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Briefings on How To Use the Federal Register—
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WHAT IT IS AND HOW TO USE IT

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

WHO: The Office of the Federal Register.

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

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

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

PORTLAND, OR

WHEN: February 17; at 9 am.
WHERE: Bonneville Power Administration Auditorium, 1002 N.E. Holladay Street, Portland, OR.
RESERVATIONS: Call the Portland Federal Information Center on the following local numbers:

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

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WHEN: February 18; at 1:30 pm.
WHERE: Room 8544, Federal Building, 300 N. Los Angeles Street, Los Angeles, CA.
RESERVATIONS: Call the Los Angeles Federal Information Center, 213–894–3800

SAN DIEGO, CA

WHEN: February 20; at 9 am.
WHERE: Room 2S31, Federal Building, 880 Front Street, San Diego, CA.
RESERVATIONS: Call the San Diego Federal Information Center, 619–293–6030

HOUSTON, TX

WHEN: March 10; at 9 am.
WHERE: Room 4415, Federal Building, 515 Rusk Avenue, Houston, TX.
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Houston **713–229–2552**
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

Commodity Credit Corporation

7 CFR Part 704

Conservation Reserve Program (CRP)

AGENCY: Agricultural Stabilization and Conservation Service, Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to adopt the interim rule published in the **Federal Register** at 51 FR 8780 and 51 FR 17167 as a final rule with updates, amendments, and clarifications. This final rule sets forth the terms and conditions of the Conservation Reserve Program (CRP) authorized by Title XII of the Food Security Act of 1985, as amended, Pub. L. 99–198 (the "Act"). Under the CRP, the Secretary of Agriculture is authorized to enter into long-term contracts with owners and operators of highly erodible cropland to assist such owners and operators in conserving and improving the Nation's soil and water resources. By entering into a contract, the owner or operator agrees to implement a conservation plan approved by the local Conservation District for converting highly erodible cropland normally devoted to the production of an agricultural commodity to a less intensive use. The Secretary will provide technical assistance, share some of the costs of establishing the conservation practices required by the conservation plan, and make an annual land rental payment to compensate the owner or operator for taking the cropland out of production. This final rule incorporates needed changes or corrections and clarifies the interim rule in response to experience gained during implementation of the program in crop year 1986, public comments received, and subsequent amendments to the Act.

EFFECTIVE DATE: February 6, 1987.

FOR FURTHER INFORMATION CONTACT: James McMullen, Director, Conservation and Protection Division, ASCS, P.O. Box 2415, Washington, DC 20013, (202) 447–6221.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and provisions of Departmental Regulation 1512–1 and has been classified as "major." It has been determined that these provisions will result in an annual effect on the national economy of $100 million or more.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 533 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

It has been determined by an environmental assessment that this action will have no significant adverse impact on the quality of the human environment. Therefore, an environmental impact statement is not needed. Copies of the environmental assessment are available upon written request.

The titles and numbers of the Federal Assistance Program to which this rule applies are: Title: Conservation Reserve Program; Number 10.069, as found in the catalog of Federal Domestic Assistance.

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

Section 1231 of Title XII of the Food Security Act of 1985, as amended (the "Act"), directs the Secretary of Agriculture to formulate and carry out a conservation reserve program during the 1986 through 1990 crop years. The Secretary is authorized to enter into contracts with eligible owners and operators of highly erodible cropland to assist them in conserving and improving the soil and water resources of their farms and ranches by converting such land to permanent vegetative cover. The Secretary is authorized to place in the CRP up to 45 million acres of highly erodible cropland during the 1986 through 1990 crop years.

An interim rule implementing the CRP was published on pages 8780–8787 of Volume 51 of the **Federal Register** dated March 13, 1986. Comments on the interim rule were requested for a 60 day period ending May 12, 1986. The interim rule was amended on May 9, 1986, (51 FR 17167), and the comment period was extended through June 9, 1986.

Comments on the interim rule were received from 28 sources including agri-businesses, Soil and Water Conservation Districts and associations, fish and wildlife associations and agencies, forestry associations and agencies, State departments of natural resources, and the U.S. Environmental Protection Agency. No comments were received from individuals. All letters received are on file and available for public inspection in Room 4714, South Agricultural Building, 14th and Independence Avenue, SW., Washington, DC. The following is a discussion of the comments and suggestions received.

