed in the docket file identified above. Interested parties are encouraged to comment on this request.

Buy American requirements are contained in section 165 of the Surface Transportation Assistance Act of 1982 (Pub. L. 97-424, 96 Stat. 2136), as amended.

DATE: Written comments must be received on or before December 7, 1987.

ADDRESS: Submit signed, written comments, preferably in triplicate, to

FHWA Docket No. 87-20, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street, SW., Washington, DC 20590. All comments received will be available for examination at the above address from 8:30 a.m. to 3:30 p.m., e.t., 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. Stuart A. Bender, Office of the Chief Counsel (202) 366-0780, at the above address.

Section 165 of Pub. L. 97-424, 96 Stat. 2097, 2136, as amended; 23 U.S.C. 315; 49 CFR 1.48

Issued on: October 1, 1987.

R.A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

[FR Doc. 87-23291 Filed 10-7-87; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Honolulu, HI

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 (EIS) will be prepared for a proposed highway project in Honolulu, Hawaii.

FOR FURTHER INFORMATION CONTACT: William R. Lake, Division Administrator, Federal Highway Administration, Box 50206, Honolulu, Hawaii 96850.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Hawaii Department of Transportation, will prepare an EIS on a proposal to improve Kahekili Highway (FAP 83) in Honolulu, Hawaii. The proposed improvement would involve the widening of the existing FAP 83 between Kamehameha Highway and Likelike Highway for a distance of about 4 miles. Also included in this proposal is the construction of an interchange with Likelike Highway. These improvements are considered necessary to provide for the existing and projected traffic demand.

Alternatives under consideration other than widening the existing

roadway include (1) Taking no action and (2) improving alternate corridors.

A Notice describing the proposed action has been sent by the Hawaii Department of Transportation, to appropriate Federal, State, and local agencies, and to private and community organizations and citizens who have previously expressed interest in this proposal. A public hearing will be scheduled. The draft EIS will be available for public and agency review and comment. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

William R. Lake,

Division Administrator, Honolulu, Hawaii.

[FR Doc. 87-23385 Filed 10-7-87; 8:45 am]

BILLING CODE 4910-22-M

Research and Special Programs Administration**Grants and Denials of Applications for Exemptions**

AGENCY: Research and Special Programs Administration, DOT.

ACTION: Notice of grants and denials of applications for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted in June 1987. The modes of transportation involved are identified by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

RENEWAL AND PARTY TO EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
2582-X	DOT-E 2582	Ozark-Mahoning Co., Tulsa, OK.....	49 CFR 173.175.3, Subparts D, E, F, G.....	To authorize shipment of certain hazardous materials in cylinders made in compliance with DOT Specification 3E1800, with certain exceptions (modes 1, 2, 3, 4).
3600-X	DOT-E 3600	U.S. Department of Defense, Falls Church, VA.....	49 CFR 172.101, 173.87, 172.300.....	To authorize shipment of Lance rocket engines in specific configurations which contain Class B and Class C explosives. (modes 1, 2).
4453-P	DOT-E 4453	Quick Supply Co., Des Moines, IA.....	49 CFR 173.114a(h)(3), 172.101, 176.83, 176.415.....	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (modes 1, 3).
4453-X	DOT-E 4453	ECONEXPRESS, Inc., Wheaton, IL.....	49 CFR 173.114a(h)(3), 172.101, 176.83, 176.415.....	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (modes 1, 3).
4884-X	DOT-E 4884	Union Carbide Corp., Danbury CT.....	49 CFR 173.302(a)(1), 175.3, 178.61, 173.3a, 173.304, 173.119(m), 173.136, 173.247, 173.251.....	To authorize shipment of Boron trichloride and silicon chloride, corrosive materials, and trichlorosilane, a flammable liquid in Type 304 or Type 316 stainless steel cylinders. (modes 1, 2, 3, 4, 5).
6712-X	DOT-E 6712	Air Products and Chemicals, Inc., Allentown, PA.....	49 CFR 173.34(e)(15)(i).....	To authorize shipment of certain flammable and nonflammable gases in DOT Specification 3A or 3AA cylinders or ICC-3, 3A or 3AA cylinders. (modes 1, 2, 3, 4, 5).
6752-X	DOT-E 6752	ATOChem, Paris, France.....	49 CFR 173.304(a)(2), 173.301(d)(3).....	To authorize use of DOT Specification 3A, 3AA, 3AX, 3AAX or 3T cylinders to form part of a tube trailer or tube tank, for transportation of a liquefied flammable compressed gas. (modes 1, 2, 3).
7051-P	DOT-E 7051	Aldrich Chemical Co., Inc., Milwaukee, WI.....	49 CFR 173.246(a), 175.3.....	To authorize use of non-DOT specification Teflon bottles overpacked with either a DOT Specification 12A or 12B fiberboard box to transport a corrosive liquid. (modes 1, 4).
7052-P	DOT-E 7052	Teledyne Systems Co., Northridge, CA.....	49 CFR 172.101, 175.3, 172.420.....	To authorize shipment of batteries containing lithium and other materials, classed as a flammable solids. (modes 1, 2, 3, 4).
7605-X	DOT-E 7605	U.S. Department of Defense, Falls Church, VA.....	49 CFR 173.87, 173.92, 173.101, 173.102, 173.113, 175.3, 176.83, 177.848.....	To authorize transport of certain explosives contained in a partially dis-assembled aircraft or canopy assembly. (modes 1, 3, 4).
7835-X	DOT-E 7835	Lincoln Big Three, Inc., Baton Rouge, LA.....	49 CFR 177.848, Part 107 Appen. B(1).....	To authorize transport of cylinders bearing the flammable gas label, the oxidizer label, the flammable liquid label, the corrosive label or the poison gas label and tank car tanks bearing the poison gas label on the same motor vehicle. (mode 1).
7835-X	DOT-E 7835	Scott Specialty Gases, Plumsteadville, PA.....	49 CFR 177.848, Part 107 Appen. B(1).....	To authorize transport of cylinders bearing the flammable gas label, the oxidizer label, the flammable liquid label, the corrosive label or the poison gas label and tank car tanks bearing the poison gas label on the same motor vehicle. (mode 1).
8214-X	DOT-E 8214	Morton Thiokol, Incorporated, Ogden, UT.....	49 CFR 173.153, 173.154, 175.3.....	To authorize transport of inflators and modules in passive restraint systems used in automobiles as flammable solids, n.o.s. (modes 1, 2, 3, 4).
8215-X	DOT-E 8215	Olin Corp., East Alton, IL.....	49 CFR 173.60, 173.74, 173.78, 173.93, 173.101, 173.107.....	To authorize shipment of certain identified Class A, B, and C explosives, in non-DOT specification containers. (modes 1, 2).
8225-X	DOT-E 8225	Hoover Group, Inc., Beatrice, NE.....	49 CFR 173.266, Part 173, Subpart F, 173.119, 173.256.....	To authorize manufacture, marking and sale of non-DOT specification rotationally molded polyethylene portable tanks, for transportation of corrosive liquids, flammable liquids or an oxidizer. (modes 1, 2, 3).
8255-X	DOT-E 8255	Applied Companies, San Fernando, CA.....	49 CFR 173.302, 175.3.....	To authorize manufacture, marking and sale of nonreusable (nonrefillable) non-DOT specification welded steel cylinders, for shipment of certain nonflammable gases. (modes 1, 2, 4).
8256-X	DOT-E 8256	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.....	49 CFR 173.273(a)(4), 174.3, 179.102-16, 179.202-13.....	To authorize shipment of stabilized sulfur trioxide in DOT Specification 105A100W and 111A100W2 tank cars equipped with standpipe electrical heaters and a modified safety relief device. (mode 2).
8554-P	DOT-E 8554	Quick Supply Co., Des Moines, IA.....	49 CFR 173.93, 173.114a, 173.154.....	To authorize transport of propellant explosives, blasting agents and oxidizers, in a DOT Specification MC-306, MC-307 and MC-312 cargo tanks. (mode 1).
8667-X	DOT-E 8667	Federal Emergency Management Agency, Washington, DC.....	49 CFR 173.416, 175.3.....	To authorize use of CDV-794 calibrators instead of DOT Specification or Nuclear Regulatory Commission certified packages, for shipment of radioactive materials. (modes 1, 3, 4).
8684-X	DOT-E 8684	Great Lakes Chemicals Corporation, El Dorado, AR.....	49 CFR 173.315(a)(1), 178.337(1)(c)(2)(ii).....	To authorize use of DOT Specification MC-331 cargo tanks equipped with a manway cover not fully complying with 49 CFR 178.337-1(c)(2)(ii), for transportation of nonflammable gases. (mode 1).
8706-X	DOT-E 8706	Petro-Steel Division of Prairie State Equipment, Sioux Falls, SD.....	49 CFR 173.119(a), 173.245(a), 178.340-7, 178.342-5, 178.343-5, 173.119(m), 173.346(a).....	To authorize manufacture, marking and sale of non-DOT specification cargo tanks complying generally with DOT Specification MC-307/MC-312 except for bottom outlet valve variations for transportation of flammable or corrosive waste liquids or semi-solids. (mode 1).
8723-P	DOT-E 8723	Explosives Supply Company, Inc., Shirley, MA.....	49 CFR 173.114a(h)(3), 172.101, 176.83, 176.415.....	To authorize use of non-DOT specification motor vehicles and portable tanks, for bulk shipment of certain blasting agents. (modes 1, 3).
8723-P	DOT-E 8723	A.E. Sibley, Inc., Middletown, CT.....	49 CFR 173.114a(h)(3), 172.101, 176.83, 176.415.....	To authorize use of non-DOT specification motor vehicles and portable tanks, for bulk shipment of certain blasting agents. (modes 1, 3).
8723-P	DOT-E 8723	Falconi Construction, Inc., dba Alpha Explosives, Lincoln, CA.....	49 CFR 173.114a(h)(3), 172.101, 176.83, 176.415.....	To authorize use of non-DOT specification motor vehicles and portable tanks, for bulk shipment of certain blasting agents. (modes 1, 3).
8763-X	DOT-E 8763	Liquid Air Corp., San Francisco, CA.....	49 CFR 173.316(a), 173.315(a).....	To authorize use of non-DOT specification vacuum insulated cargo tanks for shipment of liquefied hydrogen. (mode 1).
8924-X	DOT-E 8924	Kane Closures Inc., Westfield, NJ.....	49 CFR 173.119, 178.118-6 ftnote 3-(1), 173.128.....	To authorize manufacture, marking and sale of non-DOT steel drums complying with DOT-17H, except for § 178.118-6, Footnote 3-(1)—there will be at least one corrugation in the removable head near the periphery and the head is durably marked "18"—for shipment of traffic paint. (mode 1).
8978-P	DOT-E 8978	Yardney Electric Corp., Pawcatuck, CT.....	49 CFR 172.101, 175.3.....	To authorize transport of lithium cells containing more than 12 but not more than 50 grams of lithium metal, in non-DOT specification, non-reusable, open head, steel drums. (modes 1, 2, 3, 4).

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8988-X	DOT-E 8988	GOEX, Inc., Cleburne, TX.....	49 CFR 172.101, 173.110, 173.80, 175.30.	To authorize transport of charged oil well guns as Class C explosive when the net weight of explosive material in the vehicle or vessel does not exceed 200 pounds. (modes 1, 3, 4).
8998-X	DOT-E 8998	Oil-Air Industries, Inc., Brookshire, TX.....	49 CFR 173.302(a)(1), 175.3	To authorize shipment of nitrogen in hydraulic accumulators (modes 1, 2, 3, 4).
9001-X	DOT-E 9001	Chesterfield Cylinder Company, Inc., Huntingdon Valley, PA.....	49 CFR 178.45, 173.301, 173.302, 173.304, 175.3.	To authorize use of a non-DOT specification cylinder complying in part with DOT Specification 3T, for transportation of certain flammable and nonflammable gases. (modes 1, 2, 3, 4).
9001-X	DOT-E 9001	T. I. Chesterfield, Ltd., Derbyshire, England.....	49 CFR 178.45, 173.301, 173.302, 173.304, 175.3.	To authorize use of a non-DOT specification cylinder complying in part with DOT Specification 3T, for transportation of certain flammable nonflammable gases. (modes 1, 2, 3, 4).
9004-X	DOT-E 9004	Metric Corp., Tulsa, OK.....	49 CFR 173.119, 173.304, 173.315.	To authorize manufacture, marking and sale of non-DOT specification containers, for transportation of flammable liquids and flammable gases. (mode 1).
9041-X	DOT-E 9041	IRECO Inc., Salt Lake City, UT.....	49 CFR 173.100(bb), 175.30.	To authorize transport of explosive devices as detonating fuzes, in aluminum trays, packed in a DOT Specification 12H fiberboard box. (modes 1, 4).
9143-X	DOT-E 9143	McCarthy Tank and Steel Co., Bakersfield, CA.....	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 173.343-5.	To authorize manufacture, marking and sale of non-DOT specification cargo tanks complying in general with DOT Specification MC-307/312 except for bottom outlet valve variations for shipment of waste liquids or semi-solids, classed as flammable, corrosive or poison B. (mode 1).
9275-P	DOT-E 9275	DuPont Pharmaceuticals, Inc., Waukegan, IL.....	49 CFR Parts 100 through 199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (modes 1, 2, 3, 4, 5).
9275-X	DOT-E 9275	Fritzsche, Dodge & Otcott, Inc., New York, NY.....	49 CFR Parts 100 through 199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (modes 1, 2, 3, 4, 5).
9275-X	DOT-E 9275	Sterling Drug, Inc., New York, NY.....	49 CFR Parts 100 through 199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (modes 1, 2, 3, 4, 5).
9275-X	DOT-E 9275	The Upjohn Co., Kalamazoo, MI.....	49 CFR Parts 100 through 199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (modes 1, 2, 3, 4, 5).
9275-X	DOT-E 9275	Warner-Lambert Co., Morris Plains, NJ.....	49 CFR Parts 100 through 199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (modes 1, 2, 3, 4, 5).
9275-X	DOT-E 9275	Merrell Dow Pharmaceuticals, Inc., Cincinnati, OH.....	49 CFR Parts 100 through 199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (modes 1, 2, 3, 4, 5).
9275-X	DOT-E 9275	The Procter & Gamble Distribution Co., Cincinnati, OH.....	49 CFR Parts 100 through 199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (modes 1, 2, 3, 4, 5).
9275-X	DOT-E 9275	Ortho Pharmaceutical Corp., Raritan, NJ.....	49 CFR Parts 100 through 199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (modes 1, 2, 3, 4, 5).
9275-X	DOT-E 9275	Amway Corp., Ada, MI.....	49 CFR Parts 100 through 199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (modes 1, 2, 3, 4, 5).
9275-X	DOT-E 9275	Firmenich, Inc., Princeton, NJ.....	49 CFR Parts 100 through 199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (modes 1, 2, 3, 4, 5).
9275-X	DOT-E 9275	Mary Kay Cosmetics, Dallas, TX.....	49 CFR Parts 100 through 199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (modes 1, 2, 3, 4, 5).
9275-X	DOT-E 9275	Carter-Wallace, Inc., Cranbury, NJ.....	49 CFR Parts 100 through 199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (modes 1, 2, 3, 4, 5).
9275-X	DOT-E 9275	A. H. Robins Co., Richmond, VA.....	49 CFR Parts 100 through 199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (modes 1, 2, 3, 4, 5).
9275-X	DOT-E 9275	Noxell Corp., Hunt Valley, MD.....	49 CFR Parts 100 through 199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (modes 1, 2, 3, 4, 5).
9275-X	DOT-E 9275	Avon Products, Inc., New York, NY.....	49 CFR Parts 100 through 199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (modes 1, 2, 3, 4, 5).
9275-X	DOT-E 9275	DuPont Critical Care, Inc., Waukegan, IL.....	49 CFR Parts 100 through 199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (modes 1, 2, 3, 4, 5).
9275-X	DOT-E 9275	Universal Fragrance Corp., South Plainfield, NJ.....	49 CFR Parts 100 through 199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (modes 1, 2, 3, 4, 5).
9275-X	DOT-E 9275	Liz Claiborne Cosmetics, North Bergen, NJ.....	49 CFR Parts 100 through 199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (modes 1, 2, 3, 4, 5).
9275-X	DOT-E 9275	Max Factor & Co., Oxford, NC.....	49 CFR Parts 100 through 199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (modes 1, 2, 3, 4, 5).
9275-X	DOT-E 9275	Halston Fragrances, Oxford, NC.....	49 CFR Parts 100 through 199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (modes 1, 2, 3, 4, 5).
9416-X	DOT-E 9416	CIBA-GEIGY Corp., Ardsley, NY.....	49 CFR 173.359.	To authorize shipment of organophosphorous pesticide, liquid, in a DOT Specification 12P fiberboard box containing two inside DOT Specification 2U polyethylene containers of 2-1/2 gallons capacity. (mode 1).
9446-X	DOT-E 9440	Hoover Group, Inc., Beatrice, NE.....	49 CFR Part 173, Subpart F, 173.119, 173.256, 173.268, 178.19, 178.253.	To authorize an optional design of a polyethylene portable tank in metal frame for shipment of certain corrosive and flammable liquids and an oxidizer. (modes 1, 2, 3).

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9571-P	DOT-E 9571	United States Department of Interior, Pittsburgh, PA.	49 CFR Parts 100 through 177	To authorize transport of not more than 5 grams of an approved or unapproved explosive in a special packaging essentially without regulation. (modes 1, 2, 3, 4, 5).
9683-X	DOT-E 9683	Meter Engineers, Inc., Wichita, KS.	49 CFR 173.119, 173.304, 173.315	To authorize manufacture, marking and sale of non-DOT specification containers described as mechanical displacement meter provers mounted on a truck chassis or trailer. (mode 1).

NEW EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9697-N	DOT-E 9697	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.	49 CFR 173.31(c)	To authorize use of DOT Specification 105A300W and 105A500W tank car tanks with the tank overdue for retesting, for a one-time shipment of a waste corrosive liquid. (Mode 2.)
9710-N	DOT-E 9710	Union Carbide Corp., Danbury, CT.	49 CFR 173.318(g)	To authorize abbreviated marking of the one-way travel time on the tank and on shipping papers. (Modes 1, 2, and 3.)
9728-N	DOT-E 9728	Smith Systems, A Moorco Operation, Corpus Christi, TX.	49 CFR 173.119, 173.305, 173.315	To authorize manufacture, marking and sale of non-DOT specification containers described as mechanical displacement meter provers mounted on a truck chassis or trailer. (Mode 1.)
9730-N	DOT-E 9730	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 172.101	To authorize use of super-insulated DOT Specification MC-338 cargo tank for transportation of flammable cryogenic liquid. (Mode 3.)
9735-N	DOT-E 9735	Hapag-Lloyd, AG Hamburg, West Germany.	49 CFR 176.30(a)	To authorize the Dangerous Cargo Manifest on cargo vessels owned and operated by Hapag-Lloyd AG to be retained in a location other than on or near the bridge of the vessel while the vessel is in port. (Mode 3.)
9746-N	DOT-E 9746	Air Products and Chemicals, Inc., Allentown PA.	49 CFR 173.264(b)(1)	To authorize use of DOT Specification 3BN cylinders for transportation of hydrogen fluoride, anhydrous. (Mode 1.)
9775-N	DOT-E 9775	Essex Environmental Industries, Inc., Hurst, TX.	49 CFR 173.3(c)	To authorize manufacture, marking and sale of a polyethylene, removable head salvage drum of 85-gallon for overpacking of damaged or leaking packages of hazardous materials of no greater than 55-gallon, or for packing hazardous materials that have spilled or leaked, for repackaging or disposal. (Modes 1, 2.)

EMERGENCY EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 8614-X	DOT-E 8614	All Pure Chemical Co., Tracy, CA.	49 CFR 173.263(a)(28), 173.277(a)(6)	To authorize use of non-DOT specification polyethylene bottles, packed inside a high density polyethylene box, for transportation of certain corrosive liquids. (Mode 1.)
EE 7648-X	DOT-E 7648	Sunwest Aviation, Roy, UT.	49 CFR 172.204(c), 172.300(a), 172.400(a), 173.91(a), 173.91(i), 175.3, 175.35(a).	To authorize carriage of aerial illuminating flares for testing purposes in cargo-only aircraft. (Mode 4.)
EE 8518-P	DOT-E 8518	International Technology Corp., Torrance, CA.	49 CFR 173.119 (a), (m), 173.245(a), 178.340-7, 178.342-5, 178.343-5, 173.36(a).	To authorize use of non-DOT specification cargo tanks designed and constructed in full compliance with DOT Specification MC-307 or MC-312 except for bottom outlet valve variations, for transportation of flammable liquids or corrosive or poison B materials. (Mode 1.)
EE 8723-P	DOT-E 8723	Harrison Explosives, Inc., Allentown, PA.	49 CFR 173.114(a)(3), 172.101, 176.83, 176.415.	To authorize use of non-DOT specification motor vehicles and portable tanks, for bulk shipment of certain blasting agents. (Modes 1 and 3.)
EE 9776-N	DOT-E 9776	Lithium Corp. of America, Gastonia, NC.	49 CFR Part 107, Subpart B, App. B(1), 173.206.	To authorize a one time shipment of approximately 782 non-DOT specification, 30 gallon capacity, metal drums containing lithium metal. (Mode 1.)
EE 9794-N	DOT-E 9794	Anglo Airlines Ltd., Crainley, W. Sussex, England.	49 CFR 172.101	To authorize transport of rocket ammunition with explosive projectile, Class A explosive, in cargo-only aircraft, although it is forbidden for transportation by air. (Mode 4.)
EE 9795-N	DOT-E 9795	Piedmont Airlines, Winston-Salem, NC.	49 CFR Part 107, Appendix B, Part 172, Subparts C, D, E, 173.21, 173.118, 175.30, 175.85.	To authorize carriage of small quantities of a flammable liquid in safety lamps in the passenger cabin of an aircraft. (Mode 5.)
EE 9796-N	DOT-E 9796	Heavy Cargo Airlines Ltd., Stansted, Essex, England.	49 CFR 172.101	To authorize a one time shipment of rocket ammunition with explosive projectile, Class A explosive, cargo-only aircraft, although it is forbidden for transportation by air. (Mode 5.)
EE 9798-N	DOT-E 9798	Societe Euromissile, Fontenay-aux-Roses, France.	49 CFR 172.101 Column 6(b), 175.30	To authorize shipment of rocket ammunition with explosive projectile, Class A explosive, in cargo-only aircraft, although it is forbidden for transportation by air. (Mode 4.)
EE 9799-N	DOT-E 9799	Southern Air Transport, Miami, FL.	40 CFR 172.101 Column 6(b)	To authorize shipment of rocket ammunition with explosive projectile, Class A explosive, and rocket ammunition with inert projectile, Class B explosive, in cargo-only aircraft, although they are forbidden for transportation by air. (Mode 4.)

WITHDRAWAL EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9052-X	Chemical Handling Equipment Co., Inc. Southfield, MI.	49 CFR Part 173, Subpart F, 173.119, 173.125, 178.19, 178.253.	To authorize manufacture, marking and sale of non-DOT specification rotationally molded, cross-linked polyethylene portable tanks, for shipment of corrosive and flammable liquids or an oxidizer. (modes 1, 2, 3)

Denials

9388-P—Request by Gulf Central & Terminal Company Tulsa, OK to authorize an additional loading procedure be allowed to determine the amount of liquefied gas loaded into a tank car denied 06/08/1987.

Issued in Washington, DC, on September 18, 1987.

J. Suzanne Hedgepeth,

Chief, Exemptions Branch, Office of Hazardous Materials Transportation.

[FR Doc. 87-23243 Filed 10-7-87; 8:45 am]

BILLING CODE 4910-60-M

Grants and Denials of Applications for Exemptions

AGENCY: Research and Special Programs Administration, DOT.