Discussion of Comments (7 CFR Part 704)

General description of the program, § 704.1: Several respondents recommended that the several CRP objectives listed in § 704.1 be treated as equivalent factors when offers to participate are being evaluated. Several respondents also suggested that CCC publish an established bid acceptance formula giving these factors equal weight.

After a review of these comments, it was determined that no modification of § 704.1 should be made in the final rule. The primary purpose of the CRP is reducing the amount of erosion occurring on our Nation's cropland. Therefore, the erodibility of the land offered to be placed in the CRP will remain the primary criteria when offers to participate are reviewed.

The other objectives listed in § 704.1 are secondary benefits that may ultimately result from the CRP. For example, to assure that the secondary objective of a curb in the production of surplus commodities is met, § 704.12(a)(3) requires that participants reduce the aggregate total of crop acreage bases, allotments, and quotas for the period of the CRP contract by an

amount based upon the ratio between the total cropland acreage on the farm and the total acreage on the farm placed in the reserve. In addition, annual rental payments may be increased on a temporary basis in order to encourage owners and operators of highly erodible land to designate base acreage of those crops where there are excessive stocks and price support costs for placement in the CRP. For example, it has been announced that persons who enter into 1987 CRP contracts based on offers submitted to CCC during the sign-up period, February 9, 1987–February 27, 1987, shall be paid an increased annual rental for the first year of the CRP contract based upon the amount of corn acreage base such persons agree to place in the CRP.

Another example is the secondary benefit of water quality improvement which usually results from preventing soil erosion.

It was also determined not to publish an established bid acceptance formula. Offers to participate in the CRP for 1986 were accepted on the basis of the lowest bids received, with a per acre bid ceiling established by the Secretary within a geographic area. It is necessary for CCC to maintain flexibility in the offer acceptance process in order to ensure that the goals of the CRP are achieved by the most cost-effective means possible.

Administration, § 704.3: Several comments were received concerning the use of other Federal agencies, conservation districts, and other governmental entities for providing technical assistance when necessary and for insuring that conservation practices are installed according to design and specification. One comment was concerned that some local Soil Conservation Service (SCS) field offices might not have adequate budget and staffing to provide effective technical assistance.

After reviewing these comments, it was determined that a change should be made in the final rule to provide that the Agricultural Stabilization and Conservation Service (ASCS) shall, in its operating procedures, list the conservation agencies and other agencies, such as the Fish and Wildlife Service, that provide services that may be utilized by ASCS in carrying out the CRP. No further change is necessary because CCC, on behalf of the Secretary, has the authority to enter into reimbursable agreements with conservation districts and other governmental entities to provide technical assistance to carry out the CRP if it is determined to be necessary.

Applicability, §704.4(b): One comment was received suggesting that State and local units of government not be eligible to participate in the CRP because such entities should be setting an example of soil stewardship.

After reviewing this issue, it was determined that § 704.4(b) should not be modified. The CRP should be applicable to State and local government-owned highly erodible croplands to encourage the conversion of such land from argicultural production. All operators, tenants, or sharecroppers on such land will be allowed to participate in the CRP if they are eligible.

Maximum county acreage, § 704.5: Five comments were received concerning the maximum amount of acreage in a county which may be placed in the CRP. Generally, these comments requested (1) an explanation of the basis for the limit, (2) a listing of the criteria which must be met for the limit to be exceeded, and (3) provisions for the public announcement of any request to authorize this limit to be exceeded.

After a review of all the comments received on this issue, it was determined that § 704.5 should not be modified. Section 1231(d) of the Act provides that the Secretary shall not place more than 25 percent of the cropland in a county into the CRP unless the Secretary determines that a higher percentage would not adversely affect the local economy of the county. This limitation is intended to protect local businesses, such as seed and fertilzer salesmen, implement dealers, and other agriculture and nonagriculture related businesses from losses that might occur if CRP participation in a county rose to a very high percentage of the cropland acreage in such county. When making determinations under this section, CCC will rely on surveys conducted by local ASC county committees and will consider all of the above mentioned impacts.

Eligible cropland, § 704.7: One respondent recommended that highly erodible land on which hay was produced in the crop rotation should be eligible for CRP, regardless of whether an argicultural commodity was produced on the land during 2 of the 5 crop years, 1981 through 1985.

Section 643(f) of Pub. L. 99–500 and Pub. L. 99–591 amended § 1231 of the Act to provide that alfalfa and other multiyear grasses and legumes in rotation, as approved by the Secretary, shall be considered to be agricultural commodities for the purpose of the CRP. The definition of an agricultural commodity in § 704.2(a)(1) of the rule has been revised accordingly. Therefore, it is possible for highly erodible cropland that was in a rotation during the years 1981–1985 to be eligible to be placed in the CRP, if such rotation is approved by the Secretary.

Several respondents recommended that land under expiring Water Bank Program (WBP) contracts be exempt from the CRP eligibility criteria which requires annual planting of a commodity in 2 of the 5 years, 1981 through 1985.

After reviewing the recommendations, it was determined that land subject to WBP contracts would not be exempt from the planting requirement. This would not be in keeping with CRP's primary goal of converting highly erodible land from crop production to permanent vegetative cover.

Twenty four comments were received concerning the criteria used for determining whether land was highly erodible. Eight comments suggested that the Secretary allow land that was eroding at only 2 times the soil loss tolerance level (2T) into the CRP; 4 comments recommended that the Secretary continue to require an erosion rate of 3 times the soil loss tolerance level (3T) on land eligible to be placed into the CRP; 1 respondent suggested that fields eroding at 2T be eligible for the CRP if part of the field is eroding at 3T; and 1 respondent suggested that with respect to fields where applied conservation practices have reduced the erosion rate to less than 3T, such fields should be eligible for CRP if additional economically justifiable conservation practices would not reduce erosion to the 2T level.

Six comments received suggested that a method which evaluated the erosion potential of soils be used to determine whether land was highly erodible. Four comments suggested that gully erosion be considered when making determinations of highly erodible land.

After a review of this issue, it has been determined that § 704.7 should be modified to provide that the eligibility of land for the CRP shall be determined based upon the erosion potential of soils and upon the amount of erosion actually occurring on the land. Accordingly, § 704.7(a) of the rule had been modified to provide the fields eligible to be placed in the CRP must, among other things, (1) consist predominantly of soils determined to be highly erodible based upon a method which measures the erosion potential of soils and (2) have been eroding at a rate greater than that recommended by the SCS Field Office Technical Guide during the crop years 1981–1985. A new § 704.8, which sets forth the application of the Erodibility

Index (EI) as the method to be used to determine erodibility of land, has been added to the final rule.

Because some producers may have already taken steps to place their land in the CRP during the 1987 crop year, the eligibility criteria contained in the interim rule will be retained, in addition to the EI criteria, for land placed in the CRP during the 1987 crop year.

The major advantages of using potential erosion criteria rather than actual erosion criteria are as follows: (1) The criteria may be applied to soil map units without making a field visit to determine cover and without determining the applicant's crop rotation; (2) soil map units are the smallest delineations of soil properties, thus facilitating the preparation of a list of eligible soil map units; (3) more acreage will be eligible for the CRP, and (4) this methodology is consistent with that used to implement the highly erodible land conservation provisions in the Food Security Act of 1985. The EI is an index number which indicates a soil's potential to erode. The higher the index, the greater the potential of the soil to erode and the more difficult it is to control erosion if used for intensive crop production. The EI uses the Universal Soil Loss Equation (USLE) and Wind Erosion Equation (WEQ) factors representing the effect of climate, topography, and soil properties on erosion. It excludes the cropping and management (C) factor and conservation practice (P) factor. Thus, the EI estimates the soil's potential to erode, and disregards the applicant's past use of the land. An EI equal to or greater than 8 was selected to identify highly erodible land.

With respect to gully erosion, the definition of highly erodible land in § 704.7 includes land with an EI of 8 or greater. This definition captures most fields with potential for gully erosion.

Four comments were received that suggested the provision in the interim regulations that a field must consist of 66⅔ percent highly erodible land in order to be determined to be predominantly highly erodible was too restrictive and could discourage participation in the CRP. The comments recommended lowering the amount of highly erodible land in a field necessary to make the field eligible for participation in the CRP.

After reviewing this issue it has been determined that the provisions of the rule should not be modified. Lowering the amount of highly erodible land necessary to make a field eligible for participation would allow too much land which is not highly erodible to be placed into the CRP.