ACTION: Notice of grants and denials of applications for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49

CFR Part 107, Subpart B), notice is hereby given of the exemptions granted in August 1987. The modes of transportation involved are identified by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

RENEWAL AND PARTY TO EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
2462-P	DOT-E 2462	ETI Explosives Technologies International Inc., Wilmington, DE.	49 CFR 173.73(b)	To authorize shipment of certain lead azide in glass bottles overpacked in non-DOT specification wooden boxes. (Mode 1.)
2582-X	DOT-E 2582	Matheson Gas Products, Inc. Secaucus, NJ.	49 CFR Part 173, 175.3, Subparts D, E, F, G.	To authorize shipment of certain hazardous materials in cylinders made in compliance with DOT specification 3E1800, with certain exceptions. (Modes 1, 2, 3, and 4.)
4554-X	DOT-E 4354	Vanchem, Inc. Lockport, NY.	49 CFR 173.119(m), 173.245, 173.288(d), 173.288(e).	To authorize shipment of chloroformates in DOT Specification 6D or 37M cylindrical steel overpack with an inside DOT Specification 2S, 2SL or 2T polyethylene container. (Modes 1, 2, and 3.)
4453-P	DOT-E 4453	Brandywine Explosives & Supply, Inc., Lexington, KY.	49 CFR 173.114a(h)(3), 172.101, 176.83, 176.415.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1, 3.)
4453-P	DOT-E 4453	Landshaw Explosives, Inc., New Brunfels, TX.	49 CFR 173.114a(h)(3), 172.101, 176.83, 176.415.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1, 3.)
4453-X	DOT-E 4453	E.I. du Pont de Nemours & Co., Inc., Wilmington, DE.	49 CFR 173.114a(h)(3), 172.101, 176.83, 176.415.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1, 3.)
4453-X	DOT-E 4453	Maynes Explosives Co., Lee's Summit, MO.	49 CFR 173.114a(h)(3), 172.101, 176.83, 176.415.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1, 3.)
4453-X	DOT-E 4453	Wampum Hardware Co., New Galilee, PA.	49 CFR 173.114a(h)(3), 172.101, 176.83, 176.415.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1, 3.)
4453-P	DOT-E 4453	ETI Explosives Technologies International Inc., Wilmington, DE.	49 CFR 173.114a(h)(3), 172.101, 176.83, 176.415.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1, 3.)
4453-X	DOT-E 4453	Strawn Explosives, Inc., Dallas, TX.	49 CFR 173.114a(h)(3), 172.101, 176.83, 176.415.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1, 3.)
4453-X	DOT-E 4453	A. M. Contracting, Grove City, PA.	49 CFR 173.114a(h)(3), 172.101, 176.83, 176.415.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1, 3.)
5967-X	DOT-E 5967	Rocket Research Co., Redmond, WA.	49 CFR 173.304(a)(2), 175.3, 178.44.	To authorize use of non-DOT specification cylinders conforming in part with DOT Specification 3HT, for shipment of a nonflammable gas. (Modes 1, 2, 4, and 5.)
6816-X	DOT-E 6816	U.S. Department of Defense, Falls Church, VA.	49 CFR 173.53(p)	To authorize shipment of completely assembled liquid and solid fueled missiles in packaging prescribed in 173.57(a). (Modes 1, 2, and 3.)
6902-X	DOT-E 6902	Great Lakes Chemical Corp., El Dorado, AR.	49 CFR 173.314(c), 179.300-15.	To authorize shipment of a liquefied nonflammable compressed gas, in a modified DOT Specification 110A800W multi-unit tank car tank. (Modes 1, 2.)
6974-X	DOT-E 6974	Tavco, Inc., Chatsworth, CA.	49 CFR 173.302(a)(1), 178.42, 175.3.	To authorize use of non-DOT specification cylinders, for transportation of certain nonliquefied compressed gases. (Modes 1, 2, and 4.)
7060-X	DOT-E 7060	Federal Express Corp., Memphis, TN.	49 CFR 175.75(a)(3)(ii), 175.702(b).	To authorize carriage of non-fissile radioactive materials aboard cargo-only aircraft when the combined transport index exceeds 50.0 and/or the separation criteria cannot be met. (Mode 4.)
7071-X	DOT-E 7071	Olin Hunt Specialty Products Corp., West Paterson, NJ.	49 CFR 173.245, 172.101, 175.3.	To authorize shipment of a certain corrosive liquid, in non-DOT specification polyethylene bottles overpacked in a non-DOT specification single-wall fiberboard box, or DOT Specification 2U polyethylene containers overpacked in a DOT Specification 12P fiberboard box. (Modes 1, 2, 3, and 4.)
7252-P	DOT-E 7252	ETI Explosives Technologies International Inc., Wilmington, DE.	49 CFR 173.93.	To authorize transport of Pourvex and Tovex Extra in DOT Specification 17H metal drums. (Modes 1, 3.)
7282-X	DOT-E 7282	MarChem Corp., Maryland Heights, MO.	49 CFR 173.315(a)(1)	To authorize use of non-DOT specification steel portable tanks, for shipment of certain mixtures of nonpoisonous, nonflammable compressed gases. (Mode 1.)
7454-P	DOT-E 7454	ETI Explosives Technologies International Inc., Wilmington, DE.	49 CFR 176.83, 176.410(e)(2)	To authorize blasting agent to be stowed in proximity to certain explosives without a bulkhead separating these materials. (Mode 3.)
7455-P	DOT-E 7455	ETI Explosives Technologies International Inc., Wilmington, DE.	49 CFR 176.177(g), 176.177(h), 176.177(i), 176.177(n), 176.177(q), 176.177(r), 176.410(e).	To authorize handling and stowage of explosive material in an anchored and unmanned barge. (Mode 3.)
7458-X	DOT-E 7458	Ekohwerks Co., Eastlake, OH.	49 CFR 173.304(a)(2), 178.42.	To authorize manufacture, marking and sale of non-DOT specification seamless cylinders, for transportation of nonflammable gases. (Modes 1, 2, and 3.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7648-X	DOT-E 7648	Sumwest Aviation, Ogden, UT.....	49 CFR 172.204(c), 172.300(a), 172.400(a), 173.91(a), 173.91(i) 175.3, 175.35(a).	To authorize carriage of aerial illuminating flares for testing purposes in cargo-only aircraft. (Mode 4.)
7857-X	DOT-E 7857	Makhteshim Darom (Ramat Hovav) Ltd., Beer Sheva, Israel.	49 CFR 173.315.....	To authorize use of certain non-DOT specification portable tanks, for shipment of certain flammable gases. (Modes 1, 3.)
7972-P	DOT-E 7972	ETI Explosives Technologies International Inc., Wilmington, DE.	49 CFR 172.504.....	To authorize transport of limited quantities of explosive in a special shipping container without placarding the vehicle. (Mode 1.)
8065-X	DOT-E 8065	U.S. Department of Energy, Washington, DC.	49 CFR 173.65, 173.93, 173.94.....	To authorize shipment of certain Class A and B explosives, in non-DOT specification plywood boxes. (Mode 1.)
8084-P	DOT-E 8084	ETI Explosives Technologies International Inc., Wilmington, DE.	49 CFR 173.65(a)(5).....	To authorize transport of Class A explosives containing more than 5% of moisture in plastic tubes, overpacked in DOT Specification wooden or fiberboard boxes. (Modes 1, 2, and 3.)
8141-X	DOT-E 8141	Altus Corp., San Jose, CA.....	49 CFR 172.101, 173.206, 173.247.....	To authorize transport of individual cells and modules consisting of three cells containing lithium metal and thionyl chloride in non-DOT specification wooden boxes. (Modes 1, 3.)
8195-X	DOT-E 8195	McDonnell Douglas Corp., Saint Louis, MO.	49 CFR 173, Subparts D, F, H, 173.6(b)(3), 175.3.	To authorize use of non-DOT specification metal drums as outside containers in lieu of prescribed DOT specification fiberboard and wood containers, for shipments of flammable liquids, corrosive materials, and Class B poisons subject to 49 CFR 173.6(b)(3). (Modes 1, 2, 4, and 5.)
8214-X	DOT-E 8214	Mercedes-Benz of North America, Inc., Montvale, NJ.	49 CFR 173.153, 173.154, 175.3.....	To authorize transport of inflators and modules in passive restraint systems used in automobiles as flammable solids, n.o.s. (Modes 1, 2, 3, and 4.)
8230-X	DOT-E 8230	Seastar Chemicals, Division of Seastar Instruments, Sidney, B.C., Canada.	49 CFR 173.268(b)(6), 173.268(a)(4).....	To authorize shipment of certain oxidizers, in non-DOT specification inside containers packed in DOT Specification 33A single bottle case. (Modes 1, 2, 3, and 4.)
8278-X	DOT-E 8278	Maintenance Mechanical Corp., Houston, TX.	49 CFR 173.119, 173.304, 173.315.....	To authorize manufacture, marking and sale of non-DOT specification containers, for shipment of flammable gases and flammable liquids. (Mode 1.)
8549-X	DOT-E 8549	United Pumping Service, Inc., City of Industry, CA.	49 CFR 178.340-7, 178.342-5, 178.343-5, 173.119(m), 173.119(a), 173.245(a), 173.346(a).	To authorize manufacture, marking and sale of certain non-DOT specification cargo tanks complying with DOT Specification MC-307/MC-312 except for bottom outlet valve variations, for transportation of liquid and semi-solid waste materials. (Mode 1.)
8554-P	DOT-E 8554	ETI Explosives Technologies International Inc., Wilmington, DE.	49 CFR 173.93, 173.114a, 173.154.....	To authorize transport of propellant explosives, blasting agents and oxidizers, in a DOT Specification MC-306, MC-307 and MC-312 cargo tanks. (Mode 1.)
8579-P	DOT-E 8579	ETI Explosives Technologies International Inc., Wilmington, DE.	49 CFR 176.410(d).....	To authorize shipment of ammonium nitrate fertilizer in multiple-wall paper bags or plastic bags stacked on wooden pallets aboard cargo vessel exempt from spacing criteria. (Mode 3.)
8606-X	DOT-E 8606	Makhteshim Darom (Ramat Hovav) Ltd., Beer Sheva, Israel.	49 CFR 173.315.....	To authorize shipment of monomethylamine in non-DOT Specification IMO Type 5 portable tanks. (Modes 1, 3.)
8645-X	DOT-E 8645	A.M. Contracting, Groove City, PA.....	49 CFR 173.154(a)(18).....	To authorize bulk shipment of a thickened solution of an oxidizing material, commercially designated as "HEF", in DOT Specification MC-307 or MC-311 insulated cargo tanks at ambient temperature. (Mode 1.)
8723-P	DOT-E 8723	Winchester Building Supply Co., Inc., Winchester, VA.	49 CFR 173.114a(h)(3), 172.101, 176.83, 176.415.	To authorize use of non-DOT specification motor vehicles and portable tanks, for bulk shipment of certain blasting agents. (Modes 1, 3.)
8723-P	DOT-E 8723	Savage Brothers Inc., American Fork, UT..	49 CFR 173.114a(h)(3), 172.101, 176.83, 176.415.	To authorize use of non-DOT specification motor vehicles and portable tanks, for bulk shipment of certain blasting agents. (Modes 1, 3.)
8723-P	DOT-E 8723	Dama Inc., Roanoke, VA.....	49 CFR 173.114a(h)(3), 172.101, 176.83, 176.415.	To authorize use of non-DOT specification motor vehicles and portable tanks, for bulk shipment of certain blasting agents. (Modes 1, 3.)
8723-P	DOT-E 8723	Explosives Engineers, Inc., Sparks, MD.....	49 CFR 173.114a(h)(3), 172.101, 176.83, 176.415.	To authorize use of non-DOT specification motor vehicles and portable tanks, for bulk shipment of certain blasting agents. (Modes 1, 3.)
8723-P	DOT-E 8723	Cherokee Explosives, Inc. Plantsville, CT...	49 CFR 173.114a(h)(3), 172.101, 176.83, 176.415.	To authorize use of non-DOT specification motor vehicles and portable tanks, for bulk shipment of certain blasting agents. (Modes 1, 3.)
8742-X	DOT-E 8742	Cusco Fabricators Ltd., Richmond Hill, Ont., Can.	49 CFR 173.119(a), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5, 173.119(m).	To authorize manufacture, marking and sale of non-DOT specification cargo tanks complying generally with DOT Specification MC-307/MC-312 except for bottom outlet valve variations, for transportation of flammable or corrosive waste liquids or semi-solids. (Mode 1.)
8812-X	DOT-E 8812	The Protectoseal Co., Bensenville, IL.....	49 CFR 173.119, 178.89.....	To authorize Naphtha, Turpentine, Butyl and Ethyl alcohol as additional commodities for shipment in 5 gallon containers similar to DOT Specification 5L. (Mode 1.)
8938-X	DOT-E 8938	Cryogenic Services, Inc., Canton, GA.....	49 CFR 173.304(a), 175.3.....	To authorize an additional cylinder design for shipment of certain refrigerated liquids. (Modes 1, 2, 3, and 4.)
9030-X	DOT-E 9030	LND, Inc., Oceanside, NY.....	49 CFR 173.302, 175.3.....	To authorize use of non-DOT specification, metal, single trip, inside container, for shipment of a nonflammable gas. (Modes 1, 2, 3, 4, and 5.)
9048-X	DOT-E 9048	Brooks Instrument Div./Emerson Electric Co., Statesboro, GA.	49 CFR 173.119, 173.304, 173.315.....	To renew and to authorize flow tubes on mechanical displacement meters to be manufactured with Type 304 and 17-4 PH stainless steel used for shipping flammable liquid or gas, n.o.s. (Mode 1.)
9064-X	DOT-E 9064	Corning Glass Works, Corning, NY.....	49 CFR 173.245, 173.271, 173.247.....	To authorize various modification to composite type packaging configuration for the shipment of corrosive liquids, n.o.s. (Modes 1, 3.)
9064-X	DOT-E 9064	Amalgam Canada—Division of Premetalco, Inc., Toronto, Ontario, Canada.	49 CFR 173.245, 173.271, 173.247.....	To authorize shipment of corrosive materials, in a glass container placed in a cushioned cylindrical steel overpack, which is then packed in a cushioned plywood box, of which no more than four can be overpacked in a compartmented wooden outer box. (Modes 1, 3.)
9064-X	DOT-E 9064	Corning Glass, Works Corning, NY.....	49 CFR 173.245, 173.271, 173.247.....	To authorize shipment of corrosive materials, in a glass container placed in a cushioned cylindrical steel overpack, which is then packed in a cushioned plywood box, of which no more than four can be overpacked in a compartmented wooden outer box. (Modes 1, 3.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9064-X	DOT-E 9064	Preussag AG Metall Goslar, West Germany.	49 CFR 173.245, 173.271, 173.247	To authorize shipment of corrosive materials, in a glass container placed in a cushioned cylindrical steel overpack, which is then packed in a cushioned plywood box, of which no more than four can be overpacked in a compartmented wooden outer box. (Modes 1, 3.)
9078-X	DOT-E 9078	Monsanto Chemical Co., St. Louis, MO	49 CFR 173.245	To authorize use of DOT Specification 57 stainless steel portable tanks, for transportation of a waste formic acid/phenol mixture. (Mode 1.)
9108-P	DOT-E 9108	ETI Explosives Technologies International Inc., Wilmington, DE.	49 CFR 173.77	To authorize transport of pentaerythrite tetranitrate (PETN) wet with 25% water in a 4 mil polyethylene bag placed in a DOT specification 12H fiberboard box. (Mode 1.)
9110-X	DOT-E 9110	KemaNord, Inc. Columbus, MS	49 CFR 173.163	To authorize shipment of sodium chlorate, in non-DOT specification collapsible polyethylene-lined, woven polypropylene bags. (Modes 1, 2, and 3.)
9181-X	DOT-E 9181	Honeywell, Inc., Horsham, PA	49 CFR 173.21, 173.206, 173.247	To authorize transport of lithium metal and a thionyl chloride solution in the same non-DOT specification stainless steel vessel. (Mode 1.)
9617-P	DOT-E 9617	ETI Explosives Technologies International Inc., Wilmington, DE.	49 CFR 177.848(f), Part 107 Append B(1)	To authorize transport of a specially defined detonating cord on the same motor vehicle with Class A and C detonators. (Mode 1.)
9623-P	DOT-E 9623	ETI Explosives Technologies International Inc., Wilmington, DE.	49 CFR 177.835(c)(3)	To authorize transport of a blasting agent or an oxidizer in a DOT Specification MC-306 or MC-307 cargo tank with a storage box containing Class A explosives mounted directly behind the tractor cab. (Mode 1.)
9623-P	DOT-E 9623	Woodard Explosives, Inc., Albuquerque, NM.	49 CFR 177.835(c)(3)	To authorize transport of a blasting agent or an oxidizer in a DOT Specification MC-306 or MC-307 cargo tank with a storage box containing Class A explosives mounted directly behind the tractor cab. (Mode 1.)
9632-X	DOT-E 9632	Eurotainer S.A., Paris, France	49 CFR 173.315, 178.245	To exclude use of a rupture disk on portable tanks when the lading does not require a combination relief device. (Modes 1, 2, and 3.)

NEW EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9515-N	DOT-E- 9515	Leake Oil Co., Inc., St. Francisville, LA	49 CFR 173.119, 178.341-5	To authorize shipment of gasoline in a non-DOT specification cargo tank equipped with external self-closing shut off valves. (Mode 1.)
9645-N	DOT-E- 9645	Bonar Rosedale Plastics, Ltd., Lindsay, Ont., Canada.	49 CFR 173, Subpart F, 173.119, 173.256, 173.286, 178.19, 178.253	To authorize manufacture, marking and sale of non-DOT rotationally molded, cross-linked polyethylene or linear low density polyethylene portable tanks, enclosed within either a protective steel frame or a foam-filled steel reinforced outer cage. (Modes 1, 2.)
9688-N	DOT-E- 9688	GTE Government Systems Corp., Waltham, MA.	49 CFR 173.247	To authorize shipment of thionyl chloride, classed as a corrosive material in non-DOT specification bottles of "Teflon" PFA, ranging in size from 10 to 16 ounces capacity, overpacked in DOT Specification 17H stainless steel drums, not to exceed 54 bottles per drum. (Mode 1.)
9694-N	DOT-E- 9694	All Pure Chemical Co., Inc., Tracy, CA	49 CFR 173.33(f)(9), 173.33(h)(5)(i), 173.315(j)(13)	To authorize use of MC-331 cargo tanks equipped with angle valves and pressure relief valves not presently authorized in the regulations. (Mode 1.)
9715-N	DOT-E- 9715	Pennwalt Corp., Buffalo, NY	49 CFR 173.154(a)(12)	To authorize shipment of dicumylperoxide, dry, or organic peroxide, solid, in polyethylene bags in quantities of up to 40 pounds, overpacked in a DOT Specification 12B65 corrugated fiberboard box. (Modes 1, 3.)
9717-N	DOT-E- 9717	Mobay Corp., Kansas City, MO	49 CFR 173.119(b), 175.3	To authorize shipment of certain flammable liquids in inside containers of up to 1 gallon capacity, overpacked in a DOT Specification 21C fiber drum. (Modes 1, 4.)
9718-N	DOT-E- 9718	Bignier Schmid-Laurent, Ivry Sur Seine, France.	49 CFR 173.315, 178.245	To authorize shipment of flammable and nonflammable gases in a non-DOT specification portable tank comparable to DOT Specification 51 portable tanks. (Modes 1, 2, and 3.)
9729-N	DOT-E- 9729	Allied-Signal Inc., Morristown, NJ	49 CFR 173.246(a)(1), 178.61-5	To authorize shipment of corrosive material in stainless steel cylinders complying with requirements of DOT Specification 4BW with specific exceptions. (Modes 1, 2, and 3.)
9731-N	DOT-E- 9731	Richmond Lox Equipment Co., Delphi, IN	49 CFR 173.338-9(c)	To authorize manufacture, marking and sale of MC-338 cargo tanks for shipment of liquid hydrogen with holding time tests performed in a manner other than as prescribed in the regulations. (Mode 1.)
9741-N	DOT-E- 9741	Moura Batteries Co., Inc., Mount Vernon, NY.	49 CFR 173.280(a)(3)	To authorize shipment of batteries palletized and shipped as a unit without means of protection from any superimposed weight. (Modes 1, 2, and 3.)
9742-N	DOT-E- 9742	M1 Engineering Ltd., West Yorkshire, England.	49 CFR 173.353, 178.245	To authorize shipment of methyl bromide liquid in a non-DOT specification portable tank meeting all the requirements of a DOT Specification 51, with exceptions. (Modes 1, 2, and 3.)
9744-N	DOT-E- 9744	Noury Chemicals, Chicago, IL	49 CFR 173.157(a)(5)	To authorize shipment of benzoyl peroxide, wet with at least 30% water, classed as an organic peroxide, in a DOT Specification 12B65 fiberboard box containing a bag with 31.5 pounds of material (dry weight). (Mode 1.)
9752-N	DOT-E- 9752	Ethyl Corp., Baton Rouge, LA	49 CFR 173.354(a)(7)	To authorize shipment of motor fuel antiknock compound, class B poison, in a DOT Specification 12B fiberboard box with inside packaging consisting of an inner metal can, surrounded by vermiculite and then hermetically sealed in an outer metal can. (Modes 1, 3, and 4.)
9756-N	DOT-E- 9756	General Electric Co., Schenectady, NY	49 CFR 173.245(b)(8)	To authorize a one way shipment of corrosive solids for disposal in four non-DOT specification steel portable tanks. (Mode 1.)
9757-N	DOT-E- 9757	JP Services, Inc., Benicia, CA	49 CFR 173.245(b)(8)	To authorize shipment of non-DOT specification steel portable tanks containing corrosive solid, n.o.s. to an approved disposal facility. (Mode 1.)
9763-N	DOT-E- 9763	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.302(a), 173.247, 173.3a	To authorize shipment of certain hazardous materials in DOT Specification 3BN cylinders, a specification cylinder not presently authorized. (Mode 1.)

NEW EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9780-N	DOT-E- 9780	Majestic Lubricating Co., Tulsa, OK.....	49 CFR 173.119(a)(27).....	To authorize shipment of flammable liquids, n.o.s., classed as flammable liquid, in three DOT Specification 2U polyethylene containers of two-gallon capacity each, overpacked in a DOT Specification 12P corrugated fiberboard box. (Mode 1.)
9782-N	DOT-E- 9782	Grumman Aircraft Systems, Bethpage, NY.....	49 CFR 173.206.....	To authorize shipment of potassium metal in non-DOT specification container. (Modes 1, 2, and 4.)
9783-N	DOT-E- 9783	Helios Container Systems, Addison, IL.....	49 CFR 173.366, 173.154, 173.164, 173.178, 173.182, 173.217, 173.234, 173.245b.	To authorize manufacture, marking and sale of large, collapsible polyethylene-lined woven polypropylene bulk bags having a capacity of approximately 2260 pounds each, and top and bottom outlets, for shipment of flammable solids, oxidizing materials, poison B solids and corrosive solids. (Modes 1, 2.)
9790-N	DOT-E-9790	Taylor-Wharton Div. of Harsco Corp., Indianapolis, IN.....	49 CFR 178.57-21(a), 173.316.....	To authorize manufacture, marking and sale of non-DOT specification welded cylinders conforming with the DOT Specification 4L except that the container is made of Type 316L stainless steel. (Mode 1.)

EMERGENCY EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 4354-X	DOT-E 4354	PPG Industries, Inc., Pittsburgh, PA.....	49 CFR 173.119 (m), 173.245, 173.288(d), 173.288(e).	To authorize shipment of chloroformates in DOT Specification 6D or 37M cylindrical steel overpack with an inside DOT Specification 2S, 2SL or 2T polyethylene container. (modes 1, 2, 3)
EE 8390-X	DOT-E 8390	Olin Hunt Specialty Products, Inc., West Paterson, NJ.....	49 CFR 173.272, 178.24a, 178.210.....	To authorize shipment of 95%-98% sulfuric acid in DOT Specification 2E polyethylene bottles overpacked in DOT Specification 12A80 fiberboard boxes. (mode 1)
EE 8893-X	DOT-E 9583	Honeywell, Inc., Minnetonka, MN.....	49 CFR 172.101, 175.30.....	To authorize transport of ammunition for cannon, Class A explosives, and certain non-hazardous materials aboard cargo aircraft. (mode 4)
EE 9814-N	DOT-E 9814	Westinghouse Electric Corp., Pittsburgh, PA.....	49 CFR 172.203(c).....	To authorize disclosure of the technical name of a hazardous substance explicitly listed in 49 CFR 172.101 as a hazardous material. (mode 1)
EE 9815-N	DOT-E 9815	PMC Specialties Group, Chicago, IL.....	49 CFR 179.200-19(b).....	To authorize a one time shipment of para-cresol, classed as a corrosive material, in a DOT Specification 111A60W1 tank car (GATX 19808) equipped with an anti-shift bracket welded directly to the tank shell without the required reinforcement pad. (mode 2)
EE 9834-N	DOT-E 9834	Northwest Airlines, St. Paul, MN.....	49 CFR Parts 100 through 199.....	To authorize a one time shipment of an insulated stainless steel dewar containing liquid nitrogen to be transported in the cabin of a passenger-carrying aircraft under special conditions. (mode 5)
EE 9835-N	DOT-E 9835	O.H. Materials, Findlay, OH.....	49 CFR Part 107, Appendix B, Part 172, Subpart B, C, E, F, Part 173, 177.848.	To authorize a one time shipment of hazardous materials that are not specifically identified. (mode 1)

WITHDRAWAL EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
6902-X	Great Lakes Chemical Corp. El Dorado, AR.	49 CFR 173.314(c), 179.200-15.....	To authorize shipment of a liquefied nonflammable compressed gas, in a modified DOT Specification 110A800W multi-unit tank car tank. (Modes 1, 2.)