Seven comments were received that recommended that certain nonerodible land that poses an off-farm environmental threat, such as cropland encroachment on riparian areas or proximity to sinkholes, streambanks, or stream channels, should be eligible to be placed in the CRP.

After reviewing this recommendation it has been determined that the regulation should not be modified. The primary objective of CRP is to convert highly erodible land from crop production to permanent vegetative cover. The program's 45 million acre enrollment goal can be met with land which satisfies this objective.

Conservation plan, § 704.9: Several comments were received recommending that participants in the CRP be allowed to install conservation practices on land subject to the CRP contract which meet the requirements of 7 CFR Part 12, Highly Erodible Land and Wetland Conservation. The comments suggested that the installation of such practices be included in the conservation plan developed in accordance with the CRP.

After a review of this issue, it has been determined that § 704.9 of the rule (§ 704.8 of the interim rule) should be modified to allow conservation practices designed to meet the requirements of the regulations governing highly erodible land conservation (7 CFR Part 12) to be installed on land subject to the CRP contract. However, any participant desiring to install such practices must agree to minimize soil erosion on the land during the installation of the conservation system and must, at no cost to CCC, re-establish any vegetative cover disturbed during the installation of the system. Cost-share assistance will not be provided under the CRP for the installation of conservation systems not necessary to comply with the terms and conditions of the CRP contract.

Five comments were received that recommended more consideration be given in the conservation plan to the objectives of benefiting fish and wildlife, improving and maintaining water quality, and the other stated objectives of CRP.

After reviewing this issue, it was determined that the provisions of the rule should not be modified. These objectives are currently given strong consideration in the development of conservation plans. State and County Conservation Review Groups are required to consult with fish and wildlife and water quality agencies when developing conservation practice guidelines for local use. The National and State guidelines for developing conservation practices at the local level require that fish and wildlife needs be considered when making determinations about seed varieties, other practice specifications, and maintenance of vegetative cover. Two specific wildlife practices, Permanent Wildlife Habitat and Shallow Water Areas for Wildlife, are eligible for inclusion in the conservation plan where appropriate and desired by the landowner or operator. To protect human health and wildlife, all chemicals used in establishing vegetative cover practices must be registered and authorized at the Federal, State and local levels.

Eligible Conservation Practices, § 704.10: One comment recommended that the following sentence be added to the definition of vegetative cover: "The vegetative cover should be capable of maintaining itself in a vigorous condition naturally through the contract period (10 years) or through appropriate management."

After a review of this issue, it was determined that no modification of the rule is necessary because § 704.10 of the final rule (§ 704.9 of the interim rule) provides that eligible conservation practices must provide adequate erosion control for the entire contract period.

CRP Contract, § 704.11: One comment was received which recommended that CCC announce the maximum acceptable rental rates prior to the time a person submits an offer to participate in the CRP. CCC has used a competitive bidding process during previous signups to determine whether offers to enter the CRP would be accepted. Another comment suggested that the bidding process be specifically set forth in the final rule.

After a review of these issues, it was determined that the provisions of the rule should not be modified. First, the competitive bid system has proven to be a cost-effective method for determining the acceptability of offers to participate in the CRP. However, CCC intends to provide for the submission of offers to enter into future CRP contracts during periods that are well in advance of normal planting times to decrease uncertainty on the part of applicants.

Second, it is important that CCC maintain flexibility when establishing the offer process, so that improvements in the process can be implemented as needed. Information describing the offer process is available to interested persons at all State and county ASCS offices.

Two respondents questioned the need for a 30-day irrevocable period for contract offers.

After a review of this issue, it was determined that no modification of the rule was necessary. As stated in the

interim rule, the 30-day period is necessary in order to discourage applicants from withdrawing offers before CCC may review and evaluate them. If an applicant was allowed to withdraw an offer during this period, a re-evaluation of offers received would be required thereby resulting in additional administrative costs to CCC, as well as increased annual rental payments if a higher bid had to be accepted to meet the acreage goal.

Obligations of the participant, § 704.12: Several comments were received which suggested modifications in the terms and conditions of the CRP. These suggestions and the determinations of CCC with respect to these comments are as follows:

(1) It was recommended that the CRP contract period be extended from a 10 to a 15 year period to ensure a more gradual phase-out of contracts and to encourage the permanent conversion of land from cultivation. No modification of this provision of the rule has been made to reflect this recommendation. A gradual phase-out of contracts is ensured because contracts are entered into over a 5 year period. Further, highly erodible land placed in the CRP will be subject to the regulations governing highly erodible land conservation (7 CFR Part 12).

(2) It was recommended that participants be given the option of permanently retiring any crop acreage bases which are reduced because of the participant's participation in the CRP. However, it was determined that increased rental payments for the permanent reduction of bases would not be a cost-efficient method of reducing the production of surplus commodities because of increased costs, uncertainties about the future terms of the production adjustment programs, and the voluntary nature of these programs.

(3) It was recommended that participants be required to comply with the water quality standards of the state in which the land is located. The provisions of the rule have not been modified to reflect this recommendation because the standards and specifications of eligible conservation practices include requirements for the protection and improvement of water quality.

(4) It was recommended that the rule be modified to clarify that (1) the commercial sale or harvesting as nursery stock or Christmas trees of trees planted in accordance with the CRP is prohibited, and (2) the charging of fees for the recreational use of land subject to the CRP contract is permissible. In accordance with this recommendation, § 704.12(a)(6) (§ 704.11(a) of the interim rule) has been modified to specifically prohibit the commercial sale or harvest as nursery stock or Christmas trees of trees planted in accordance with the CRP. It was not necessary to modify the final rule to specifically allow the charging of recreational fees because such activity does not constitute the harvesting or selling of forage from land subject to the CRP contract.

(5) It was recommended that the vegetative cover be required to be maintained in such a way as to benefit wildlife. It was not necessary to modify the rule to reflect this recommendation because participants are currently encouraged to enhance wildlife through management practices incorporated in the conservation plan.

(6) It was recommended that haying or grazing of forage on land subject to a CRP contract should not be allowed. No modification of the rule (704.11(a)(5) of the interim rule) is necessary with respect to this recommendation. Section 704.12(a)(5) of the final rule prohibits the grazing, harvesting, or other commercial use of any crop from the land subject to the CRP contract except when specifically permitted by the Secretary in response to a drought or other similar emergency.

Obligations of the Commodity Credit Corporation, § 704.13: One respondent recommended that the interim rule be amended to: (1) provide that the provisions of the Balanced Budget and Emergency Deficit Control Act (Gramm-Rudman-Hollings) will have no effect on rental payments guaranteed to farmers under CRP contracts, and (2) delete the words "subject to the availability of funds" which are contained in § 704.12 of the interim rule (§ 704.13 of the final rule).

After a review of these issues, it was determined that no modification of the interim rule is necessary. It should be noted that section 1241(a) of the Act provides that, beginning with fiscal year 1988, no funds of the CCC may be used to carry out the CRP unless funds have been appropriated in advance for such purpose.

Availability of cost-share payment, § 704.14: Two comments were received which recommended that the interim rule be amended to provide that an entity other than CCC may share all or a part of a participant's cost incurred in establishing permanent vegetative cover.

After a review of this issue, it was determined that the rule should not be modified because other entities are not precluded by the rule from paying all or part of a participant's cost of installing conservation practices. However, CCC will not make cost-share payments available to the participant in an amount that exceeds the participant's actual contribution to the cost of installing the eligible practice.

Levels and rates for cost-share payments, § 704.15, Several comments were received which recommended that CCC provide higher levels of cost-share assistance. Another respondent was concerned that CCC would not share the cost of the acquisition of trees, seedlings, and shrubs from commercial growers or consider the cost of private nursery stock in determining cost-share rates. The respondent was also concerned that commercial growers would not be able to immediately meet an increased demand for commercial nursery stock.

After a review of the comments received on this issue, it was determined that no modification of the rule is necessary. First, the 50 percent level of cost-share assistance provided for by the interim rule was required by section 1234(b) of the Act. Second, the commercial prices of seedlings, trees, and shrubs are considered by CCC in determining cost-share rates. Finally, § 704.12(a)(2)(i) of the final rule provides that an extension of time may be granted by a county ASC committee for the participant to establish the conservation practices if the participant cannot fully establish such practices for reasons beyond the participant's control.

Method of payment, § 704.17: Two comments received recommended that all CRP payments be made in cash because in-kind payment or payment in the form of commodity certificates is less attractive to participants and, therefore, results in reduced program participation.