Denials

9684-N—Request by General Electric Railcar Services Corporation Chicago, IL to authorize shipment of anhydrous ammonia, classed as non-flammable gas, in DOT Specification 112J and 114J tank cars which are restenciled as DOT Specification 112S and 114S tank cars denied 08/27/1987.

9745-N—Request by Metal Box Enterprises, Inc. Vernona, NJ to manufacture, mark and sell "aerosol containers" conforming with Specification DOT 2P (49 CFR 178.33), except for volumetric capacity denied 08/28/1987.

Issued in Washington, DC, on September 23, 1987.

J. Suzanne Hedgepeth,
Chief, Exemptions Branch, Office of
Hazardous Materials Transportation.

[FR Doc. 87-23242 Filed 10-7-87; 8:45 am]

BILLING CODE 4910-60-M

Grants and Denials of Applications for Exemptions

AGENCY: Research and Special Programs Administration, DOT.

ACTION: Notice of grants and denials of applications for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted in July 1987. The modes of transportation involved are identified by a number of the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. Application numbers prefixed by the letter EE represent applications for Emergency Exemptions.

RENEWAL AND PARTY TO EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
2582-X	DOT-E 2582	Union Carbide Corp., Danbury, CT.....	49 CFR 173, 175.3, Subparts D, E, F, G....	To authorize shipment of certain hazardous materials in cylinders made in compliance with DOT Specification 3E1800, with certain exceptions. (Modes 1, 2, 3, and 4.)
4453-X	DOT-E 4453	Pacco, Inc., Terino, WA.....	49 CFR 173.114a(h)(3), 172.101, 176.83, 176.415.	To authorize use of non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1, 3.)
4453-X	DOT-E 4453	Atlas Powder Company Dallas, TX.....	49 CFR 173.114a(h)(3), 172.101, 176.83, 176.415.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1, 3.)
4453-X	DOT-E 4453	IRECO, Inc., Salt Lake City, UT.....	49 CFR 173.114a(h)(3), 172.101, 176.83, 176.415.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1, 3.)
4453-X	DOT-E 4453	Autin Powder Co., Cleveland OH.....	49 CFR 173.114a(h)(3), 172.101, 176.83, 176.415.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1, 3.)
5243-X	DOT-E 5243	Austin Powder Co., Cleveland, OH.....	49 CFR 173.66(g)(1), 173.103(a), 177.825(g).	To authorize modified non-DOT specification packaging for transportation of Class C or Class A explosives. (Modes 1, 2, and 3.)
6816-X	DOT-E 6816	General Dynamics/Convair Division, San Diego, CA.	49 CFR 173.53(p).....	To authorize shipment of completely assembled liquid and solid fueled missiles in packaging prescribed in §173.57(a). (Modes 1, 2, and 3.)
6824-P	DOT-E 6824	Grow Group, Inc., Montebello, CA.....	49 CFR 173.217(a), 173.154.....	To authorize packagings not provided for in the Hazardous Materials Regulations, for shipment of certain oxidizing materials. (Modes 1, 2, and 3.)
6902-X	DOT-E 6902	Halocarbon Products Corp., North Augusta, SC.	49 CFR 173.314(c), 179.300-15.....	To authorize shipment of a liquefied nonflammable compressed gas, in a modified DOT Specification 110A800W multi-unit tank car tank. (Modes 1, 2.)
6971-P	DOT-E 6971	Alltech Associates, Inc., Deerfield, IL.....	49 CFR Parts 100-199.....	To authorize transport of small quantities of reagent chemicals in inside glass bottles packed in metal boxes, overpacked in a strong wooden or fiberboard box. (Modes 1, 2, 3, 4, and 5.)
6974-X	DOT-E 6974	U.S. Department of Defense, Falls Church, VA.	49 CFR 173.302(a)(1), 178.42, 175.3.....	To authorize use of non-DOT specification cylinders, for transportation of certain nonliquefied compressed gases. (Modes 1, 2, and 4.)
7023-X	DOT-E 7023	Texas Instruments, Inc., Dallas, TX.....	49 CFR 173.245(a), 173.264(a), 173.266, 173.268(f)(5), 173.272(g), 173.272(i)(24), 173.263(a).	To authorize use of non-DOT specification steel portable tanks, for shipment of an oxidizer or corrosive material. (Mode 1.)
7051-X	DOT-E 7051	Ozark-Mahoning Co., Tulsa, OK.....	49 CFR 173.246(a), 175.3.....	To authorize use of non-DOT specification Teflon bottles overpacked with either a DOT Specification 12A or 12B fiberboard box to transport a corrosive liquid. (Modes 1, 4.)
7555-X	DOT-E 7555	Provost Cartage, Inc., Ville d'Anjou, Quebec.	49 CFR 173, Subpart F.....	To authorize manufacture, marking and sale of non-DOT specification cargo tanks made from non-metallic materials, for transportation of certain hazardous materials. (Mode 1.)
7607-X	DOT-E 7607	Ecology and Environment, Inc., Buffalo, NY.	49 CFR 172.101, 175.3.....	To authorize shipment of hydrogen in certain non-DOT specification seamless stainless steel cylinders. (Mode 5.)
7730-X	DOT-E 7730	Western Company of North America, Fort Worth, TX.	49 CFR 178.343-5(b)(2)(ii).....	To authorize use of a DOT Specification MC-312 cargo tank, for transportation of certain corrosive materials. (Mode 1.)
7835-X	DOT-E 7835	Big Three Industries, Inc., Houston, TX.....	49 CFR 177.848, Part 107 Appen. B(1).....	To authorize transport of cylinders bearing the flammable gas label, the oxidizer label, the flammable liquid label, the corrosive label or the poison gas label and tank car tanks bearing the poison gas label on the same motor vehicle. (Mode 1.)
7876-X	DOT-E 7876	General Chemical Corp., Morristown, NJ.....	49 CFR 173.299(a), 175.3.....	To authorize an additional mixture to be shipped as etching acid, liquid, n.o.s. (Modes 1, 2, 3, and 4.)
7891-P	DOT-E 7891	King's Laboratory, Inc., Blythewood, SC.....	49 CFR 172.400, 172.402(a)(2), 172.402(a)(3), 172.504(a), 172.504 Table 1, 173.25(a), 175.3 173.126, 173.138, 173.237, 173.246.	To authorize transport of packages bearing the DANGEROUS WHEN WET label, in motor vehicles which are not placarded FLAMMABLE SOLID W. (Modes 1, 2, and 4.)
7943-P	DOT-E 7943	Grow Group, Inc., Montebello, CA.....	49 CFR 173.263(a)(15), 173.272(c), 173.272(i)(12), 173.277(a)(1).....	To authorize shipment of corrosive liquids in one or two one-gallon polyethylene containers packed in fiberboard boxes, complying with DOT Specification 12B except for handholes in top flaps. (Mode 1.)
8168-X	DOT-E 8168	Container Corporation of America, Wilmington, DE.	49 CFR 173.217, 173.245b, 178.19, 173.239a.	To authorize manufacture, marking and sale of non-DOT specification fully removable head polyethylene drums, for shipment of certain corrosive solids and solid oxidizers. (Modes 1, 2, and 3.)
8221-X	DOT-E 8221	Applied Companies, San Fernando, CA.....	49 CFR 173.302(a), 175.3.....	To authorize use of non-DOT specification high pressure cylinders of welded construction for military missile systems use only. (Modes 1, 2, and 4.)
8232-X	DOT-E 8232	GCS Container Service, SA Chiasso, Switzerland.	49 CFR 173.315, 173.123(a).....	To authorize use of a non-DOT specification portable tank, for transportation of certain compressed gases and a flammable liquid. (Modes 1, 2, and 3.)
8239-X	DOT-E 8239	Westinghouse Electric Corp. Horseheads, NY.	49 CFR 173.302, 172.101 Column 6(a), 172.101 Column 6(b), 175.3.	To authorize use of non-DOT specification containers, for the shipment of nonflammable gases. (Modes 1, 2, 3, 4, and 5.)
8363-P	DOT-E 8363	IMR Powder Co., Plattsburgh, NY.....	49 CFR 173.93(a).....	To authorize shipment of certain solid propellant explosives in metal canisters overpacked in DOT Specification 12H 65 fiberboard boxes. (Modes 1, 3.)
8426-P	DOT-E 8426	Southwest Pumping Services, Whittier, CA.	49 CFR 173.119(a), (m), 173.245(a), 178.342-5, 178.343-5, 178.340-7, 173.346(a).	To authorize manufacture, marking and sale of non-DOT specification cargo tanks complying with DOT Specification MC-307/312 with certain exceptions, for transportation of liquid and semi-solid waste materials. (Mode 1.)
8426-F	DOT-E 8426	Crosby & Overton, Inc., Long Beach, CA...	49 CFR 173.119(a), (m), 173.245(a), 178.342-5, 178.343-5, 178.340-7, 173.346(a).	To authorize manufacture, marking and sale of non-DOT specification cargo tanks complying with DOT Specification MC-307/312 with certain exceptions, for transportation of liquid and semi-solid waste materials. (Mode 1.)
8426-P	DOT-E 8426	C.K.C., Inc., Paso Robles, CA.....	49 CFR 173.119(a), (m), 173.245(a), 178.342-5, 178.343-5, 178.340-7, 173.346(a).	To authorize manufacture, marking and sale of non-DOT specification cargo tanks complying with DOT Specification MC-307/312 with certain exceptions, for transportation of liquid and semi-solid waste materials. (Mode 1.)
8445-P	DOT-E 8445	Bishop & Associates, Inc., Brooklandville, MD.	49 CFR 173, Subpart D, E, F, H.....	To authorize shipment of various hazardous substances and wastes packed in inside plastic, glass, earthenware or metal containers, overpacked in a DOT Specification removable head steel, fiber or polyethylene drum, only for the purposes of disposal, repackaging or reprocessing. (Mode 1.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8518-P	DOT-E 8518	J.J. Magana, Corp., Richmond, CA.....	49 CFR 173.119(a), (m), 173.245(a), 178.340-7, 178.342-5, 178.343-5, 173.346(a).	To authorize use of non-DOT specification cargo tanks designed and constructed in full compliance with DOT Specification MC-307 or MC-312 except for bottom outlet valve variations, for transportation of flammable liquids or corrosive or poison B materials. (Mode 1.)
8522-X	DOT-E 8522	Tuscarora Plastics, Inc., Sterling, VA.....	49 CFR 178.150, Part 173 Subpart F, §§ 177.839(a), 177.839(b).	Request authorization to modify polystyrene case by increasing thickness; incorporate a third strap etc., for shipment of commodities authorized in DOT Specification 33A. (Modes 1, 2, and 3.)
8547-X	DOT-E 8547	Natico, Inc., Chicago, IL.....	49 CFR 173 Subpart F, 178.116.....	To authorize manufacture, marking and sale of a non-DOT specification 55 gallon steel tight head drum incorporating a molded polyethylene top head, in lieu of a steel top head, for shipment of certain corrosive liquids. (Modes 1, 2.)
8569-P	DOT-E 8569	Garrett Fluid Systems Company, Tempe, AZ.	49 CFR 172.101(6)(b), 173.276, 175.3.....	To authorize shipment of 6.6 gallons of hydrazine, aqueous solution in non-DOT Specification F-16 emergency fuel tanks. (Modes 1, 3, and 4.)
8573-X	DOT-E 8573	All Pure Chemical Company, Inc., Tracy, CA.	49 CFR 173.217(a)(8).....	To authorize transport of certain solid oxidizers in non-DOT specification polyethylene bottles packed in a DOT Specification 12B double-wall corrugated fiberboard box. (Modes 1, 2, and 3.)
8579-P	DOT-E 8579	Nitram, Inc., Tampa, FL.....	49 CFR 176.410(d).....	To authorize shipment of ammonium nitrate fertilizer in multiple-wall paper bags or plastic bags stacked on wooden pallets aboard cargo vessel exempt from spacing criteria. (Mode 3.)
8582-P	DOT-E 8582	Chicago South Shore & South Bend R. R. Co., Michigan City, IN.	49 CFR Parts 100-177.....	To authorize transportation of railway track torpedoes and fuses packed in metal kits, in motor vehicles by railroad maintenance crews as non-regulated rail carrier equipment. (Mode 1.)
8582-P	DOT-E 8582	Chicago Missouri & Western Railway Co, Chicago, IL.	49 CFR Parts 100-177.....	To authorize transportation of railway track torpedoes and fuses packed in metal kits, in motor vehicles by railroad maintenance crews as non-regulated rail carrier equipment. (Mode 1.)
8582-P	DOT-E 8582	Springfield Terminal Railway Company, Sterling, MA.	49 CFR Parts 100-177.....	To authorize transportation of railway track torpedoes and fuses packed in metal kits, in motor vehicles by railroad maintenance crews as non-regulated rail carrier equipment. (Mode 1.)
8609-X	DOT-E 8609	Natico, Inc., Chicago, IL.....	49 CFR 177.841(e), 178.116.....	To authorize manufacture, marking and sale of non-DOT specification removable head metal drums, for transportation of poison B materials. (Mode 1.)
8678-X	DOT-E 8678	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	49 CFR 173.315(a).....	To renew and change six months shipping experience report requirement to two years to correspond with renewal application. (Modes 1, 2, and 3.)
8689-X	DOT-E 8689	Schlumberger Offshore Services, Houston, TX.	49 CFR 173.302, 173.304, 175.3.....	To authorize manufacture, marking and sale of a non-DOT specification oil well sampling device, for the shipment of various compressed gases, n.o.s. (Modes 1, 2, 3, and 4.)
8689-X	DOT-E 8689	Schlumberger Well Services, Houston, TX.	49 CFR 173.302, 173.304, 175.3.....	To authorize manufacture, marking and sale of a non-DOT specification oil well sampling device, for the shipment of various compressed gases, n.o.s. (Modes 1, 2, 3, and 4.)
8693-X	DOT-E 8693	CAN-TRO, Inc., Kansas City, MO.....	49 CFR 173.230.....	To authorize shipment of sodium, metal dispersion in organic solvent, in DOT Specification 4BW240 cylinders. (Modes 1, 3.)
8723-P	DOT-E 8723	High West, Inc., Billings, MT.....	49 CFR 173.114a(h)(3), 172.101, 176.83, 176.415.	To authorize use of non-DOT specification motor vehicles and portable tanks, for bulk shipment of certain blasting agents. (Modes 1, 3.)
8723-P	DOT-E 8723	Strawn Explosives, Inc., Dallas, TX.....	49 CFR 173.114a(h)(3), 172.101, 176.83, 176.415.	To authorize use of non-DOT specification motor vehicles and portable tanks, for bulk shipment of certain blasting agents. (Modes 1, 3.)
8723-P	DOT-E 8723	Harrison Explosives, Inc., Allentown, PA.....	49 CFR 173.114a(h)(3), 172.101, 176.83, 176.415.	To authorize use of non-DOT specification motor vehicles and portable tanks, for bulk shipment of certain blasting agents. (Modes 1, 3.)
8937-X	DOT-E 8937	Spectrolite Consortium, Inc., Madison, IL.....	49 CFR 173.178.....	To authorize shipment of coated magnesium granules in collapsible polyethylene-lined, woven polypropylene bags having a capacity of approximately 2000 pounds each. (Modes 1, 2, and 3.)
8978-X	DOT-E 8978	GN Lithium Batteries as Loege, Denmark...	49 CFR 172.101, 175.3.....	To authorize transport of lithium cells containing more than 12 but not more than 50 grams of lithium metal, in non-DOT specification, non-reusable, open head, steel drums. (Modes 1, 2, 3, and 4.)
8988-X	DOT-E 8988	Schlumberger Well Services, Houston, TX.	49 CFR 172.101, 173.110, 173.80, 175.30.	To authorize transport of charged oil well guns as Class C explosive when the net weight of explosive material in the vehicle or vessel does not exceed 200 pounds. (Modes 1, 3, and 4.)
8988-X	DOT-E 8988	Schlumberger Offshore Services, Houston, TX.	49 CFR 172.101, 173.110, 173.80, 175.30.	To authorize transport of charged oil well guns as Class C explosive when the net weight of explosive material in the vehicle or vessel does not exceed 200 pounds. (Modes 1, 3, and 4.)
8988-X	DOT-E 8988	Welex, Houston, TX.....	49 CFR 172.101, 173.110, 173.80, 175.30.	To authorize transport of charged oil well guns as Class C explosive when the net weight of explosive material in the vehicle or vessel does not exceed 200 pounds. (Modes 1, 3, and 4.)
8988-X	DOT-E 8988	Dresser Industries, Inc., Houston, TX.....	49 CFR 172.101, 173.110, 173.80, 175.30.	To authorize transport of charged oil well guns as Class C explosive when the net weight of explosive material in the vehicle or vessel does not exceed 200 pounds. (Modes 1, 3, and 4.)
8992-X	DOT-E 8992	General Dynamics/Pomona Division Aviation Dept., Pomona, CA.	49 CFR 172.101, 172.204(c)(3), 173.27, 175.320(b), 175.30(a)(1), Part 107, Appendix B.	To authorize transport of certain Class A and B explosives not permitted for air shipment or in quantities greater than those prescribed for air shipment. (Mode 4.)
9010-X	DOT-E 9010	United Technologies, Corp., San Jose, CA.	49 CFR 173.92, 173.88(e)(2)(ii).....	To authorize transport of a large motor with or without igniter installed and which may be in a propulsive state, or a rocket motor igniter. (Mode 1.)
9017-X	DOT-E 9017	EVA Eisenbahn-Verkehrsmittel-Gesellschaft GmbH, Dusseldorf, West Germany.	49 CFR 173.264(b).....	To authorize use of a non-DOT specification IMO Type 5 portable tank, for transportation of anhydrous hydrofluoric acid. (Modes 1, 2, and 3.)
9026-X	DOT-E 9026	Continental Fibre Drum, Inc., Lombard, IL...	48 CFR 178.224, 172.101, 175.3, 175.30.....	To authorize manufacture, marking and sale of non-DOT specification fiber drums of not over 75-gallon capacity, similar to DOT Specification 21C except that the top head is of molded polyethylene and secured to the sidewall by a lever locking ring. (Modes 1, 2, 3, and 4.)
9027-X	DOT-E 9027	McGean-Rohco, Inc., Cleveland, OH.....	49 CFR 178.131, 178.28(h), 178.28(m).....	To authorize a one-time reuse of DOT Specification 37A (single-trip) drums, for shipment of chromic acid, solid and chromic acid mixture, classed as an oxidizer. (Modes 1, 2.)
9034-X	DOT-E 9034	Union Carbide, Corp., Danbury, CT.....	49 CFR 173.302, 175.3, 173.304, 173.328, 173.334.	To authorize use of a previously unauthorized DOT Specification 3AL aluminum cylinder, for transportation of certain gases and gas mixtures. (Modes 1, 2, 3, 4, and 5.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9040-X	DOT-E 9040	Continental Fibre Drum, Inc., Lombard, IL	49 CFR 173.249a(d)(3)	To authorize manufacture, marking and sale of non-DOT specification fibre drums of not over 55-gallon capacity, lined or coated on the inside with a plastic material, and having modified non-removable top heads of steel or plastic, for transportation of certain corrosive liquids. (Modes 1, 2, and 3.)
9059-X	DOT-E 9059	Air Products and Chemicals, Inc., Allentown, PA	49 CFR 172.101, 172.202, 172.302(d), 173.34(d)(4)	To authorize use of cylinders currently used for transportation of fluorine, for shipment of a fluorine-helium mixture. (Modes 1, 2.)
9062-X	DOT-E 9062	UOP Inc., Des Plaines, IL	49 CFR 173.245	To authorize use of DOT Specification 57 carbon steel portable tanks, for transportation of a corrosive liquid. (Modes 1, 2.)
9064-X	DOT-E 9064	J.T. Baker Chemical Co., Phillipsburg, NJ	49 CFR 173.245, 173.271, 173.247	To authorize shipment of corrosive materials, in a glass container placed in a cushioned cylindrical steel overpack, which is then packed in a cushioned plywood box, of which no more than four can be overpacked in a compartmented wooden outer box. (Modes 1, 3.)
9079-X	DOT-E 9079	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE	49 CFR 173.315	To authorize use of carbon steel DOT Specification 51 portable tanks, for transportation of a liquefied compressed gas. (Modes 1, 3.)
9108-X	DOT-E 9108	E.I. du Pont de Nemours & Co., Inc., Wilmington, DE	49 CFR 173.77	To authorize transport of pentaerythrite tetranitrate (PETN) wet with 25% water in a 4 mil polyethylene bag placed in a DOT specification 12H fiberboard box. (Mode 1.)
9108-X	DOT-E 9108	Ensign-Bickford Co., Simsbury, CT	49 CFR 173.77	To authorize transport of pentaerythrite tetranitrate (PETN) wet with 25% water in a 4 mil polyethylene bag placed in a DOT specification 12H fiberboard box. (Mode 1.)
9141-X	DOT-E 9141	Bristol Flare Corp., Bristol, PA	49 CFR 172.101, 173.108	To authorize transport of certain hand signal devices, as a flammable solid instead of a class C explosive. (Mode 1.)
9192-X	DOT-E 9192	Air Products and Chemicals, Inc., Allentown, PA	49 CFR 173.304(a)(2)	To authorize shipment of various refrigerated compressed gases classed as flammable gas in DOT Specification 4L-112 cylinders. (Mode 1.)
9275-X	DOT-E 9275	International Flavors & Fragrances (IFF-US), Hazlet, NJ	49 CFR Parts 100-199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (Modes 1, 2, 3, 4, and 5.)
9282-X	DOT-E 9282	Halocarbon Products Corp., Hackensack, NJ	49 CFR 173.314(c)	To authorize rail and cargo vessel as additional modes to transportation. (Modes 1, 2.)
9364-P	DOT-E 9364	Platte Chemical Co., Fremont, NE	49 CFR 173.359	To authorize shipment of a parathion mixture, liquid, in a DOT Specification 12P corrugated fiberboard box containing two inside DOT Specification 2U polyethylene containers of 2½ gallon capacity. (Mode 1.)
9402-P	DOT-E 9402	Atochem S.A., Paris, France	49 CFR 173.315, 178.245	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of flammable and nonflammable liquefied compressed gases. (Modes 1, 2, and 3.)
9446-X	DOT-E 9446	Matson Navigation Co., San Francisco, CA	49 CFR 176.305(c)(5)	To authorize stowage of flammable liquids with flash points below 73 degrees Fahrenheit in holds or compartments that are fitted with a goose neck type of vent head. (Mode 3.)
9549-P	DOT-E 9549	GOEX, Inc., Cleburne, TX	49 CFR 173.100(v), 175.30	To authorize transport of oil well cartridges containing more than 350 grains, but not more than 600 grains of Class A, type 3 explosive, as Class C explosive, in DOT Specification 12H fiberboard box. (Modes 1, 3, and 4.)
9678-X	DOT-E 9678	Rossborough Manufacturing Co., Avon Lake, OH	49 CFR 173.154	To authorize shipment of various mixtures: Magnesium granules 0 to 30%; Salt-coated magnesium granules 0 to 30%; Calcium carbide 40 to 90%; and Calcium oxide 5 to 20% classes as flammable solids. (Mode 1.)
9732-P	DOT-E 9732	Shell Oil Company, Houston, TX	49 CFR 173.115	Request party status and to authorize additional materials to be shipped as combustible liquid, n.o.s. (Mode 1.)

NEW EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9579-N	DOT-E 9579	IRECO, Inc., Salt Lake City, UT	49 CFR 173.154(a)(18)	To authorize use of a non-DOT specification motor vehicle for bulk shipment of oxidizers. (mode 1).
9675-N	DOT-E 9675	Surpass Chemical Co., Inc., Albany, NY	49 CFR 172.301(a), Part 107, Appendix b(1), (2), 172.203(a)	To authorize shipment of approximately 100,000 DOT Specification drums of five gallon capacity, containing hypochlorite solution, classed as a corrosive material which have labels marked "NA 1791" instead of the required "UN 1791". (mode 1).
9709-N	DOT-E 9709	Crown Rotational Molded Products, Inc., Marked Tree, AR	49 CFR 173.3(c)	To authorize manufacture, marking and sale of a polyethylene, removable head salvage drum of 85-gallon capacity for overpacking of damaged or leaking packages of hazardous materials or for packing hazardous materials that have spilled or leaked for repackaging or disposal. (modes 1, 2).
9748-N	DOT-E 9748	Greif Bros. Corp., Springfield, NJ	49 CFR 178.224, Part 173	To authorize manufacture, marking and sale of non-DOT fibre drums of not over 75-gallon capacity, similar to DOT-21C except that the top head is of molded polyethylene or polypropylene and secured to the side wall by a level locking ring, for transportation of various hazardous materials (solids). (modes 1, 2).
9749-N	DOT-E 9749	Union Carbide Corp., Danbury, CT	49 CFR 172.203(c)(1), 172.324(a)	To authorize shipment of a material containing a hazardous substance without listing the name of the hazardous substance on the shipping papers and on the package when transported by private or contract carriers. (mode 1).
9750-N	DOT-E 9750	IRECO, Inc., Salt Lake City, UT	49 CFR 173.154(a)(18)	To authorize transport of ammonium nitrate solution containing not less than 13% water in DOT specification MC-307 insulated cargo tank or a DOT Specification MC-311 insulated cargo tank. (mode 1).
9770-N	DOT-E 9770	AMSPEC Chemical Corp., Gloucester City, NJ	49 CFR 173.154(a)(2), 173.28(m)	To authorize reuse of DOT Specification 17H drums of 55-gallon capacity for multiple shipments of sodium methylate, classed as a flammable solid, without subjecting drums to reconditioning requirements. (mode 1).

NEW EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9792-N	DOT-E 9792	Foam Fabricators, Bloomsburg, PA	49 CFR Part 173, Subpart F, §§ 177.839(a), (b), 178.150.	To authorize manufacture, marking and sale of a non-reusable expanded polystyrene case similar to DOT-33A, except it will have six cavities to contain not more than six five-pint or six 20 ounce bottles, for shipment of those commodities authorized by in a DOT-33A packaging. (modes 1, 2, 3).
9800-N	DOT-E 9800	Space Ordnance Systems, Canyon Country, CA	49 CFR 173.65	To authorize a one time shipment of a limited quantity of Class A, Type 4 explosive, to be placed in special packaging not prescribed in 49 CFR. (mode 1).

EMERGENCY EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 9801-N	DOT-E 9801	Phelps Dodge Corp., Phoenix, AZ	49 CFR 173.31(c)(2), footnote (d) Table 1.	To authorize retesting of DOT Specification 111A100W2 tank car tanks, over ten years of age, with sulfuric acid in lieu of water. (mode 2.)

WITHDRAWAL EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7991-X	Union Pacific Railroad Co., Salt Lake City, UT	49 CFR Parts 100-177	To authorize transport of railway track torpedoes and fuses in flagging kits of specified construction. (mode 1.)
8426-P	Southwest Pumping Services, Whittier, CA	49 CFR 173.119(a), (m), 173.245(a), 178.342-5, 178.343-5, 178.340-7, 173.346(a).	To authorize manufacture, marking and sale of non-DOT specification cargo tanks complying with DOT Specification MC-307/312 with certain exceptions, for transportation of liquid and semi-solid waste materials. (mode 1.)
8723-X	Atlas Powder Co., Dallas, TX	49 CFR 173.114a(h)(3), 172.101, 176.83, 176.415.	To authorize use of non-DOT specification motor vehicles and portable tanks, for bulk shipment of certain blasting agents. (modes 1, 3.)

Denials

7872-X—Request by Baker Performance Chemicals, Inc. Houston, TX to authorize a portable tank capacity in excess of that set forth in the regulations for a tank transporting a certain flammable liquid denied 07/27/1987.

9293-N—Request by Air Products and Chemicals, Inc. Allentown, PA to request authorization to substitute acoustic emission testing for the periodic retesting prescribed in 49 CFR 173.34 for 3AX, 3AAX and 3T cylinders denied 07/30/1987.

9681-X—Request by Space Ordnance Systems Canyon Country, CA to authorize limited quantities of Class A, Type 4 explosives, to be placed in special packaging not prescribed in 49 CFR denied 07/30/1987.

Issued in Washington, DC, on September 17, 1987.

J. Suzanne Hedgepeth,
Chief, Exemptions Branch, Office of
Hazardous Materials Transportation.

[FR Doc. 87-23245 Filed 10-7-87; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Delegation Order No. 226]

Delegation of Authority; Director,
National Computer Center

AGENCY: Internal Revenue Service,
Treasury.

ACTION: Delegation of authority.

SUMMARY: This new delegation order authorizes the Director, National Computer Center, to grant an extension of time to file Form 1042, Annual Withholding Tax Return for U.S. Source Income of Foreign Persons, when an extension to file the associated Forms 1042S on magnetic tape is necessary.

The text of the delegation order appears below.

EFFECTIVE DATE: September 10, 1987.

FOR FURTHER INFORMATION CONTACT: Phyllis K. Andrews, D:R:R, Rm. 7041, 1111 Constitution Ave. NW., Washington, DC 20224, (Telephone 202 566-4089). This is not a toll-free telephone number).

Martha M. Seeman,
Chief, Information and Productivity
Improvement Branch.

Authority To Extend the Time To File
Form 1042

1. Pursuant to the authority vested in the Commissioner of the Internal Revenue by 26 CFR 1.6081-1, 301.7701-9 and 301.6011-2, there is hereby delegated to the Director, National Computer Center, the authority to grant extensions of time to file Form 1042, Annual Withholding Tax Return for U.S. Source Income of Foreign Persons, only when also approving extensions to file associated Forms 1042S on magnetic tape.

2. This authority may be redelegated no lower than Magnetic Media Specialists.

Dated: August 13, 1987.

James I. Owens.

[FR Doc. 87-23343 Filed 10-7-87; 8:45 am]

BILLING CODE 4830-01-M

UNITED STATES INFORMATION
AGENCYCulturally Significant Objects Imported
for Exhibition; Determination;
Amendment

On April 22, 1987, notice was published at page 13373 of the Federal

Register (52 FR 13373) by the United States Information Agency pursuant to Pub. L. 89-259 relating to the exhibit "Passport to the World." Display of the Greek marble stele in the exhibit at The University Museum of the University of Pennsylvania continues to be in the national interest. The stele will remain in the United States until on or about January 31, 1988.

Dated: September 29, 1987.

John A. Lindburg,

Acting General Counsel.

[FR Doc. 87-23266 Filed 10-7-87; 8:45 am]

BILLING CODE 8230-01-M

United States Advisory Commission on Public Diplomacy; Meeting

A meeting of the U.S. Advisory Commission on Public Diplomacy will be held October 14, 1987, in Room 600, 301 4th Street, SW., Washington, DC from 11:00 a.m. to 12:00 noon.

The Commission will meet with members of the Senate Foreign Relations staff to discuss programs of the U.S. Information Agency.

Please call Gloria Kalamets, (202) 485-2468, if you are interested in attending the meeting since space is limited and entrance to the building is controlled.

Dated: October 2, 1987.

Charles N. Canestro,

*Management Analyst, Federal Register
Liaison.*

[FR Doc. 87-23386 Filed 10-7-87; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register

Vol. 52, No. 195

Thursday, October 8, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

"FEDERAL REGISTER" CITATION OF

PREVIOUS ANNOUNCEMENT: 52 FR 36493, September 29, 1987.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11:00 a.m., Monday, October 5, 1987.

CHANGES IN THE MEETING: Addition of the following closed item(s) to the meeting:

Proposed Federal Reserve Bank salary structure adjustments.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Date: October 5, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-23389 Filed 10-6-87; 10:11 am]

BILLING CODE 6210-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 11:00 a.m., Tuesday, October 13, 1987.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed response to a request by the General Accounting Office for Board comment on a draft report regarding supervision of county risk and international lending.

2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Date: October 5, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-23390 Filed 10-6-87; 10:11 am]

BILLING CODE 6210-01-M

Corrections

Federal Register

Vol. 52, No. 195

Thursday, October 8, 1987

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 413

[BERC-428-F]

Medicare Program; Payment for Facility Services Related to Ambulatory Surgical Procedures Performed in Hospitals on an Outpatient Basis

Correction

In rule document 87-22783 beginning on page 36765 in the issue of Thursday, October 1, 1987, make the following corrections:

1. On page 36772, in the first column, in the first line, "ban" should read "bad".

§ 413.118 [Corrected]

2. On page 36773, in the first column, in § 413.118(a), in the second line, "1833(a)(3)" should read "1833(i)(3)".

3. On the same page, in the second column, in § 413.118(c)(2), in the first line, "date" should read "data".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 102

[Docket No. 80N-0140]

Diluted Fruit or Vegetable Juice Beverages Other Than Diluted Orange Juice Beverages; Extension of Comment Period

Correction

In proposed rule document 87-22120 appearing on page 36046 in the issue of

Friday, September 25, 1987, make the following correction:

In the second column, under **FOR FURTHER INFORMATION CONTACT**, in the second line, "HFF-313" should read "HFF-312."

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 133

[Docket No. 85P-0584]

Cheeses; Proposal to Permit Expanded Use of Antimicrobials on the Exterior of Bulk Cheeses During Curing and Aging and to Update Formats of Several Standards

Correction

In proposed rule document 87-21708 beginning on page 35426 in the issue of Monday, September 21, 1987, make the following corrections:

§ 133.127 [Corrected]

1. On page 35428, in the third column, in § 133.127(a)(1), in the ninth line, "prescribed" should read "described".
2. On page 35429, in the first column, in § 133.127(d), in the sixth line, insert "or" after "plant".

§ 133.136 [Corrected]

3. On page 35429, in the third column, in § 133.136(a)(3), in the seventh line, "clotting" was misspelled.

§ 133.137 [Corrected]

4. On page 35430, in the first column, in the heading for § 133.137, "cured" should read "curd".

§ 133.140 [Corrected]

5. On page 35430, in the second column, in § 133.140(b), in the first line, "Nomenclature" was misspelled.

§ 133.144 [Corrected]

6. On page 35431, in the second column, in § 133.144(b)(3)(iv), in the first line, "Antimicrobial" was misspelled.

7. In the same column, in § 133.144(b)(3)(v), in the fourth line, "to" should read "of".

8. In the same column, in § 133.144(d)(2), in the fourth line, insert "and" after "milkfat".

§ 133.162 [Corrected]

9. On page 35433, in the second column, § 133.162(b)(3)(ii) was incorrectly added to § 133.162(b)(3)(i) and should become a separate paragraph; the next paragraph should be correctly designated "(iii)".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 133

[Docket No. 85P-0584]

Cheeses; Proposal to Remove Standards of Identity for Low Sodium Cheeses and to Amend Standards of Identity for Cheddar Cheese and Colby Cheese

Correction

In proposed rule document 87-21709 beginning on page 35435 in the issue of Monday, September 21, 1987, make the following correction:

§ 133.118 [Corrected]

- On page 35437, in the second column, in § 133.118(a)(1), in the 11th line, "dry" should read "dairy".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6659

[ES-960-07-4220-10; ES-11592]

Withdrawal of Public Land for Buffalo National River; Arkansas

Correction

In rule document 87-22451 appearing on page 36577 in the issue of Wednesday, September 30, 1987, make the following correction:

- In the third column of the page, under T. 17 N., R. 14 W., "Sec. 2, S½SW¼" should read "Sec. 2, S½N½SW¼".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 5

[CGD 85-073]

Coast Guard Auxiliary Ensign and
Auxiliary Patrol Boat Ensign

Correction

In rule document 87-22729 appearing on page 36760 in the issue of Thursday, October 1, 1987, make the following corrections:

§ 5.47 [Corrected]

In the second column, in § 5.47(b), in the third line, "board" should read "broad"; in the fifth line, "while" should read "white".

BILLING CODE 1505-01-D

Federal Register

Thursday
October 8, 1987

Part II

Department of Transportation

Federal Aviation Administration

14 CFR Part 71

Proposed Establishment of Airport Radar
Service Areas; Proposed Rulemaking

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 87-AWA-27]

Proposed Establishment of Airport Radar Service Areas; Cedar Rapids Municipal Airport, IA, et al.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish an Airport Radar Service Area (ARSA) at Cedar Rapids Municipal Airport, IA; Champaign University of Illinois-Willard Airport, IL; Chicago Midway Airport, IL; Columbus Air Force Base (AFB), MS, and Jackson Allen C. Thompson Field, MS. With the exception of Midway Airport, each location is an airport at which a nonregulatory Terminal Radar Service Area (TRSA) is currently in effect. Establishment of each ARSA would require that pilots maintain two-way radio communication with air traffic control (ATC) while in the ARSA. Implementation of ARSA procedures at each of the affected locations would promote the efficient control of air traffic and reduce the risk of midair collision in terminal areas.

DATES: Comments must be received on or before February 1, 1988. Informal airspace meeting dates are as follows: Cedar Rapids Municipal Airport, IA—December 8, 1987; Champaign University of Illinois-Willard Airport, IL—December 9, 1987; Chicago Midway Airport, IL—December 14, 1987; Columbus AFB, MS—December 9, 1987, and Jackson Allen C. Thompson Field, MS—December 8, 1987.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket [AGC-204], Airspace Docket No. 87-AWA-27, 800 Independence Avenue, SW., Washington, DC 20591.

The informal airspace meeting places are as follows:

Cedar Rapids Municipal Airport, IA, ARSA

Time: 7:00 p.m.

Location: Prairie Junior High School, Lecture Hall, 401 76th Avenue, SW., Cedar Rapids, IA

Champaign University of Illinois-Willard Airport, IL, ARSA

Time: 7:00 p.m.

Location: Chancellor Hotel and Convention Center, 1501 South Neil Street, Champaign, IL

Chicago Midway Airport, IL, ARSA
Time: 7:00 p.m.

Location: Midway Motor Inn, 5600 South Cicero Avenue, Chicago, IL

Columbus AFB, MS ARSA

Time: 7:00 p.m.

Location: Officer's Open Mess, Columbus AFB, MS, (Directions at Main Gate)

Jackson Allen C. Thompson Field, MS, ARSA

Time: 7:30 p.m.

Location: Aircrew Briefing Room, Mississippi Air National Guard Base, Thompson Field, Jackson, MS

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC.

The informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Joe Gill, Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9252.

SUPPLEMENTARY INFORMATION:**Comments Invited**

This notice involves five locations. Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 87-AWA-27." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All

comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

Meeting Procedures

In addition to seeking written comments on this proposal, the FAA will hold informal airspace meetings for the proposed ARSA locations in order to receive additional input with respect to the proposal. The dates, times, and places for these meetings are listed above. Persons who plan to attend the meetings should be aware of the following procedures to be followed:

(a) The meetings will be informal in nature and will be conducted by the designated representative of the Administrator. Each participant will be given an opportunity to make a presentation.

(b) There will be no admission fee or other charge to attend and participate. The meetings will be open to all persons on a space-available basis. The FAA representative may accelerate the agenda to enable early adjournment if the progress of the meetings is more expeditious than planned.

(c) The meetings will not be recorded. A summary of the comments made at these meetings will be filed in the docket.

(d) Position papers or other handout material relating to the substance of the meetings may be accepted. Participants submitting handout materials should present an original and two copies to the presiding officer. There should be an adequate number of copies provided for further distribution to all participants.

(e) Statements made by FAA participants at the meetings should not be taken as expressing a final FAA position.

Agenda

Presentation of Meeting Procedures
FAA Presentation of Proposal
Public Presentations and Discussion

Background

On April 22, 1982, the National Airspace Review (NAR) plan was published in the *Federal Register* (47 FR 17448). The plan encompassed a review of airspace use and procedural aspects of the ATC system. Among the main objectives of the NAR was the improvement of the ATC system by increasing efficiency and reducing complexity. In its review of terminal airspace, NAR Task Group 1-2 concluded that TRSA's should be replaced. Four types of airspace configurations were considered as replacement candidates, of which Model B, since redesignated ARSA, was the consensus recommendation.

In response, the FAA published NAR Recommendation 1-2.2.1, "Replace Terminal Radar Service Areas with Model B Airspace and Service" in Notice 83-9 (July 28, 1983; 48 FR 34286) proposing the establishment of ARSA's at the Robert Mueller Municipal Airport, Austin, TX, and the Port of Columbus International Airport, Columbus, OH. ARSA's were designated at these airports on a temporary basis by SFAR No. 45 (October 28, 1983; 48 FR 50038) in order to provide an operational confirmation of the ARSA concept for potential application on a national basis.

Following a confirmation period of more than a year, the FAA adopted the NAR recommendation and, on February 27, 1985, issued a final rule (50 FR 9252; March 6, 1985) defining an ARSA and establishing air traffic rules for operation within such an area. Concurrently, by separate rulemaking action, ARSA's were permanently established at the Austin, TX, and Columbus, OH, airports and also at the Baltimore/Washington International Airport, Baltimore, MD (50 FR 9250; March 6, 1985). The FAA has stated that future notices would propose ARSA's for other airports at which TRSA procedures were in effect.

Additionally, the NAR Task Group recommended that the FAA develop quantitative criteria for proposing to establish ARSA's at locations other than those which are included in the TRSA replacement program. The task group recommended that these criteria take into account, among other things, traffic mix, flow and density, airport configuration, geographical features, collision risk assessment, and ATC capabilities to provide service to users.

This criteria has been developed and is being published via the FAA directives system.

The FAA has established ARSA's at 89 locations under a paced implementation plan to replace TRSA's with ARSA's. This is one of a series of notices to implement ARSA's at locations with TRSA's or locations without TRSA's which warrant implementation of an ARSA.

Related Rulemaking

This notice proposes ARSA designation at five locations identified as candidates for an ARSA in the preamble to Amendment No. 71-10 (50 FR 9252). Other candidate locations will be proposed in future notices published in the *Federal Register*.

The Current Situation at the Proposed ARSA Locations

A TRSA is currently in effect at four of the locations at which ARSA's are proposed in this notice. Midway Airport is a radar facility currently providing Stage II service. A TRSA consists of the airspace surrounding a designated airport where ATC provides radar vectoring, sequencing, and separation for all aircraft operating under instrument flight rules (IFR) and for participating aircraft operating under visual flight rules (VFR). Stage II service, with the exception of separation, provides the same. TRSA airspace and operating rules are not established by regulation, and participation by pilots operating under VFR is voluntary, although pilots are urged to participate. This level of service is known as Stage III and is provided at all locations identified as TRSA's. The NAR task group recommended the replacement of most TRSA's with ARSA's.

A number of problems with the TRSA program were identified by the task group. The task group stated that because there are different levels of service offered within the TRSA, users are not always sure of what restrictions or privileges exist, or how to cope with them. According to the task group, there is a shared feeling among users that TRSA's are often poorly defined, are generally dissimilar in dimensions, and encompass more area than is necessary or desirable. There are other users who believe that the voluntary nature of the TRSA does not adequately address the problems associated with nonparticipating aircraft operating in relative proximity to the airport and associated approach and departure courses. There is strong advocacy among user organizations that terminal radar facilities should provide all pilots the same service, in the same way, and

to the extent feasible, within standard size airspace designations.

The provisions of FAR § 91.87 relating to an airport traffic area (ATA), while necessary, do not eliminate the problem identified by the task group. For example, aircraft operating under VFR to or from a satellite airport and within the ATA of the primary airport are excluded from the two-way radio communications requirement of § 91.87. This condition is acceptable until the volume and density of traffic at the primary airport requires more complete ATC awareness and/or control of traffic in the area.

The Proposal

The FAA is considering an amendment to § 71.501 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish ARSA's at Cedar Rapids Municipal Airport, IA; Champaign University of Illinois-Willard Airport, IL; Chicago Midway Airport, IL, and Jackson Allen C. Thompson Field, MS, which are public airports, and Columbus AFB, MS, a military airport. Four of these currently have nonregulatory TRSA's in effect. The proposed locations are depicted on charts in Appendix 1 to this notice.

FAA regulations, 14 CFR 91.88, define ARSA and prescribe operating rules for aircraft, ultralight vehicles, and parachute jump operations in airspace designated as an ARSA.

The ARSA rule provides in part that, prior to entering the ARSA, any aircraft arriving at any airport in an ARSA or flying through an ARSA must: (1) Establish two-way radio communications with the ATC facility having jurisdiction over the area, and (2) while in the ARSA, maintain two-way radio communications with that ATC facility. For aircraft departing from the primary airport within the ARSA, two-way radio communications must be maintained with the ATC facility having jurisdiction over the area. For aircraft departing a satellite airport within the ARSA, two-way radio communications must be established as soon as practicable after takeoff with the ATC facility having jurisdiction over the area, and thereafter maintained while operating within the ARSA.

All aircraft operating within an ARSA are required to comply with all ATC clearances and instructions and any FAA arrival or departure traffic pattern for the airport of intended operation. However, the rule permits ATC to authorize appropriate deviations to any of the operating requirements of the rule when safety considerations justify the deviation or more efficient utilization of

the airspace can be attained. Ultralight vehicle operations and parachute jumps in an ARSA may only be conducted under the terms of an ATC authorization.

The FAA adopted the NAR task group recommendation that each ARSA be of the same airspace configuration insofar as practicable. The standard ARSA consists of airspace within 5 nautical miles of the primary airport extending from the surface to an altitude of 4,000 feet above that airport's elevation, and that airspace between 5 and 10 nautical miles from the primary airport from 1,200 feet above the surface to an altitude of 4,000 feet above that airport's elevation. Proposed deviation from the standard has been necessary at some airports due to adjacent regulatory airspace, international boundaries, topography, or unusual operational requirements.

Definitions, operating requirements, and specific airspace designations applicable to ARSA may be found in 14 CFR Part 71, § 71.14 and § 71.501, and Part 91, § 91.1 and § 91.88.

For the reasons discussed under "Regulatory Evaluation," the FAA has determined that this proposed regulation is not a "major rule" under Executive Order 12291 and is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Regulatory Evaluation

The FAA has conducted a Regulatory Evaluation of the proposed establishment of these additional ARSA sites. The major findings of that evaluation are summarized below, and the evaluation is available in the regulatory docket.

a. Costs

Costs which potentially could result from the establishment of additional ARSA sites fall into the following categories:

- (1) Air traffic controller staffing, controller training, and facility equipment costs incurred by the FAA.
- (2) Costs associated with the revision of charts, notification of the public, and pilot education.
- (3) Additional operating costs for circumnavigating or flying over the ARSA.
- (4) Potential delay costs resulting from operations within an ARSA.
- (5) The need for some operators to purchase radio transceivers.
- (6) Miscellaneous costs.

It has been the FAA's experience, however, that these potential costs do not materialize to any appreciable degree, and when they do occur, they

are transitional, relatively low in magnitude, or attributable to specific implementation problems that have been experienced at a very small minority of ARSA sites. The reasons for these conclusions are presented below.

FAA expects that the additional ARSA sites proposed in this notice can be implemented without requiring additional controller personnel above current authorized staffing levels, because participation in radar services at these locations is already quite high, and the separation standards permitted in ARSA's will allow controllers to absorb the slight increase in participating traffic by handling all traffic much more efficiently. Further, because controller training will be conducted during normal working hours, and these facilities already operate the necessary radar equipment, FAA does not expect to incur any appreciable implementation costs. Essentially, the FAA will modify its terminal radar procedures at the proposed ARSA sites in a manner that will make more efficient use of existing resources.

No additional costs are expected to be incurred because of the need to revise sectional charts to incorporate the new ARSA airspace boundaries. Changes of this nature are routinely made during charting cycles, and the planned effective dates for newly established ARSA's are scheduled to coincide with the regular 6-month chart publication intervals.

This rulemaking proceeding and process will satisfy much of the need to notify the public and educate pilots about ARSA operations. The informal public meeting being held at each location where an ARSA is being proposed provides pilots with the best opportunity to learn both how an ARSA works and how it will affect their local operations. The expenses associated with these public meetings are considered costs attributable to the rulemaking process; however, any public information costs following establishment of a new ARSA are strictly attributable to the ARSA. The FAA expects to distribute a Letter to Airmen to all pilots residing within 50 miles of ARSA sites explaining the operation and configuration of the ARSA finally adopted. The FAA also has issued an Advisory Circular on ARSA's. The combined Letter to Airmen and prorated Advisory Circular costs have been estimated to be approximately \$500 for each ARSA site. This cost is incurred only once upon the initial establishment of an ARSA.

Information on ARSA's following the establishment of additional sites will also be disseminated at aviation safety

seminars conducted throughout the country by various district offices. These seminars are regularly provided by the FAA to discuss a variety of aviation safety issues and, therefore, will not involve additional costs strictly as a result of the ARSA program.

Additionally, no significant costs are expected to be incurred as a result of the follow-on user meetings that will be held at each site following implementation of the ARSA which will allow users to provide feedback to the FAA on local ARSA operations. These meetings are being held at public or other facilities which are being provided free of charge or at nominal cost. Further, because these meetings are being conducted by local FAA facility personnel, no travel, per diem, or overtime costs will be incurred by regional or headquarters personnel.

FAA anticipates that some pilots who currently transit the terminal area without establishing radio communications or participating in radar services may choose to circumnavigate the mandatory participation airspace of an ARSA rather than participate. Some minor delay costs will be incurred by these pilots because of the additional aircraft variable operating cost and lost crew and passenger time resulting from the deviation. Other pilots may elect to overfly the ARSA, or transit below the 1,200 feet above ground level (AGL) floor between the 5- and 10-nautical-mile rings. Although this will not result in any appreciable delay, a small additional fuel burn will result from the climb portion of the altitude adjustment (which will be offset somewhat by the descent).

FAA recognizes that the potential exists for delay to develop at some locations following establishment of an ARSA. The additional traffic that the radar facilities will be handling as a result of the mandatory participation requirement may, in some instances, result in minor delays to aircraft operations. FAA does not expect such delay to be appreciable. FAA expects that the greater flexibility afforded controllers in handling traffic as a result of the separation standards allowed in an ARSA will keep delay problems to a minimum. Those that do occur will be transitional in nature, diminishing as facilities gain operating experience with ARSA's and learn how to tailor procedures and allocate resources to take fullest advantage of the efficiencies that an ARSA will permit. This has been the experience at most of the locations where ARSA's have been in effect for the longest period of time and is the

recurring trend at the locations that have been more recently designated.

The FAA does not expect that any operator will find it necessary to install radio transceivers as a result of establishing the ARSA's proposed in this notice. Aircraft operating to and from primary airports already are required to have two-way radio communications capability because of existing airport traffic areas and, therefore, will not incur any additional costs as a result of the proposed ARSA's. Further, the FAA has made an effort to minimize these potential costs throughout the ARSA program by providing airspace exclusions, or cutouts, for satellite airports located within 5 nautical miles of the ARSA center where the ARSA would otherwise have extended down to the surface. Procedural agreements between the local ATC facility and the affected airports have also been used to avoid radio installation costs.

At some proposed ARSA locations, special situations might exist where establishment of an ARSA could impose certain costs on users of that airspace. However, exclusions, cutouts, and special procedures have been used extensively throughout the ARSA program to alleviate adverse impacts on local fixed base and airport operators. Similarly, the FAA has eliminated potential adverse impacts on existing flight training practice areas, as well as soaring, ballooning, parachuting, ultralight and banner towing activities, by developing special procedures to accommodate these activities through local agreements between ATC facilities and the affected organizations. For these reasons, the FAA does not expect that any such adverse impact will occur at the candidate ARSA sites proposed in this notice.

b. Benefits

Much of the benefit that will result from ARSA's is nonquantifiable and is attributable to simplification and standardization of ARSA configurations and procedures. Further, once experience is gained in ARSA operations, the flexibility allowed air traffic controllers in handling traffic within an ARSA will enable them to move traffic with both efficiency and increased safety.

Some of the benefits of the ARSA cannot be specifically attributed to individual candidate airports, but rather will result from the overall improvements in terminal area ATC procedures realized as ARSA's are implemented throughout the country. ARSA's have the potential of reducing both near and actual midair collisions at

the airports where they are established. Based upon the experience at the Austin and Columbus ARSA confirmation sites, FAA estimates that near midair collisions may be reduced by approximately 35 to 40 percent. Further, FAA estimates that implementation of the ARSA program nationally may prevent approximately one midair collision every 1 to 2 years throughout the United States. The quantifiable benefits of preventing a midair collision can range from less than \$100,000, resulting from the prevention of a minor nonfatal accident between general aviation aircraft, to \$300 million or more, resulting from the prevention of a midair collision involving a large air carrier aircraft and numerous fatalities. Establishment of ARSA's at the sites proposed in this notice will contribute to these improvements in safety.

c. Comparison of Costs and Benefits

A direct comparison of the costs and benefits of this proposal is difficult for a number of reasons. Many of the benefits of the rule are nonquantifiable, and it is difficult to specifically attribute the standardization benefits, as well as the safety benefits, to individual candidate ARSA sites.

FAA expects that any adjustment problems that may be experienced at the ARSA locations proposed in this notice will only be temporary, and that once established, the ARSA's will result in efficient terminal area operations. This has been the experience at the vast majority of ARSA sites that have already been implemented. In addition, establishment of the proposed ARSA sites will contribute to a reduction in near and actual midair collisions. For these reasons, FAA expects that establishment of the ARSA sites proposed in this notice will produce long term, ongoing benefits that will far exceed their costs, which are essentially transitional in nature.

International Trade Impact Analysis

This proposed regulation will only affect terminal airspace operating procedures at selected airports within the United States. As such, it will have no effect on the sale of foreign aviation products or services in the United States, nor will it affect the sale of United States aviation products or services in foreign countries.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily and disproportionately burdened by government regulations. Small entities are independently owned

and operated small businesses and small not-for-profit organizations. The RFA requires agencies to review rules that may have a significant economic impact on a substantial number of small entities.

The small entities that potentially could be affected by implementation of the ARSA program include the fixed-base operators, flight schools, agricultural operators and other small aviation businesses located at satellite airports within 5 nautical miles of the ARSA center. If the mandatory participation requirement were to extend down to the surface at these airports, where under current regulations participation in radar services and radio communication with ATC is voluntary, operations at these airports might be altered, and some business could be lost to airports outside of the ARSA core. FAA has proposed to exclude many satellite airports located within 5 nautical miles of the primary airport at candidate ARSA sites to avoid adversely impacting their operations and to simplify coordinating ATC responsibilities between the primary and satellite airports. In some cases, the same purposes will be achieved through Letters of Agreement between ATC and the affected airports that establish special procedures for operating to and from these airports. In this manner, FAA expects to eliminate any adverse impact on the operations of small satellite airports that potentially could result from the ARSA program. Similarly, FAA expects to eliminate potentially adverse impacts on existing flight training practice areas, as well as soaring, ballooning, parachuting, ultralight, and banner towing activities, by developing special procedures that will accommodate these activities through local agreements between ATC facilities and the affected organizations. FAA has utilized such arrangements extensively in implementing the ARSA's that have been established to date.

Further, because the FAA expects that any delay problems that may initially develop following implementation of an ARSA will be transitory, and because the airports that will be affected by the ARSA program represent only a small proportion of all the public use airports in operation within the United States, small entities of any type that use aircraft in the course of their business will not be adversely impacted.

For these reasons, the FAA certifies that the proposed regulation, if adopted, will not result in a significant economic impact on a substantial number of small entities, and a regulatory flexibility

analysis is not required under the terms of the RFA.

List of Subjects in 14 CFR Part 71

Aviation safety, Airport radar service areas.

The Proposed Amendment

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

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

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

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

§ 71.501 [Amended]

2. Section 71.501 is amended as follows:

Cedar Rapids Municipal Airport, IA [New]

That airspace within a 5-mile radius of the Cedar Rapids Municipal Airport (lat. 41°53'04" N., long. 91°42'31" W.) extending upward from the surface to and including 4,900 feet MSL; and that airspace within a 10-mile radius of the airport extending upward from 2,100 feet MSL to and including 4,900 feet MSL.

Champaign University of Illinois-Willard Airport, IL [New]

That airspace within a 5-mile radius of the University of Illinois-Willard Airport (lat. 40°02'23" N., long. 88°16'40" W.) extending upward from the surface to and including 4,800 feet MSL; and that airspace within a 10-mile radius of the airport extending upward from 2,000 feet MSL to and including 4,800 feet MSL.

Chicago Midway Airport, IL [New]

That airspace within a 5-mile radius of the Midway Airport (lat. 41°47'10" N., long. 87°45'08" W.) extending upward from the surface to 3,000 feet MSL, excluding that airspace from 1,900 feet MSL to 3,000 feet MSL within the 10-mile arc of the O'Hare VOR; and that airspace within a 10-mile radius of the airport beginning at a line 2 miles northeast of and parallel to the Chicago Midway localizer course to Runway 31L

clockwise to where the 10-mile arc of the O'Hare VOR intersects the 10-mile radius of the airport, thence via the O'Hare 10-mile arc, extending upward from 1,900 feet MSL to 3,000 feet MSL; excluding all airspace contained within the Chicago, IL, Terminal Control Area.

Columbus AFB, MS [New]

That airspace within a 5-mile radius of Columbus AFB (lat. 33°38'36" N., long. 88°26'36" W.) extending upward from the surface to and including 4,200 feet MSL; and that airspace within a 10-mile radius of Columbus AFB extending upward from 1,500 feet MSL to and including 4,200 feet MSL.

Jackson Allen C. Thompson Field, MS [New]

That airspace within a 5-mile radius of the Allen C. Thompson Field (lat. 32°18'36" N., long. 90°04'28" W.) extending upward from the surface to and including 4,400 feet MSL; and that airspace within a 10-mile radius of the airport extending upward from 1,700 feet MSL to and including 4,400 feet MSL.

Issued in Washington, DC, on October 1, 1987.

Daniel J. Peterson,

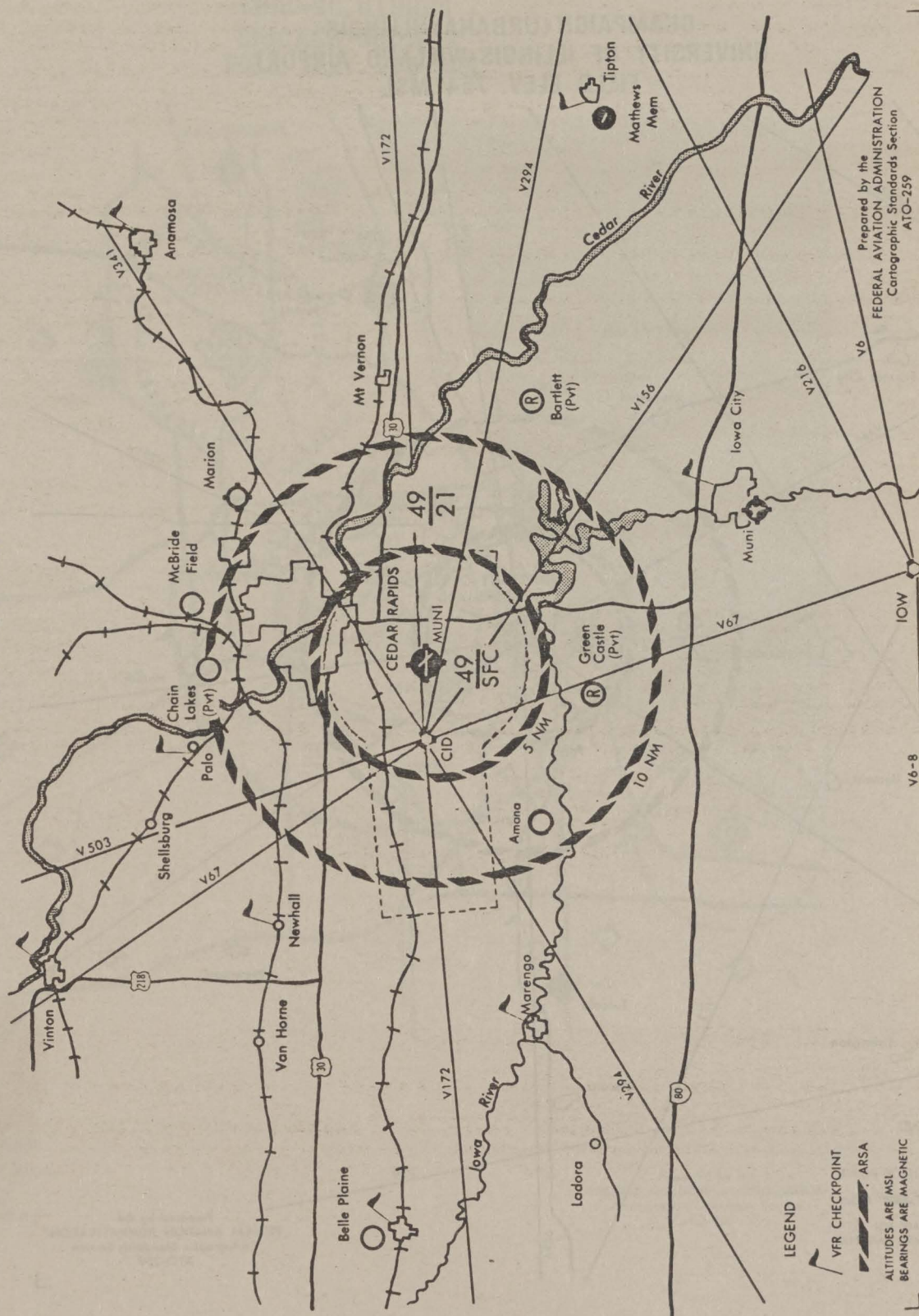
Manager, Airspace-Rules and Aeronautical Information Division.

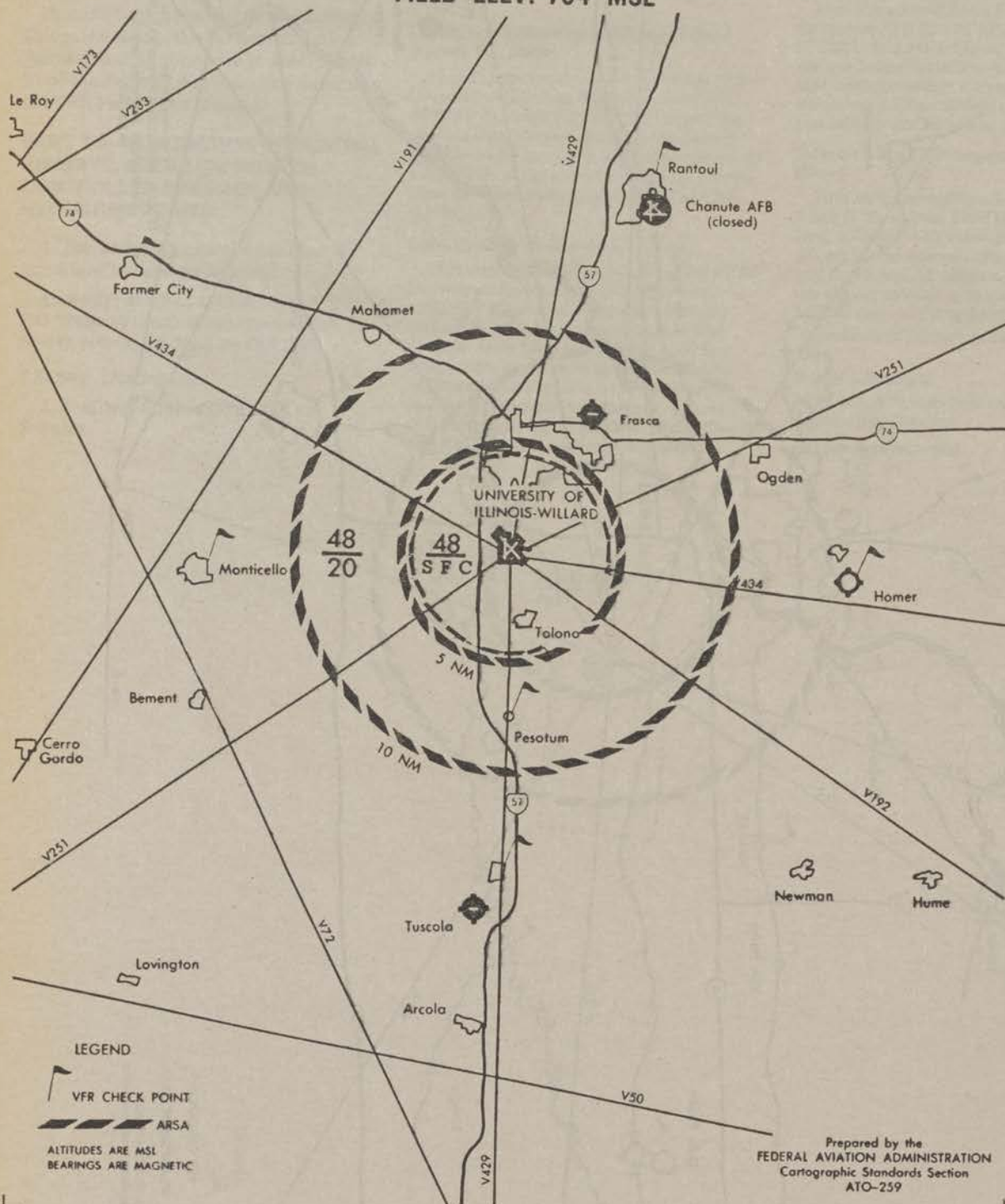
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AIRPORT RADAR SERVICE AREA

(NOT TO BE USED FOR NAVIGATION)

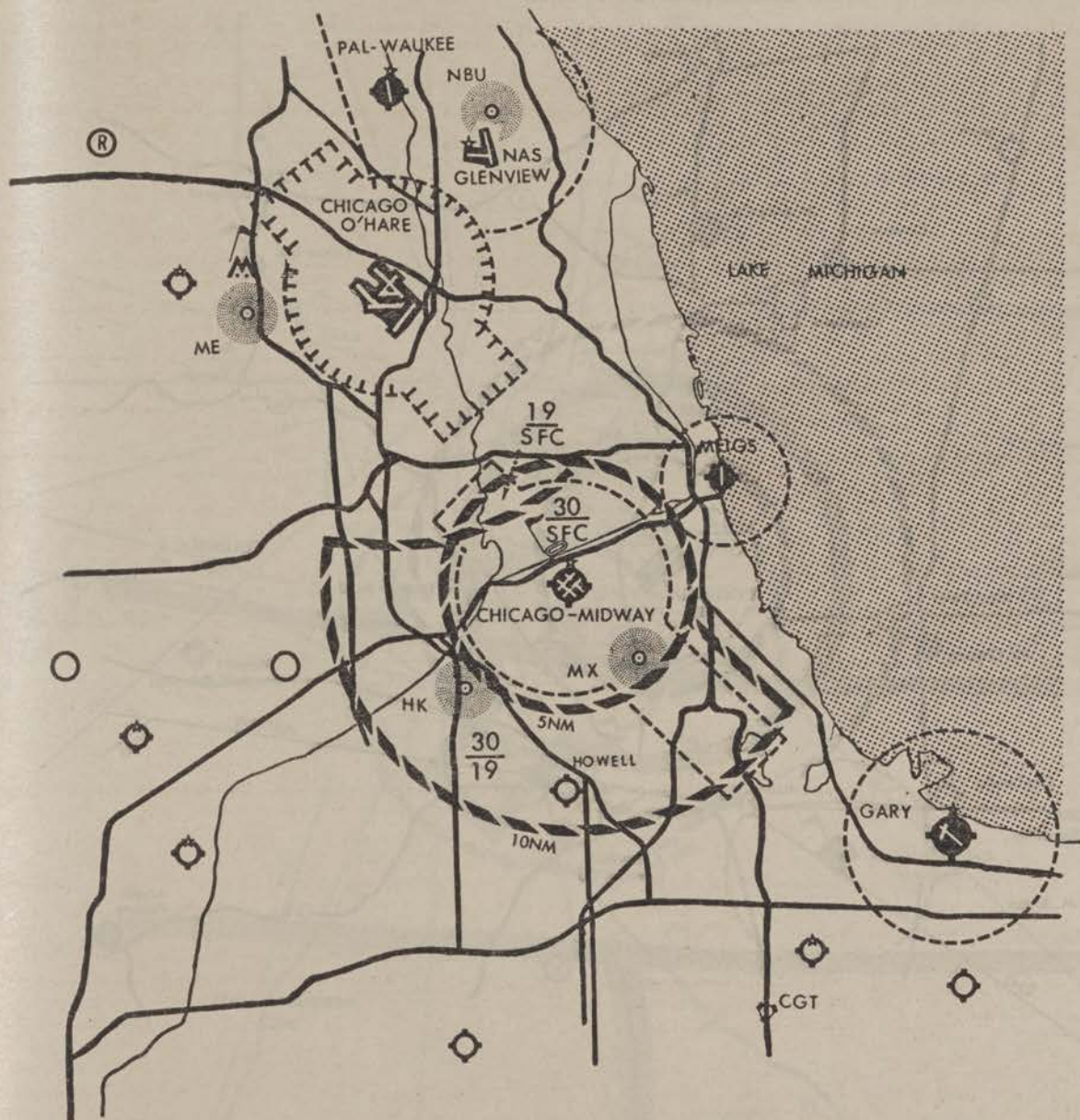
CEDAR RAPIDS, IOWA
CEDAR RAPIDS MUNI AIRPORT
FIELD ELEV. 864' MSL



AIRPORT RADAR SERVICE AREA
(NOT TO BE USED FOR NAVIGATION)**CHAMPAIGN (URBANA), ILLINOIS**
UNIVERSITY OF ILLINOIS-WILLARD AIRPORT
FIELD ELEV. 754' MSL

AIRPORT RADAR SERVICE AREA

(NOT TO BE USED FOR NAVIGATION)

**CHICAGO, ILLINOIS
CHICAGO-MIDWAY
FIELD ELEV. 219' MSL****LEGEND**

VFR CHECK POINT

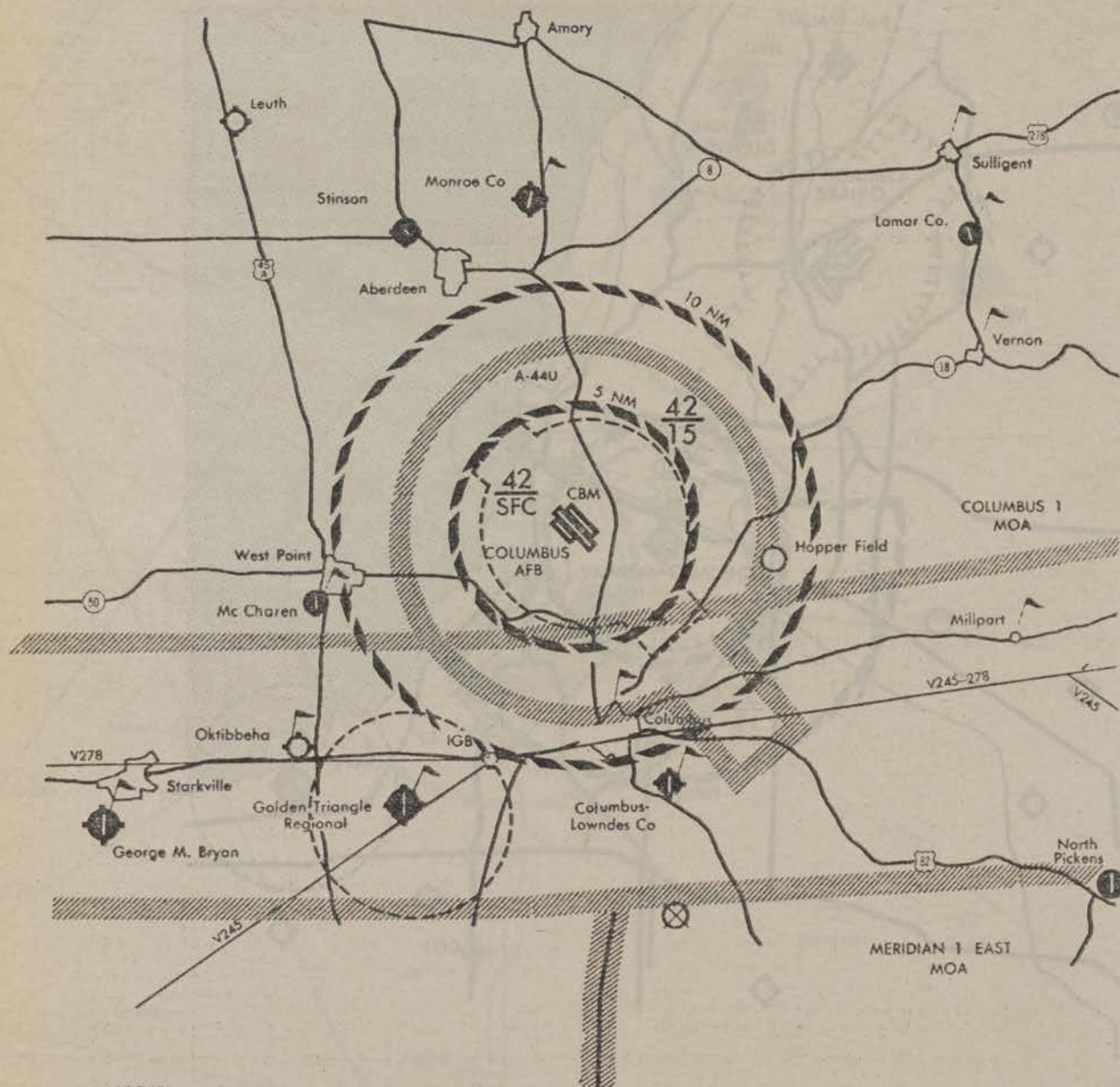
ARSA

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FEDERAL AVIATION ADMINISTRATION
Cartographic Standards Section
ATO-259

AIRPORT RADAR SERVICE AREA

(NOT TO BE USED FOR NAVIGATION)

COLUMBUS, MISSISSIPPI
COLUMBUS AFB
FIELD ELEV. 219' MSL

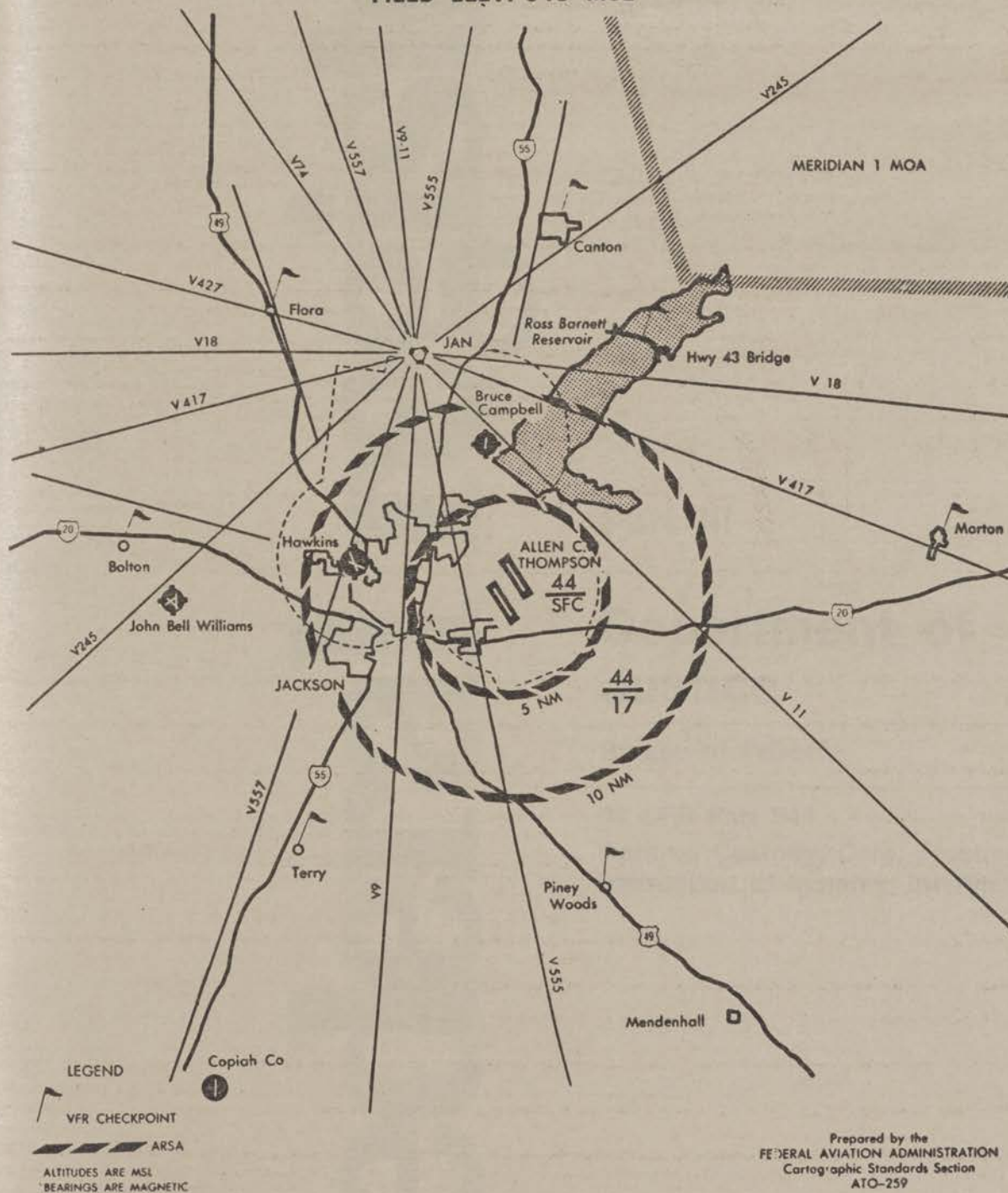
**LEGEND**

- VFR CHECKPOINT
 ARSA
 ALTITUDES ARE MSL
 BEARINGS ARE MAGNETIC

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 FEDERAL AVIATION ADMINISTRATION
 Cartographic Standards Section
 ATO-259

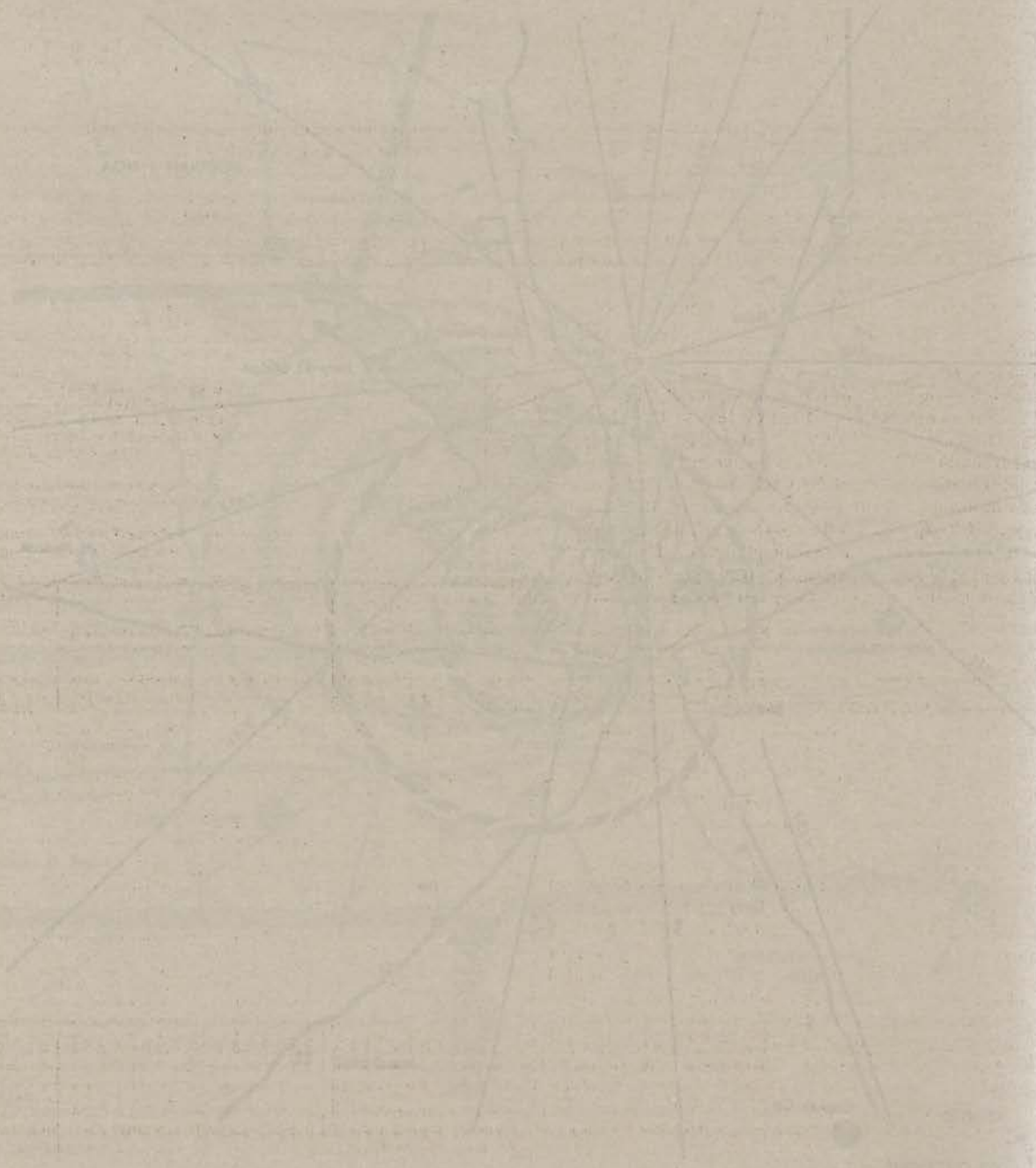
AIRPORT RADAR SERVICE AREA

(NOT TO BE USED FOR NAVIGATION)

**JACKSON, MISSISSIPPI
ALLEN C. THOMPSON FIELD
FIELD ELEV. 346' MSL**

REPORT OF THE AIRPORT RADAR SERVICE AREA

JACKSON, MISSISSIPPI
ALLAN L. THOMPSON, DIRECTOR
FEDERAL BUREAU OF INVESTIGATION



REPORT OF THE AIRPORT RADAR SERVICE AREA
JACKSON, MISSISSIPPI
ALLAN L. THOMPSON, DIRECTOR
FEDERAL BUREAU OF INVESTIGATION

5010-108-01 Federal Register

Thursday
October 8, 1987

Part III

Department of Justice

Bureau of Prisons

28 CFR Part 541

Control, Custody, Care, Treatment, and
Instruction of Inmates; Interim Rule

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 541

Control, Custody, Care, Treatment, and Instruction of Inmates

AGENCY: Bureau of Prisons, Justice.

ACTION: Interim rule.

SUMMARY: In this document, the Bureau of Prisons is publishing an interim rule on Procedures for Handling of HIV Positive Inmates Who Pose Danger to Others. This rule establishes the procedures to follow when an inmate who tests HIV positive indicates by his actions or verbally a disposition to engage in conduct which poses a significant threat to transmit the virus to another person. The rule is intended to remove from the general inmate population an inmate whose conduct poses a substantial health risk to others.

DATES: Effective October 9, 1987. Comments on the interim rule must be received on or before January 29, 1988.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 770, 320 1st Street, NW., Washington, DC 20534. Comments received will be available for examination by interested persons at the above address.

FOR FURTHER INFORMATION CONTACT: Hank Jacob, Office of General Counsel, Bureau of Prisons, phone 202/272-6874.

SUPPLEMENTARY INFORMATION: In this document, the Bureau of Prisons is publishing an interim rule on Procedures for Handling of HIV Positive Inmates Who Pose Danger to Others. The rule authorizes Bureau staff to place an inmate in controlled housing status when there is reliable evidence causing staff to believe that the inmate may engage in conduct posing a health risk to others. This evidence may be the inmate's behavior, or statements of the inmate, or other reliable evidence. The rule establishes procedures for referring an inmate for placement in controlled housing status, requires the inmate be afforded a hearing, and provides for regional review of the Hearing Administrator's recommendation. The rule specifies that the inmate, consistent with available resources and security needs of the institution, is to be considered for activities and privileges afforded the general inmate population. The rule requires the inmate to have his status reviewed regularly, and identifies the factors to be considered in evaluating an inmate's readiness for release from controlled housing status.

The scope of this rule is limited to the inmate who tests HIV positive and for

whom there is reliable evidence that the inmate is engaged in, or may engage in, conduct posing a health risk to others (e.g., sexual predators). To prevent the spreading of the virus to others, the Bureau has engaged in an educational program for all its inmates and staff. A person who tests HIV positive is given counseling about the risks of his behavior. When, despite such education and counseling, a person engages or shows a disposition to engage in high-risk behavior, the Bureau believes it is necessary to immediately implement procedures for removing such inmates from the general inmate population. For this reason, the Bureau finds good cause for exempting the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for advance public comment, and delay in effective date. While the rule will become effective immediately, the Bureau is interested in receiving public comment on this rule and suggestions on how the rule may be further refined/modified. Accordingly, the Bureau has decided to publish its policy as an interim rule with public comment invited. Public comment received on or before January 29, 1988 will be considered before publication of the final rule.

The Bureau of Prisons has determined that this rule is not a major rule for the purpose of EO 12291. The Bureau of Prisons has determined that EO 12291 does not apply to this rule since the rule involves agency management. After review of the law and regulations, the Director, Bureau of Prisons, has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96-354), does not have a significant impact on a substantial number of small entities.

List of Subjects in 28 CFR Part 541

Prisoners.

Conclusion

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(q), 28 CFR, Chapter V is amended by adding a new Subpart E to Part 541.

Dated: October 2, 1987.

J. Michael Quinlan,
Director.

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT

PART 541—INMATE DISCIPLINE AND SPECIAL HOUSING UNITS

I. The authority citation for Part 541 is revised to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4161-4166, 5006-5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95-0.99.

II. Part 541 is amended by adding a new Subpart E to read as follows:

Subpart E—Procedures for Handling of HIV Positive Inmates Who Pose Danger to Others

Sec.

- 541.60 Purpose and scope.
- 541.61 Standard for placement in controlled housing status.
- 541.62 Referral for placement.
- 541.63 Hearing procedure.
- 541.64 Decision of the Hearing Administrator.
- 541.65 Regional Director review and appeal.
- 541.66 Programs and services.
- 541.67 Review of controlled housing status.
- 541.68 Release from controlled housing status.

Subpart E—Procedures for Handling of HIV Positive Inmates Who Pose Danger to Others

§ 541.60 Purpose and scope.

In an effort to maintain a safe and orderly environment within its institutions, the Bureau of Prisons may place in controlled housing status an inmate who tests HIV positive when there is reliable evidence that the inmate may engage in conduct posing a health risk to another person.

§ 541.61 Standard for placement in controlled housing status.

An inmate may be placed in a controlled housing status when there is reliable evidence causing staff to believe that the inmate may engage in conduct posing a health risk to others. This evidence may be the inmate's behavior, or statements of the inmate, or other reliable evidence.

§ 541.62 Referral for placement.

(a) The Warden shall consider an inmate for controlled housing status when the inmate has been confirmed as testing HIV positive and when there is reliable evidence indicating that the inmate may engage in conduct posing a health risk to others. This evidence may come from the statements of the individual, repeated misconduct (including disciplinary actions), or other behavior suggesting that the inmate may engage in predatory or promiscuous sexual behavior, assaultive behavior where body fluids may be transmitted to another, or the sharing of needles.

(b) The Warden shall submit a recommendation for referral of an inmate for placement in a controlled housing status to the Regional Director in the region where the inmate is located.

(c) Based on the perceived health risk to others posed by the inmate's threatened or actual actions, the Warden may, with the telephonic approval of the Regional Director, temporarily (not to exceed 20 work days) place an inmate in a special housing status (e.g., administrative detention, or a secure hospital room), pending the inmate's appearance before the Hearing Administrator. Reasons for this placement, and the approval of the Regional Director, shall be documented in the inmate central file. The inmate should be seen daily by case management and medical staff while in this temporary status, and a psychological or psychiatric assessment report should be prepared during this temporary placement period.

§ 541.63 Hearing procedure.

(a) The Regional Director in the region where the inmate is located shall review the institution's recommendation for referral of an inmate for controlled housing status. If the Regional Director concurs with the recommendation, the Regional Director shall designate a person in the Regional Office or a person at department head level or above in the institution to conduct a hearing on the appropriateness of an inmate's placement in controlled housing status. This Hearing Administrator shall have correctional experience, no former personal involvement in the instant situation, and a knowledge of the type of behavior that poses a health risk to others, and of the options available for dealing with an inmate who poses such a health risk to others.

(b) The Hearing Administrator shall provide a hearing to an inmate recommended for controlled housing status. The hearing ordinarily shall take place at the institution housing the inmate.

(c) The hearing shall proceed as follows:

(1) Staff shall provide an inmate with an advance written notice of the hearing and a copy of this rule at least 24 hours prior to the hearing. The notice will advise the inmate of the specific act(s) or other evidence which forms the basis for a recommendation that the inmate be placed in a controlled housing status, unless such evidence would likely endanger staff or others. If an inmate is illiterate, staff shall explain the notice and this rule to the inmate and document that this explanation has occurred.

(2) The Hearing Administrator shall upon request of the inmate provide an inmate the service of a full-time staff member to represent the inmate. The

Hearing Administrator shall document in the record of the hearing an inmate's request for, or refusal of staff representation. The inmate may select a staff representative from the local institution. If the selected staff member declines for good reason or is unavailable, the inmate has the option of selecting another representative or, in the case of an absent staff member, of waiting a reasonable period (determined by the Hearing Administrator) for the staff member's return, or of proceeding without a staff representative. When an inmate is illiterate, the Warden shall provide a staff representative. The staff representative shall be available to assist the inmate and, if the inmate desires, shall contact witnesses and present favorable evidence at the hearing. The Hearing Administrator shall afford the staff representative adequate time to speak with the inmate and to interview available witnesses.

(3) The inmate has the right to be present throughout the hearing, except where institutional security or good order is jeopardized. The Hearing Administrator may conduct a hearing in the absence of the inmate when the inmate refuses to appear. The Hearing Administrator shall document an inmate's refusal to appear, or other reason for non-appearance, in the record of the hearing.

(4) The inmate is entitled to present documentary evidence and to have witnesses appear, provided that calling witnesses would not jeopardize or threaten institutional security or individual safety, and further provided that the witnesses are available at the institution where the hearing is being conducted.

(i) The evidence to be presented must be material and relevant to the issue as to whether the inmate can and would pose a health risk to others, if allowed to remain in general prison population. This evidence may come from the statements of the individual, repeated misconduct (including disciplinary actions), or other behavior suggesting that the inmate may engage in predatory or promiscuous sexual behavior, assaultive behavior where body fluids may be transmitted to others, or the sharing of needles.

(ii) Repetitive witnesses need not be called. Staff who recommend placement in a controlled housing status are not required to appear, provided their recommendation is fully explained in the record.

(iii) When a witness is not available within the institution, or not permitted to appear, the inmate may submit a written statement by that witness. The Hearing Administrator shall, upon the inmate's

request, postpone any decision following the hearing for a reasonable time to permit the obtaining and forwarding of written statements.

(iv) The Hearing Administrator shall document in the record of the hearing the reasons for declining to hear a witness or to receive documentary evidence.

§ 541.64 Decision of the Hearing Administrator.

(a) At the conclusion of the hearing and following review of all material related to the recommendation for placement of an inmate in a controlled housing status, the Hearing Administrator shall prepare a written decision as to whether this placement is warranted. The Hearing Administrator shall:

(1) Prepare a summary of the hearing and of all information presented upon which the decision is based; and

(2) Indicate the specific reasons for the decision, to include a description of the act, or series of acts, or other reliable evidence on which the decision is based, along with evidence of the inmate's HIV positive status.

(b) The Hearing Administrator shall advise the inmate in writing of the decision. The inmate shall receive the information described in paragraph (a) of this section unless it is determined that the release of this information could pose a threat to individual safety, or institutional security, in which case that limited information may be withheld. The Hearing Administrator shall advise the inmate that the decision will be submitted for review of the Regional Director in the region where the inmate is located. The Hearing Administrator shall advise the inmate that, if the inmate so desires, the inmate may submit an appeal of the Hearing Administrator's decision to the Regional Director. This appeal, with supporting documentation and reasons, must be filed within five working days of the inmate's receipt of the Hearing Administrator's decision.

(c) The Hearing Administrator may order the continuation of the inmate in special housing pending review by the Regional Director. The Hearing Administrator should state the reasons for this order in the record of the Hearing.

(d) The Hearing Administrator shall send the decision, whether for or against placement in a controlled housing status, and supporting documentation to the Regional Director. Ordinarily, this is done within 20 working days after conclusion of the hearing. Any reason for extension is to be documented.

§ 541.65 Regional Director review and appeal.

(a) The Regional Director shall review the decision and supporting documentation of the Hearing Administrator and, if submitted, the information contained in an inmate's appeal. The Regional Director shall accept or reject the Hearing Administrator's decision within 30 working days of its receipt, unless for good cause there is reason for delay, which shall be documented in the record. The authority of the Regional Director may not be delegated below the level of acting Regional Director.

(b) The Regional Director shall provide a copy of his decision to the Warden at the institution housing the inmate, to the inmate, and to the Hearing Administrator.

(c) An inmate may appeal a decision of the Regional Director, through the Administrative Remedy Procedure, directly to the Office of General Counsel, Bureau of Prisons, within 30 calendar days of the inmate's receipt of the Regional Director's decision.

§ 541.66 Programs and services.

To the extent consistent with available resources and the security needs of the institution, an inmate in controlled housing status is to be considered for activities and privileges afforded to the general population. This includes, but is not limited to, providing an inmate with the opportunity for participation in an education program, library services, counseling, and religious guidance, as well as access to case management, medical and mental health assistance, and legal services, including access to the institution's law libraries. An inmate in controlled

housing status should be afforded at least five hours weekly recreation and exercise out of the cell. The recreation shall be by himself or under close supervision. Unless there are compelling reasons to the contrary, institutions shall provide commissary privileges and reasonable amounts of personal property. The Warden may restrict for reasons of security, fire safety, or housekeeping the amount of personal property that an inmate may retain while in controlled housing status. An inmate shall be permitted to have a radio, provided it is equipped with ear plugs. Visits shall be carefully monitored.

§ 541.67 Review of controlled housing status.

(a) Staff designated by the Warden shall evaluate regularly an inmate's adjustment while in controlled housing status. A medical staff member shall see the inmate daily, and regularly record medical and behavioral impressions. Once every 90 days, staff, comprised of a correctional and case management supervisor, and a member of the medical staff, shall meet with the inmate. The inmate is required to attend this meeting in order to be considered for release to the general population. Any refusal by the inmate to attend this meeting will be documented. Staff, at this meeting, shall make an assessment of the inmate's adjustment while in controlled housing and the likely health threat the inmate poses to others by his actions.

(b) The Warden shall serve as the review authority at the institutional level, and shall make a recommendation to the Regional Director when he believes the inmate should be considered for release from controlled housing.

(c) An inmate may appeal a Warden's decision not to recommend release from controlled housing to the Regional Director within five working days of receipt of that decision.

(d) Upon recommendation of the Warden, or upon appeal from the inmate, the Regional Director may decide whether or not to release the inmate to general population from controlled housing status.

(e) An inmate may appeal a decision of the Regional Director, through the Administrative Remedy Procedure, directly to the Office of General Counsel, Bureau of Prisons within 30 calendar days from the date of the Regional Director's decision.

§ 541.68 Release from controlled housing status.

(a) Only the Regional Director may release an inmate from controlled housing status. The following factors are considered in the evaluation of an inmate's readiness for return to the general population:

(1) Relationships with other inmates and staff members, which demonstrate that the inmate is able to function in a less restrictive environment without posing a health threat to others or to the orderly operation of the institution;

(2) Involvement in work and recreational activities and assignments or other programs; and

(3) Adherence to institution guidelines and Bureau of Prisons rules and policy.

(b) An inmate released from a controlled housing status may be returned to the general population of that institution, or to another federal or non-federal institution.

[FR Doc. 87-23295 Filed 10-7-87; 8:45 am]

BILLING CODE 4410-05-M

Testis Report

Thursday
October 8, 1987

Part IV

Department of Transportation

Federal Aviation Administration

14 CFR Part 71

Establishment of an Airport Radar Service Area; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 86-AWA-43]

Establishment of an Airport Radar Service Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action designates an Airport Radar Service Area (ARSA) at San Juan Luis Munoz Marin International Airport, PR. The location designated is a public airport at which a nonregulatory Terminal Radar Service Area (TRSA) is currently in effect. Establishment of this ARSA will require that pilots maintain two-way radio communication with air traffic control (ATC) while in the ARSA. Implementation of ARSA procedures at this location will reduce the risk of midair collision in the terminal area and promote the efficient control of air traffic.

EFFECTIVE DATE: 0901 UTC, November 19, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. Joe Gill, Airspace Branch (ATO-240), Airspace—Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9252.

SUPPLEMENTARY INFORMATION:**History**

On April 22, 1982, the National Airspace Review (NAR) plan was published in the *Federal Register* (47 FR 17448). The plan encompassed a review of airspace use and the procedural aspects of the air traffic control (ATC) system. The FAA published NAR Recommendation 1-2.2.1, "Replace Terminal Radar Service Areas (TRSA) with Model B Airspace and Service (Airport Radar Service Areas)," in Notice 83-9 (48 FR 34286, July 28, 1983) proposing the establishment of ARSA's at Columbus, OH, and Austin, TX. Those locations were designated ARSA's by SFAR No. 45 (48 FR 50038, October 28, 1983) in order to provide an operational confirmation of the ARSA concept for potential application on a national basis. The original expiration dates for SFAR 45, December 22, 1984, for Austin and January 19, 1985, for Columbus were extended to June 20, 1985 (49 FR 47176, November 30, 1984).

On March 6, 1985, the FAA adopted the NAR recommendation and amended

Parts 71, 91, 103 and 105 of the Federal Aviation Regulations (14 CFR Parts 71, 91, 103 and 105) to establish the general definition and operating rules for an ARSA (50 FR 9252), and designated Austin and Columbus airports as ARSA's as well as the Baltimore/Washington International Airport, Baltimore, MD (50 FR 9250). Thus far the FAA has designated 89 ARSA's as published in the *Federal Register* in the implementation of this NAR recommendation.

On May 15, 1987, the FAA proposed to designate an ARSA at San Juan Luis Munoz Marin International Airport, PR (52 FR 18536). This rule designates an ARSA at this airport. Interested parties were invited to participate in this rulemaking proceeding by submitting comments on the proposal to the FAA. There were no adverse comments received. Additionally, the FAA has held an informal airspace meeting for this proposed airport.

Regulatory Evaluation

No comments were received that addressed the information presented in the Regulatory Evaluation of the notice. Therefore, the Regulatory Evaluation of the notice also constitutes the Regulatory Evaluation of the final rule. This document has been placed in the regulatory docket.

Briefly, the FAA finds that a direct comparison of the costs and benefits of this rule is difficult for a number of reasons. Many of the benefits of the rule are nonquantifiable, especially those associated with simplification and standardization of terminal airspace procedures. Further, the benefits of standardization result collectively from the overall ARSA program, and the estimates of potential reductions in absolute accident rates resulting from the ARSA program also cannot realistically be disaggregated below the national level. Therefore, it is difficult to specifically attribute these benefits to individual ARSA sites. Finally, until more experience has been gained with ARSA operations, estimates of both the efficiency improvements resulting in time savings to aircraft operators, and the potential delays resulting from mandatory participation, will be quite preliminary.

ATC personnel at some facilities anticipate that the process will go very smoothly, that delays will be minimal, and that efficiency gains will be realized from the start. Other sites anticipate that delay problems will dominate the initial adjustment period.

FAA believes these adjustment problems will only be temporary, and that once established, the ARSA

program will result in an overall improvement in efficiency in terminal area operations at those airports where ARSA's are established. These overall gains which FAA expects for the ARSA site established by this rule typify the benefits which FAA expects to achieve nationally from the ARSA program. These benefits are expected to be achieved without any additional controller staffing or radar equipment costs to the FAA.

In addition to these operational efficiency improvements, establishment of these ARSA sites will contribute to a reduction in midair collisions. The quantifiable benefits of this safety improvement could range from less than \$100,000, to as much as \$300 million, for each accident prevented.

For these reasons, FAA expects that the ARSA site established in this rule will produce long term, ongoing benefits which will exceed its costs, which are essentially transitional in nature.

Regulatory Flexibility Determination

Under the terms of the Regulatory Flexibility Act, the FAA has reviewed this rulemaking action to determine what impact it may have on small entities. FAA's Regulatory Flexibility Determination was published in the NPRM. Some of the small entities which could be potentially affected by implementation of the ARSA program include the fixed-base operators, flight schools, agricultural operations and other small aviation businesses located at satellite airports located within 5 miles of the ARSA center. If the mandatory participation requirement were to extend down to the surface at these airports, where under current regulations participation in the TRSA and radio communication with ATC is voluntary, operations at these airports might be altered, and some business could be lost to airports outside of the ARSA core. Because FAA is excluding some satellite airports located within the 5-mile ring to avoid adversely impacting their operations, and in other cases will achieve the same purposes through Letters of Agreement between ATC and the affected airports establishing special procedures for operating to and from these airports, FAA expects to eliminate virtually any adverse impact on the operations of small satellite airports which potentially could result from the ARSA program. Similarly, FAA expects to eliminate potential adverse impacts on existing flight training practice areas, as well as soaring, ballooning, parachuting, ultralight, and banner towing activities, by developing special procedures which

will accommodate these activities through local agreements between ATC facilities and the affected organizations. For these reasons, the FAA has determined that this rulemaking action is not expected to affect a substantial number of small entities. Therefore, the FAA certifies that this regulatory action will not result in a significant economic impact on a substantial number of small entities.

The Rule

This action designates an Airport Radar Service Area (ARSA) at San Juan Luis Munoz Marin International Airport, PR. The location designated is a public airport at which a nonregulatory Terminal Radar Service Area (TRSA) is currently in effect. Establishment of this ARSA will require that pilots maintain two-way radio communication with air traffic control (ATC) while in the ARSA. Implementation of ARSA procedures at this location will reduce the risk of midair collision in terminal areas and promote the efficient control of air traffic.

For the reasons discussed above, the FAA has determined that this regulation

(1) is not a "major rule" under Executive Order 12291; and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

List of Subjects in 14 CFR Part 71

Aviation safety, Airport radar service areas.

Adoption of the Amendment

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

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

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

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

§ 71.501 [Amended]

2. Section 71.501 is amended as follows:

San Juan Luis Munoz Marin International Airport, PR [New]

That airspace extending upward from the surface to and including 4,000 feet MSL within a 5-mile radius of the Luis Munoz Marin International Airport (lat. 18°26'29" N., long. 66°00'08" W.); and that airspace extending upward from 2,800 feet MSL to 4,000 feet MSL within a 10-mile radius of the Luis Munoz Marin International Airport from the 129° bearing from the airport clockwise to the 189° bearing from the airport and that airspace extending upward from 1,700 feet MSL to 4,000 feet MSL within a 10-mile radius of the airport from the 189° bearing from the airport clockwise to the 229° bearing from the airport and that airspace extending upward from 1,200 feet MSL to 4,000 feet MSL within a 10-mile radius of the airport from the 229° bearing from the airport clockwise to the 129° bearing from the airport.

Issued in Washington, DC, on October 1, 1987.

Daniel J. Peterson,

Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 87-23253 Filed 10-7-87; 8:45 am]

BILLING CODE 4910-13-M

The American Medical Association is a non-profit corporation organized for the purpose of promoting the science and art of medicine and the health of the people. It was organized in 1847 and has since that time been the leading organization of the medical profession in the United States. Its membership is composed of physicians, surgeons, dentists, and other medical practitioners who are interested in the advancement of their profession and the welfare of the community. The Association's activities are directed towards the improvement of medical education, the advancement of medical research, and the promotion of public health. It also engages in various other activities, such as the publication of the Journal of the American Medical Association, the holding of annual meetings, and the maintenance of a library of medical books and journals. The Association's efforts have been instrumental in the development of the medical profession in the United States and in the improvement of the health of the people.

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U.S. GOVT FEDERAL

Thursday
October 8, 1987

Part V

Office of Management and Budget

Budget Recissions and Deferrals

**OFFICE OF MANAGEMENT AND
BUDGET****Budget Recissions and Deferrals**

To The Congress of The United States:
In accordance with the Impoundment Control Act of 1974, I herewith report 13 deferrals of budget authority totaling \$1,776,737,627.

The deferrals affect programs in the Funds Appropriated to the President and the Departments of Agriculture, Defense (Military and Civil), Health and Human Services, State, Transportation, and Treasury.

The details of these deferrals are contained in the attached report.

Ronald Reagan

The White House, October 1, 1987.

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

<u>DEFERRAL NO.</u>	<u>ITEM</u>	<u>BUDGET AUTHORITY</u>
	Funds Appropriated to the President:	
	International Security Assistance:	
D88-1	Economic support fund.....	40,000
	Special Assistance for Central America:	
D88-2	Promotion of stability and security in Central America.....	1,000
	Department of Agriculture:	
	Forest Service:	
D88-3	Expenses, brush disposal.....	120,425
D88-4	Timber salvage sales.....	34,841
D88-5	Cooperative work.....	628,025
D88-6	Gifts, donations and bequests for forest and rangeland research.....	104
	Department of Defense - Military:	
	Military Construction:	
D88-7	Military construction, Defense.....	900
	Family Housing:	
D88-8	Family housing, Defense.....	51,015
	Department of Defense - Civil:	
	Wildlife Conservation, Military Reservations:	
D88-9	Wildlife conservation, Defense.....	636
	Department of Health and Human Services:	
	Social Security Administration:	
D88-10	Limitation on administrative expenses (construction).....	6,171
	Department of State:	
	Bureau for Refugee Programs:	
D88-11	United States emergency refugee and migration assistance fund.....	11,638
	Department of Transportation:	
	Federal Aviation Administration:	
D88-12	Facilities and equipment (Airport and airway trust fund).....	879,049

CONTENTS OF SPECIAL MESSAGE (continued)
(in thousands of dollars)

<u>DEFERRAL NO.</u>	<u>ITEM</u>	<u>BUDGET AUTHORITY</u>
	Department of the Treasury:	
	Office of Revenue Sharing:	
D88-13	Local government fiscal assistance	
	trust fund.....	2,933
		<hr/>
	Total, deferrals.....	1,776,738

SUMMARY OF SPECIAL MESSAGES
FOR FY 1988
(in thousands of dollars)

	<u>RESCISSIONS</u>	<u>DEFERRALS</u>
First special message:		
New items.....	---	1,776,738
Revisions to previous special messages..	---	---
	<hr/>	<hr/>
Effects of first special message.....	---	1,776,738
Amounts from previous special messages that are changed by this message (changes noted above).....	---	---
	<hr/>	<hr/>
Subtotal, rescissions and deferrals.....	---	1,776,738
Amounts from previous special messages that are not changed by this message....	---	---
	=====	=====
Total amount proposed to date in all special messages.....	---	1,776,738

Deferral No: D88-1

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Funds Appropriated to the President	New budget authority..... \$ _____ (P.L. _____)
Bureau: International Security Assistance	Other budgetary resources.. 40,000,000
Appropriation title and symbol: Economic support fund 1/ 117/81037	Total budgetary resources.. 40,000,000 Amount to be deferred: Part of year..... \$ 40,000,000 Entire year.....
OMB identification code: 11-1037-0-1-152	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other _____
Grant program: ☒ Yes ☐ No	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____
Type of account or fund: ☐ Annual ☒ Multiple-year Sept. 30, 1988 (expiration date) ☐ No-Year	

Justification: This action defers funds pending approval of specific loans and grants to eligible countries by the Secretary of State after review by the Agency for International Development, and the Treasury. This will ensure that each approved program is consistent with the foreign, national security and financial policies of the United States and will not exceed the limits of available funds. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None

Outlay Effect: None

1/ This account was the subject of a similar deferral in 1987 (D87-1A).

Deferral No: D88-3

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY:		New budget authority..... \$ 54,438,000 (16 U.S.C. 490)	
Department of Agriculture		Other budgetary resources.. 120,425,470	
Bureau:		Total budgetary resources.. 174,863,470	
Forest Service			
Appropriation title and symbol:		Amount to be deferred:	
Expenses, brush disposal 1/		Part of year..... \$	
12X5206		Entire year..... 120,425,470	
OMB identification code:		Legal authority (in addition to sec. 1013):	
12-9922-0-2-302		☒ Antideficiency Act	
Grant program:		☐ Other	
☐ Yes ☒ No			
Type of account or fund:		Type of budget authority:	
☐ Annual		☒ Appropriation	
☐ Multiple-year		☐ Contract authority	
(expiration date)		☐ Other	
☒ No-Year			

Justification: Purchasers of National Forest timber are required to deposit the estimated cost to the Forest Service for disposing of brush and other debris resulting from timber cutting operations pursuant to 16 U.S.C. 490. The deposits becoming available in the current year are estimated and the related disposal operations are planned for subsequent years. Many timber contracts cover several years and brush disposal operations do not occur until harvesting is completed. Weather conditions can delay both the harvesting and the brush disposal. It is difficult to predict weather conditions in advance but the work will be performed whenever factors permit. The Forest Service is planning for a stable year-to-year program which will require \$54.4 million in 1988. The current fiscal year reserve of \$120.4 million is established pursuant to the provisions of the Antideficiency Act (31 U.S.C. 1512) as a reserve for brush disposal operations in future years and contingencies.

Estimated Program Effect: None

Outlay Effect: None

1/ This account was the subject of a similar deferral in 1987 (D87-2A).

Deferral No: D88-4

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY:	New budget authority..... \$ 18,635,000 (P.L. 94-588; 16 U.S.C. 472a(h))
Department of Agriculture	Other budgetary resources.. 34,840,766
Bureau:	
Forest Service	Total budgetary resources.. 53,475,766
Appropriation title and symbol:	
Timber salvage sales <u>1/</u>	Amount to be deferred:
	Part of year..... \$
12X5204	Entire year..... 34,840,766
OMB identification code:	Legal authority (in addition to sec. 1013):
12-9922-0-2-302	☒ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund:	Type of budget authority:
☐ Annual	☒ Appropriation
☐ Multiple-year (expiration date)	☐ Contract authority
☒ No-Year	☐ Other

Justification: The Timber salvage sales fund was established under the provisions of the National Forest Management Act of 1976 to enable immediate harvesting of dead and dying trees when required by market conditions or natural catastrophes. Purchasers of dead, damaged, insect-infected or downed timber are required to make monetary deposits into this fund to cover future costs associated with this activity. A program level of \$19 million for costs of sales operations in 1988 is anticipated based on historical experience. A contingency reserve is established under the provisions of the Antideficiency Act (31 U.S.C. 1512) to fund sales operations in subsequent years.

Estimated Program Effect: None

Outlay Effect: None

1/ This account was the subject of a similar deferral in 1987 (D87-3).

Deferral No: D88-5

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY:	
Department of Agriculture	New budget authority..... \$ 247,893,000 (16 U.S.C. 576b)
Bureau:	Other budgetary resources.. 628,024,842
Forest Service	Total budgetary resources.. 875,917,842
Appropriation title and symbol:	
Cooperative work <u>1/</u>	Amount to be deferred:
	Part of year..... \$
12X8028	Entire year..... 628,024,842
OMB identification code:	Legal authority (in addition to sec. 1013):
12-8028-0-7-302	☒ Antideficiency Act
Grant program:	☐ Other
☐ Yes ☒ No	
Type of account or fund:	Type of budget authority:
☐ Annual	☒ Appropriation
☐ Multiple-year (expiration date)	☐ Contract authority
☒ No-Year	☐ Other

Justification: Funds are received from States, counties, timber sale operators, individuals, associations, and others. These funds are expended by the Forest Service as authorized by law and the terms of the applicable trust agreements. The work consists of protection and improvement of the National Forest System and it benefits the national forest users, research investigations, reforestation, and administration of private forest lands. A program level of \$248 million is anticipated, primarily in the summer of 1988, based on historical experience. Much of the work for which deposits have been or are expected to be collected cannot be done this year because of the seasonal nature of the work, scheduling delays, and extensive site preparation requirements. Examples include areas where the timber operators have not completed all of the contract obligations during the year funds are deposited. This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None

Outlay Effect: None

1/ This account was the subject of a similar deferral in 1987 (D87-4B).

Deferral No: D88-6

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY:	New budget authority..... \$ 90,000 (16 U.S.C. 498)
Department of Agriculture	Other budgetary resources.. 241,008
Bureau:	Total budgetary resources.. 331,008
Forest Service	
Appropriation title and symbol:	Amount to be deferred:
Gifts, donations, and bequests for forest and rangeland research 1/	Part of year..... \$ 104,000
12X8034	Entire year.....
OMB identification code:	Legal authority (in addition to sec. 1013):
12-8034-0-7-302	☒ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other _____
Type of account or fund:	Type of budget authority:
☐ Annual	☒ Appropriation
☐ Multiple-year (expiration date)	☐ Contract authority
☒ No-Year	☐ Other _____

Justification: Funds are received as gifts, donations, or bequests from State and other public agencies, individuals, associations, and others. These funds are expended by the Forest Service, as authorized by law, for forestry research of mutual interest and benefit. Funds have already been collected for a workshop now being planned for late fiscal year 1988. The estimated cost of \$104 thousand is deferred until then. This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None

Outlay Effect: None

1/ This account was the subject of a similar deferral in 1987 (D87-5).

Deferral No: D88-7

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY:	New budget authority..... \$
Department of Defense - Military	(P.L.)
Bureau:	Other budgetary resources.. 250,000,000
Military Construction	
Appropriation title and symbol:	Total budgetary resources.. 250,000,000
See Coverage Section below 1/	Amount to be deferred:
	Part of year.....\$
	Entire year..... 900,000
OMB identification code:	Legal authority (in addition to sec. 1013):
See Coverage Section below 1/	☒ Antideficiency Act
Grant program:	☐ Other
☐ Yes ☒ No	
Type of account or fund:	Type of budget authority:
☐ Annual Sept. 30, 1988	☒ Appropriation
☐ Annual Sept. 30, 1989	
☒ Multiple-year Sept. 30, 1990	☐ Contract authority
(expiration date)	
☒ No-Year Sept. 30, 1991	☐ Other
Coverage: 1/	

Appropriation	Symbol	OMB Identification Code	Deferred
Military Construction, Defense Agencies.....	977/10500	97-0500-0-1-051	\$900,000

Justification: These funds are deferred due to lack of Congressional project authorization or to administrative delays, such as project designs not being completed and incomplete coordination of projects with other Federal agencies or local government agencies. Funds will be apportioned for individual projects throughout the year upon authorization or completion of project design and/or coordination. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None

Outlay Effect: None

1/ This account was the subject of a similar deferral in 1987 (D87-6A).

Deferral No: D88-8

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Defense - Military Bureau: Family Housing, Defense Appropriation title and symbol: See Coverage Section below 2/ OMB identification code: See Coverage Section below 2/ Grant program: ☐ Yes ☒ No Type of account or fund: ☐ Annual Sept. 30, 1988 Sept. 30, 1989 ☒ Multiple-year Sept. 30, 1990 (expiration date) ☒ No-Year Sept. 30, 1991	New budget authority.....\$ _____ (P.L. _____) Other budgetary resources.. 408,616,000 Total budgetary resources ^{1/} 408,616,000 Amount to be deferred: Part of year.....\$ _____ Entire year..... 51,015,000 Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other _____ Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____
---	---

Coverage: 2/

Appropriation	Symbol	OMB Identification Code	Deferred
Family housing, Navy.....	177/10703	17-0703-0-1-051	\$ 22,000,000
Family housing, Navy.....	176/00703	17-0703-0-1-051	---
Family housing, Army.....	217/10702	21-0702-0-1-051	---
Family housing, Army.....	216/00702	21-0702-0-1-051	---
Family housing, Air Force..	577/10704	57-0704-0-1-051	29,015,000
Family housing, Air Force..	576/00704	57-0704-0-1-051	---
Family housing, Air Force..	575/90704	57-0704-0-1-051	---
Family housing, Air Force..	574/80704	57-0704-0-1-051	---
Total.....			51,015,000

Justification: These funds are deferred due to administrative delays, such as project designs not being completed and incomplete coordination of projects with other Federal agencies or local government agencies. Funds will be apportioned for individual projects throughout the year upon Congressional authorization or completion of project design and/or coordination. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None

Outlay Effect: None

1/ Includes all accounts included under this appropriation title.

2/ This account was the subject of a similar deferral in 1987 (D87-7A).

Deferral No: D88-9

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Defense - Civil Bureau: Wildlife Conservation, Military Reservations Appropriation title and symbol: Wildlife Conservation, Army 21X5095 Wildlife Conservation, Navy 17X5095 Wildlife Conservation, Air Force 57X5095	New budget authority..... \$ 1,970,000 (16 U.S.C. 670F) Other budgetary resources.. 848,432 Total budgetary resources.. 2,818,432 Amount to be deferred: Part of year..... \$ _____ Entire year..... 636,432
OMB identification code: 97-5095-0-2-303 Grant program: ☐ Yes ☒ No	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other _____
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-Year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Coverage: 1/

Appropriation	Account Symbol	OMB Identification Code	Amount Deferred
Wildlife Conservation, Army.....	21X5095	21-5095-0-2-303	\$487,971
Wildlife Conservation, Navy.....	17X5095	17-5095-0-2-303	56,000
Wildlife Conservation, Air Force....	57X5095	57-5095-0-2-303	92,461
			636,432

Justification: These are permanent appropriations of receipts generated from hunting and fishing fees in accordance with the purpose of the law -- to carry out a program of natural resource conservation. These funds are being deferred because: (1) the authorizing legislation states that installations may accumulate funds over a period of time to fund a major project, (2) the installation may be designing and obtaining approval for the project, and (3) there is a seasonal relationship between the collection of fees and their subsequent expenditure. Most of the fees are collected during the winter and spring months, while most of the program work is performed during the summer and fall months. Funds collected in a prior year are deferred in order to be available to finance the program during summer and fall months or in subsequent years. Additional amounts will be apportioned when projects are identified.

This deferral is made under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None

Outlay Effect: None

1/ These accounts were the subject of a similar deferral in 1987 (D87-8B).

Deferral No: D88-10

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Health and Human Services	New budget authority..... \$ _____ (P.L. _____)
Bureau: Social Security Administration	Other budgetary resources.. \$ 7,150,831
Appropriation title and symbol:	Total budgetary resources.. \$ 7,150,831
Limitation on administrative expenses (construction) 1/ 75X8704	Amount to be deferred: Part of year..... \$ _____ Entire year..... \$ 6,170,831
OMB identification code: 20-8007-0-7-651	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other _____
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-Year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification: This account provides funding for construction and renovation of the Social Security Administration's (SSA) headquarters and field office buildings. The only costs in 1988 are for roof repair and replacement and for close-out and claims pending for previously approved construction projects. Some additional obligations will occur in 1989 and subsequent years for roof replacement repair projects. Should new requirements arise, subsequent apportionments will reduce this deferral. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None

Outlay Effect: None

1/ This account was the subject of a similar deferral in 1987 (D87-12A).

Deferral No: D88-11

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY:	New budget authority..... \$
Department of State	(P.L.)
Bureau:	Other budgetary resources.. 11,638,000
Bureau for Refugee Programs	
Appropriation title and symbol:	Total budgetary resources.. 11,638,000
United States emergency refugee and migration assistance fund 1/	Amount to be deferred:
11X0040	Part of year..... \$
	Entire year..... 11,638,000
OMB identification code:	Legal authority (in addition to sec. 1013):
11-0040-0-1-151	☒ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund:	Type of budget authority:
☐ Annual	☒ Appropriation
☐ Multiple-year (expiration date)	☐ Contract authority
☒ No-Year	☐ Other

Justification: Section 501(a) of the Foreign Relations Authorization Act, 1976 (Public Law 94-141) and Section 414(b)(1) of the Refugee Act of 1980 (Public Law 96-212) amended Section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601) by authorizing a fund not to exceed \$50,000,000 to enable the President to provide emergency assistance for unexpected urgent refugee and migration needs.

Executive Order No. 11922 of June 16, 1976, allocated all funds appropriated to the President for the Emergency Fund to the Secretary of State but reserved for the President the determination of assistance to be furnished and the designation of refugees to be assisted by the Fund.

These funds have been deferred pending Presidential decisions required by Executive Order No. 11922 and to achieve the most economical use of appropriations. Funds will be released as the President determines assistance to be furnished and designates refugees to be assisted by the Fund. This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None

Outlay Effect: None

1/ This account was the subject of a similar deferral in 1987 (D87-14A).

Deferral No: D88-12

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY:	New budget authority..... \$
Department of Transportation	(P.L.)
Bureau:	Other budgetary resources. 1,319,163,965
Federal Aviation Administration	
Appropriation title and symbol:	Total budgetary resources. 1,319,163,965
Facilities and equipment (Airport and airway trust fund) 1/	Amount to be deferred:
69X8107 695/98107	Part of year..... \$
697/18107 694/88107 696/08107	Entire year..... 879,049,171
OMB identification code:	Legal authority (in addition to sec. 1013):
69-8107-0-7-402	☒ Antideficiency Act
Grant program:	☐ Other
☐ Yes ☒ No	
Type of account or fund:	Type of budget authority:
☐ Annual Sept. 30, 1988	☒ Appropriation
☒ Multiple-year Sept. 30, 1989	☐ Contract authority
(expiration date)	☐ Other
☒ No-Year Sept. 30, 1991	

Justification: Funds from this account are used to continue to procure specific Congressionally-approved facilities and equipment for the expansion and modernization of the National Airspace System. The projects financed from this account include construction of buildings, the purchase of new equipment for new or improved air traffic control towers, automation of the en route airway control system, and expansion/improvement of navigational and landing aid systems. These activities were justified and provided for in the Department's regular budget submissions and were appropriated by Congress for the year in which requested. Due to the lengthy procurement and construction time for these interrelated facilities and complex equipment systems, it is not possible to obligate all the funds necessary to complete each project in the year funds were appropriated. Therefore, it is necessary to apportion funds so that sufficient resources will be available in future periods to complete these projects. This action is consistent with FAA's full funding approach and Congressional intent to provide multi-year funding for the total costs of projects. This action is taken under the provisions of the Antideficiency Act (31 U.S.C. 1512), which authorizes the establishment of reserves for contingencies.

Estimated Program Effect: None

Outlay Effect: None

1/ This account was the subject of a similar deferral in 1987 (D87-16A). None of the deferred funds expire at the end of FY 1988.

Deferral No: D88-13

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY:	New budget authority..... \$ _____
Department of the Treasury	(P.L. _____)
Bureau:	Other budgetary resources... <u>2,933,115</u>
Office of Revenue Sharing	Total budgetary resources... <u>2,933,115</u>
Appropriation title and symbol:	
Local government fiscal assistance trust fund <u>1/</u>	Amount to be deferred:
20X8111	Part of year..... \$ <u>2,933,115</u>
	Entire year..... _____
OMB identification code:	Legal authority (in addition to sec. 1013):
20-8111-0-7-851	☒ Antideficiency Act
Grant program:	☒ Other 31 U.S.C. 6701-6724, particularly 31 U.S.C. 6702(d)
☒ Yes ☐ No	
Type of account or fund:	Type of budget authority:
☐ Annual	☒ Appropriation
☐ Multiple-year _____ (expiration date)	☐ Contract authority
☒ No-Year	☐ Other _____

Justification: Pursuant to 31 U.S.C. 6702(d), the Secretary of the Treasury must hold in reserve an amount sufficient to meet valid remaining claims from local governments for adjustments for any prior entitlement periods. A reserve is established to permit such adjustments without the necessity for recomputation of payments to other recipients.

Estimated Program Effect: None

Outlay Effect: None

1/ This account was the subject of a similar deferral in 1987 (D87-17).

[FR Doc. 87-23298 Filed 10-7-87; 8:45 am]

BILLING CODE 3110-01-C

Department of the Treasury
Internal Revenue Service
Washington, D.C. 20548

Name of the taxpayer		Social Security number	
Address of the taxpayer		City and State	
Type of income		Amount of income	
Type of expense		Amount of expense	
Type of deduction		Amount of deduction	
Type of credit		Amount of credit	
Type of other adjustment		Amount of other adjustment	
Total income		Total expense	
Total deduction		Total credit	
Total other adjustment		Total other adjustment	
Net income		Net expense	
Total income		Total expense	
Total deduction		Total credit	
Total other adjustment		Total other adjustment	
Net income		Net expense	

Instructions for Form 1041-10. This form is used to report income and expenses for a taxpayer who is a resident of the United States. It is used to report income and expenses for a taxpayer who is a resident of the United States.

Part I. Income. This part is used to report income from all sources. It includes income from wages, salaries, dividends, interest, and other sources.

Part II. Expenses. This part is used to report expenses from all sources. It includes expenses for travel, entertainment, and other expenses.

Part III. Deductions. This part is used to report deductions from all sources. It includes deductions for mortgage interest, state and local taxes, and other deductions.

Part IV. Credits. This part is used to report credits from all sources. It includes credits for the earned income credit, the child tax credit, and other credits.

United States Federal Register

Thursday
October 8, 1987

Part VI

Department of the Interior

Minerals Management Service

St. George Basin, Outer Continental Shelf
Lease Sale 101; Notice

4310-WB

UNITED STATES
DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE

St. George Basin
Outer Continental Shelf Lease Sale 101
Call for Information and Nominations

Notice of Intent to Prepare an Environmental Impact Statement
and

CALL FOR INFORMATION AND NOMINATIONS

Purpose of Call

The purpose of the Call is to assist the Secretary of the Interior in carrying out his responsibilities under the Outer Continental Shelf Lands Act (OCSLA) (43 U.S.C. 1331-1356 (1982)), as amended by the OCSIA Amendments of 1985 (100 Stat. 147), and the regulations issued thereunder (30 CFR Part 256) with regard to proposed OCS Lease Sale 101 in the St. George Basin Planning Area tentatively scheduled for February 1990.

As a preliminary step to the Call, the Minerals Management Service (MMS) published a Request for Interest in the Federal Register on June 19, 1987, requesting information on oil and gas industry interest in leasing and exploring within the St. George Basin Planning Area. A number of companies provided information. Based on the information provided, it was determined that sufficient interest exists to proceed with the issuance of a Call at this time. This information, along with the information provided in response to this Call, will be used in decisions as to whether to proceed with the lease sale process. This Call does not indicate a preliminary decision to lease in the areas described below.

Information submitted in response to this Call will be used for several purposes. First, responses will be used to identify the areas of potential for oil and gas development. Second, comments on possible adverse effects and use conflicts will be used in the analysis of environmental impacts in and near the Call area. Together, these two considerations will allow a preliminary determination of the potential advantages and disadvantages of oil and gas exploration and development to the region and the Nation. This will make possible key decisions in connection with the next step in the leasing process—Area Identification—to further resolve conflicts by deferring blocks where there is sufficient information to justify that action. However, the Area Identification represents only a preliminary step to select the area to be analyzed in the Environmental Impact Statement (EIS). The Area Identification is scheduled for January 1988.

A third purpose for this Call is to solicit comments as part of the scoping process for the EIS. Also included in the scoping process will be a series of public meetings and an additional formal written comment period. A Notice of Intent to Prepare an EIS and a more detailed description of the scoping process for this proposed sale is included below. As a result of the scoping process, a number of alternatives to the proposed action will be identified and analyzed in the EIS. Fourth, comments may be used in developing lease terms and conditions to assure safe offshore operations. Fifth, comments may be used in understanding and considering ways to avoid or mitigate potential conflicts between offshore oil and gas activities and the Alaska Coastal Management Program.

Areas Deferred or Highlighted in the 5-Year Program Approval Process

During preparation of the 5-Year OCS Oil and Gas Leasing Program for Mid-1987 through Mid-1992, portions of the St. George Basin Planning Area were requested for deferral by the State of Alaska and the signatories to the Institute for Resource Management (IRM) Bering Sea Proposal. A portion of the area requested for deferral has been deferred and is not included in this Call. Deferrals requested by the State and the IRM that were not adopted in the 5-year program have been highlighted for special presale consideration and analysis as potential deferral alternatives in the EIS scoping process. Keeping these areas under consideration for leasing will permit MMS to study them further in the process of analysis and consultation. The acreage finally offered for sale will be that determined, through an extensive consultation and balancing process, to be environmentally sound and which may lead to exploration for and discovery of new oil and gas reserves. This is consistent with the commitment made by the Department of the Interior (DOI) in the 5-Year OCS Oil and Gas Leasing Program.

Previous Sale Related Activities

A Call for Nominations and Comments for oil and gas lease Sale 45 in the St. George Basin of the Bering Sea was issued in December 1974. The DOI selected 299 tracts totaling approximately 1.7 million acres in March 1976 for a tentative sale scheduled for early 1977. However, an EIS was never initiated, and the sale was not held.

The first Federal offshore sale in this area, OCS Oil and Gas Lease Sale 70, was held on April 12, 1983. Ninety-six leases were issued for a primary term of 10 years. Ten wells were drilled on these leases; all have been plugged and abandoned.

On April 29, 1983, the DOI initiated the presale process for Sale 89, St. George Basin, with the publication of the Call for Information in the Federal Register. The presale process continued until the issuance of the proposed Notice of Sale on May 22, 1985, comprising 11,543 blocks (about 65 million acres) and tentative lease terms for the sale scheduled for September 1985. However, on May 2, 1986, the DOI announced the cancellation of Sale 89, citing low industry interest as the basis for the decision.

Description of Area

The general area of this Call lies north of the Aleutian Islands in the Bering Sea between longitudes 174° West and 165° West and between latitudes 54° North and 59° North. A detailed map of the Call for Information and Nominations Area (hereinafter referred to as the Call map) is available free of charge from the Records Manager, Alaska OCS Region, Minerals Management Service, 949 East 36th Avenue, Anchorage, Alaska 99508-4302, telephone (907) 261-4621.

The area available for nominations and comments at this time consists of approximately 7,000 blocks (approximately 39 million acres).

The following list of Official Protraction Diagrams and block numbers identifies the Call area. It also includes those blocks that have been highlighted for special presale consideration. Highlighted blocks included in the listings are indicated in parentheses. This will enable respondents to clearly identify highlighted blocks. The diagrams may be purchased for \$2.00 each from the Records Manager, Alaska OCS Region, at the address stated above.

Official Protraction Diagram NN 2-2, Pribilof Canyon (Revised August 22, 1986) All Federal blocks.

(Highlighted blocks included in the above: 1-3, 14-30, 45-51, 67-71, 89-95, 110-115, 133-145, 154-160, 177-204, 221-249, 265-293, 309-338, 353-384, 397-429, 441-474, 485-524, 529-568, 573-612, 617-656, 661-700, 705-744, 749-788, 793-832, 837-876, 881-920, 925-964, 969-1008)

Official Protraction Diagram NN 3-1, Aleutian North (Revised May 21, 1985) All Federal blocks.

(Highlighted blocks included in the above: 834-836, 841, 878-880, 885-886, 922-924, 929-930, 964-968, 973-975, 995-1001, 1006-1012)

Official Protraction Diagram NN 3-3, Aleutian (Revised March 5, 1985)

Blocks: 2-42, 46-86, 90-130, 134-174, 178-218, 222-262, 266-306, 310-350, 354-384, 398-423, 442-464, 486-507, 530-550, 574-592, 618-631, 662-672, 706-714, 750-756, 794-799, 838-842, 882-886, 926-972, 1014-1016

(Highlighted blocks included in the above: 2-6, 25-31, 34-42, 46-50, 69-86, 90-95, 113-130, 134-140, 157-174, 178-185, 200-218, 222-230, 243-262, 266-276, 286-306, 310-350, 354-381, 398-423, 442-464, 486-507, 530-550, 574-592, 618-631, 662-672, 706-714, 750-756, 794-799, 838-842, 882-886, 926-929, 970-972, 1014-1016)

Official Protraction Diagram NO 2-3, Zhenchun Gully (Revised August 22, 1986) Blocks: 1-11, 45-57, 89-101, 133-148, 177-192, 221-237, 265-281, 309-328, 353-372, 397-418, 441-462, 485-509, 529-556, 573-601, 617-647, 661-691, 705-738, 749-785, 793-829, 837-873, 881-917, 925-961, 969-1005

3

Official Protraction Diagram NO 2-4, St. Paul North (Revised August 22, 1986) Blocks: 828-829, 870-873, 912-917, 956-961, 992-1005

(All of the above listed blocks are included in the highlighted area.)

Official Protraction Diagram NO 2-5, St. Paul Spur (Revised August 22, 1986)

Blocks: 7-44, 51-88, 95-132, 139-176, 183-220, 227-264, 271-308, 315-352, 359-396, 403-440, 447-484, 491-528, 535-572, 579-616, 623-660, 667-704, 711-748, 755-792, 799-836, 843-880, 890-924, 938-968, 982-1012

(Highlighted blocks included in the above: 220, 263-264, 306-308, 349-352, 392-396, 436-440, 480-484, 523-528, 566-572, 610-616, 654-660, 698-704, 742-748, 786-792, 830-836, 874-880, 918-924, 962-968, 1006-1012)

Official Protraction Diagram NO 2-6, St. Paul Island (Approved September 10, 1984) Blocks: 1-38, 45-82, 89-126, 133-170, 177-214, 221-258, 265-302, 309-346, 353-390, 397-434, 441-478, 485-490, 501-522, 529-533, 547-566, 573-576, 593-610, 617-620, 637-654, 661-663, 682-698, 705-706, 726-742, 749-750, 770-786, 793-794, 814-830, 837-838, 858-874, 881-882, 901-918, 925-926, 945-962, 969-970, 986-1007

(Highlighted blocks included in the above: 7-38, 51-82, 91-126, 134-170, 177-199, 209-214, 221-244, 265-289, 309-334, 397-423, 441-467, 485-490, 501-511, 529-533, 547-556, 573-576, 593-600, 617-620, 637-644, 661-663, 682-688, 705-706, 726-732, 749-750, 770-776, 793-794, 814-820, 837-838, 858-864, 881-882, 901-909, 925-926, 945-954, 969-970, 986-999)

Official Protraction Diagram NO 2-7, St. George Canyon (Revised August 22, 1986) Blocks: 15-44, 59-88, 103-132, 147-176, 191-220, 235-264, 279-308, 326-352, 370-396, 425-440, 471-484, 517-528, 564-572, 612-616, 656-660, 700-704, 744-748, 790-792

(Highlighted blocks included in the above: 39-44, 83-88, 128-132, 172-176, 217-220, 261-264, 306-308, 350-352, 395-396, 440)

Official Protraction Diagram NO 2-8, St. George Island (Approved September 10, 1984) Blocks: 1-2, 17-39, 45-47, 62-83, 89-91, 111-127, 133-136, 156-171, 177-181, 201-215, 221-226, 246-259, 265-271, 291-303, 309-316, 335-347, 353-361, 379-391, 397-406, 423-435, 441-450, 467-479, 485-495, 511-523, 529-540, 554-567, 573-585, 597-611, 617-630, 640-655, 661-675, 682-699, 705-743, 749-787, 793-831, 837-875, 881-919, 925-963, 969-1008

(Highlighted blocks included in the above: 1-2, 17-32, 45-47, 62-76, 89-91, 111-121, 133-136, 156-165, 177-181, 201-210, 221-226, 246-254, 265-271, 291-298, 309-316, 335-341, 353-361, 379-385, 397-406, 423-429, 441-450, 467-473, 487-495, 511-517, 531-540, 554-561, 576-585, 597-605, 620-630, 640-648, 664-675, 682-694, 709-738, 754-782, 799-825, 844-869, 889-912, 934-955, 980-998)

Official Protraction Diagram NO 3-3, Cape Nevenham West (Revised August 22, 1986) Blocks: 497-502, 541-546, 583-590, 627-634, 669-678, 713-722, 749-766, 793-810, 837-854, 881-898, 925-942, 969-986

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(All of the above listed blocks are included in the highlighted area.)

Official Protraction Diagram NO 3-5, St. Paul East (Revised August 22, 1986)
Blocks: 7-25, 51-69, 95-113, 139-157, 183-201, 227-245, 271-289, 315-333,
359-377, 403-421, 447-465, 491-509, 535-553, 579-597, 623-641, 667-685,
711-729, 755-773, 799-817, 843-861, 887-905, 931-949, 974-993

(All of the above listed blocks are included in the highlighted area.)

Official Protraction Diagram NO 3-7, St. George East (Revised
August 22, 1986) All Federal blocks.

Instructions on Call

Respondents are requested to nominate blocks within the Call area that they would like to see included in proposed OCS Lease Sale 101. Although the identities of those submitting nominations become a matter of public record, the individual indications of interest are considered to be proprietary information. Those indicating such interest are required to do so on the Call map by outlining the area(s) of interest along block lines.

A detailed list of whole and partial blocks nominated (by Official Protraction Diagram designations) should be submitted to ensure correct interpretation of nominations. The telephone number and name of a person to contact in the respondent's organization for additional information should be included.

Respondents should rank areas in which they have expressed interest according to priority of their interest (e.g., priority 1 (high), 2 (medium), or 3 (low)). We encourage respondents to be specific in indicating blocks by priority. This information is very helpful in assessing the area to be identified for further study at future sale decision points. Blanket nominations on large areas are not useful in providing information pertinent to analysis of industry interests. Areas where interest has been indicated but on which respondents have not indicated priorities will be considered priority 3. Information concerning both location and priority of interest submitted by individual respondents will be held proprietary. In addition to indications of interest by respondents, further consideration of areas for analysis in the EIS will be based on hydrocarbon potential and environmental, economic, and multiple-use conditions.

To assist in focusing on promising acreage, the Call map outlines the MS interpretation of the area of hydrocarbon potential. Although primary consideration will be given to those blocks included in the MS interpretation of the area of hydrocarbon potential, respondents may nominate and are asked to comment on acreage within the entire Call area. The Call map also identifies the highlighted area that will be subject to special consideration.

Commenters who recommend that all or portions of the highlighted areas or other parts of the Call area be deferred from Sale 101 should be as specific as possible in describing why they believe these areas are incompatible with offshore oil and gas drilling and production operations. Such information will be helpful in designing and analyzing deferral alternatives.

As of August 1987, there were 38 active leases in the St. George Basin Flaming Area. Respondents are encouraged to include these leased blocks in their review in the event the leases are terminated prior to the issuance of the final Notice of Sale and could, therefore, be considered in proposed OCS Lease Sale 101. In addition to nominations (indications of interest), comments are sought from all interested parties about particular geologic, environmental, biological, archaeological, or socioeconomic conditions, conflicts, or other information that might bear upon potential leasing and development in the Call area. Comments are also sought on potential conflicts that may result from the proposed sale between future OCS oil and gas activities and the Alaska Coastal Management Program (ACMP) and approved local coastal management plans. If possible, these comments should identify specific ACMP policies of concern, the nature of the conflict foreseen, and steps that MS could take to avoid or mitigate the potential conflict. Comments may either be in terms of broad areas or restricted to particular blocks of concern. Those submitting comments are requested to list block numbers or outline the subject area on the standard Call map.

Nominations and comments must be received no later than 45 days following publication of this document in the Federal Register in envelopes labeled "Nominations for proposed St. George Basin Lease Sale 101" or "Comments on the Call for Information and Nominations for proposed St. George Basin Lease Sale 101" as appropriate. The original Call map with indications of interest and/or comments must be submitted to the Regional Supervisor, Leasing and Environment, Alaska OCS Region, at the address stated above under Description of Area. A copy of the Call map showing indications of interest and a copy of any comments are to be sent to the Chief, Offshore Leasing Management Division, U.S. Department of the Interior, Minerals Management Service, Room 4230, 18th and C Streets, NW, Washington, D.C. 20240.

Tentative Schedule

Final delineation of the area for possible leasing will be made at a later date and in accordance with established departmental procedures and applicable laws, including all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.) and the OCSIA, as amended. If a decision to offer blocks is made, a Notice of Availability of the Proposed Notice and a final Notice of Sale will be published in the Federal Register detailing areas to be offered for competitive bidding, stating the terms and conditions for leasing, and announcing the location, date, and time bids will be received and opened.

The following is a list of tentative milestones which will precede this sale, proposed for February 1990.

Milestones	Date
Comments Due on the Call	November 1987
Area Identification	January 1988
Scoping Comments Due	February 1988

Summary Reports and Indices are available for review at the MWS, Alaska OCS Region (see address under Description of Area). Also available for review are technical and geological reports. Copies of the Alaska OCS Regional Summary Reports may also be obtained from the OCS Information Program, Office of Offshore Information and Publications, Minerals Management Service, 1951 Kidwell Drive, Suite 601, Vienna, Virginia 22180.

Environmental Studies Program Information in the St. George Basin

The DOI initiated the studies in this area in 1975. The emphasis, including continuing studies, has been on geological mapping, environmental characterization of biologically sensitive habitats, physical oceanography, ocean circulation modeling, and ecological effects of oil and gas activities. These studies will provide useful information for a number of environmental issues, including, but not limited to, endangered whales, marine mammals and seabirds, and socioeconomic effects.

A complete listing of available study reports and information for ordering copies can be obtained from the Records Manager, Alaska OCS Region, at the address stated under Description of Area, or by telephone at (907) 261-4621. The reports may also be ordered, for a fee, directly from the National Technical Information Service by calling (703) 487-4650. The mailing address is U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161.

In addition, a program status report for continuing studies in this area can be obtained from the Chief, Environmental Studies Section, Alaska OCS Region, at the address stated under Description of Area or by telephone at (907) 261-4620.

NOTICE OF INTENT TO PREPARE AN ENVIRONMENTAL IMPACT STATEMENT

Purpose of Notice of Intent

Pursuant to the regulations (40 CFR 1501.7) implementing the procedural provision of the National Environmental Policy Act of 1969 (42 U.S.C 4321, et seq.), as amended, the MWS is announcing its intent to prepare an EIS regarding the oil and gas leasing proposal known as Sale 101 in the St. George Basin of Alaska. The Notice of Intent also serves to announce the scoping process that will be followed for this EIS. Throughout the scoping process, Federal, State, and local governments and other interested parties aid the MWS in determining the significant issues and alternatives to be analyzed in the EIS.

The EIS analysis will focus on the potential environmental effects of leasing, exploration, and development of the blocks included in the area defined in the Area Identification procedure as the proposed area of the Federal action. Alternatives to the proposal which may be considered are to delay the sale, cancel the sale, or modify the sale.

Instructions on Notice of Intent

Federal, State, and local governments and other interested parties are requested to send their written comments on the scope of the EIS, significant issues which should be addressed, and alternatives which should be considered to the Regional Supervisor, Leasing and Environment, Alaska OCS Region, at the address stated

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Draft EIS Published	February 1989
Public Hearings on Draft EIS	March 1989
Final EIS Published	August 1989
Proposed Notice of Sale Issued	September 1989
Governor's Comments Due on Proposed Notice	November 1989
Final Notice of Sale Published	January 1990
Sale	February 1990

Existing Information

Information already available for the Call area includes the results of studies and EIS analyses conducted in conjunction with previous Sale 70, previously scheduled Sale 89, and the results of past exploration activities in this planning area. Also available is information gathered during the EIS and decision processes for the 1980, 1982, and current 5-Year OCS Oil and Gas Leasing Program. In addition, comments previously received by the DOI from State and local governments, other Federal Agencies, environmental groups, the Institute for Resource Management, and the oil and gas industry concerning past OCS actions will be used.

An extensive environmental studies program has been underway in this area since 1975 (see Environmental Studies Program Information in the St. George Basin below). The following is a list of other information that will be available to the DOI for consideration regarding the proposed OCS Lease Sale 101 in the St. George Basin.

Alaska Indexes and Bering Sea Summary Reports

1. Alaska Index, December 1974 through November 1980, prepared by MWS.
2. Alaska Index, December 1980 through November 1981, prepared by MWS.
3. Alaska Index, December 1981 through April 1983, prepared by MWS.
4. Alaska Index, May 1983 through January 1985, prepared by MWS.
5. Bering Sea Summary Report, September 1983, prepared by MWS.
6. Bering Sea Summary Report, September 1984, prepared by MWS.
7. Alaska Summary Report, June 1984 through December 1985, prepared by MWS.
8. Alaska Summary/Index, January 1986 through December 1986, prepared by MWS.

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under Description of Area above. Comments should be enclosed in an envelope labeled "Comments on the Notice of Intent to Prepare an EIS on the proposed St. George Basin Lease Sale 101." Comments are due no later than 45 days from publication of this Notice. Also, scoping meetings will be held in appropriate locations for the purpose of obtaining additional comments and information regarding the scope of the EIS. The times and locations of these scoping meetings will be announced at a future date in the Federal Register and by press release.

Approved:

James E. Cason

Acting Assistant Secretary - Land and Minerals Management

James E. Cason

10/5/87
Date

[FR Doc. 87-23375 Filed 10-7-87; 8:45 am]

BILLING CODE 4310-MR-C

Wm. D. Bettenberg

Director, Minerals Management Service

Wm. D. Bettenberg

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S. 1532/Pub. L. 100-123

Relating to the payment for telecommunications equipment and certain services furnished by the Sergeant at Arms and Doorkeeper of the Senate. (Oct. 5, 1987; 101 Stat. 794; 2 pages) Price: \$1.00

S.J. Res. 84/Pub. L. 100-124

To designate October 1987 as "National Down Syndrome Month." (Oct. 5, 1987; 101 Stat. 796; 1 page) Price: \$1.00