After a review of this issue, it was determined that no modification of the rule is necessary. The in-kind payments provision was included in the Act to enable the Secretary, in times of commodity surpluses, to make payments that result in reduction of CCC commodity storage and handling costs. To accommodate participants, commodity certificates are being issued which allow participants to take immediate possession of the commodities, to reduce their CCC commodity loan indebtedness, or to sell the certificates. It is in the public interest to continue to make CRP payments available both in cash and in the form of commodity certificates in order to reduce Federal program costs and to better manage existing surpluses of commodities.

Contract modifications, § 704.20: Five comments were received which suggested that the provisions of this section that allow participants, by mutual agreement with CCC, to decrease CRP acreage and produce an agricultural commodity on such CRP acreage during a crop year are either vague or inconsistent with intent of the CRP. They recommended that the provisions of this section be better defined and restricted in scope or deleted.

After a review of this issue, it was determined that no modification of the rule is necessary. The provisions of § 704.20 of the final rule (§ 704.19 of the interim rule) are simply a restatement of the provisions of § 1235(c) of the Act and are needed to provide CCC with the flexibility to permit the production of an agricultural commodity on CRP land in response to national emergencies, to grant relief to a participant in cases of severe hardship, or to decrease the acreage under contract where the land will be devoted to nonagricultural uses such as residential, commercial, or industrial development. Modifications of CRP contracts in accordance with the provisions of this section will be made by CCC on a case-by-case basis.

Another comment recommended that the interim rule be revised to require the concurrence of all appropriate technical agencies when a proposed modification of a CRP contract involves a technical aspect of a conservation plan.

After a review of this issue, it was determined that § 704.19(b) of the interim rule (§ 704.20(b) of the final rule) should be modified to provide that the concurrence of the SCS, State Forester (where applicable), and the CD are necessary if modifications to a CRP contract involve a technical aspect of the participant's conservation plan.

Violations, § 704.22: One respondent recommended that § 704.21(c) of the interim rule (§ 704.22(c) of the final rule), which allows CCC to make adjustments in payments or to require payment refunds in response to minor violations of the contract, should be deleted because it appears to allow a contract modification when the participant fails to carry out the terms of the CRP contract.

After a review of this issue, it was determined that no modification of the rule is necessary. Minor or inadvertent violations of a CRP contract, such as accidental grazing of forage, might not warrant the termination of a contract. Therefore, CCC needs the flexibility to respond to such minor contract violations in order to discourage such violations without losing the conservation benefits for the remainder of the term of the contract.

Other Changes or Updates

A new paragraph (f) concerning the right of CCC to reject any and all offers to place land into CRP was added to § 704.10 of the interim rule (§ 704.11 of the final rule) by an interim rule published in the **Federal Register** on May 6, 1986.

Section 704.18 has been amended to allow participants who may be entitled to any cash payment under this program to assign the right to receive such cash payment to secure or pay pre-existing indebtedness.

Section 704.21 of the final rule (§ 704.20 of the interim rule), which governs transfer of, and succession-of-interest in, land, has been updated to prevent CRP participants from unduly benefiting from the program by placing land into the CRP for the purpose of transferring such land at an enhanced value.

Section 704.24 has been amended to provide for the granting of relief in order to provide fair and equitable treatment to persons who take action based upon the advice of a representative of a conservation district, a representative of SCS, or the State or county ASC committees.

Section 704.27 is updated to include a reference to the recently published provisions of 7 CFR Part 614 which govern a participant's right to request reconsideration of, or to appeal, certain technical determinations made by the Soil Conservation Service or the local conservation district.

Other sections have been modified in order to provide clarifications or to correct grammatical errors.

Lists of Subjects in 7 CFR Part 704

Administrative practices and procedures, Conservation plan, Contracts, Technical assistance, Natural resources, Wildlife.

Final Rule

Accordingly, the interim rule published at 51 FR 8780 and 51 FR 17169 is revised and adopted as a final rule to read as follows:

PART 704—CONSERVATION RESERVE PROGRAM

Sec.

704.1 General description of the program.
704.2 Definitions.
704.3 Administration.
704.4 Applicability.
704.5 Maximum county acreage.
704.6 Eligible person.
704.7 Eligible cropland.
704.8 Criteria for identifying highly erodible land.
704.9 Conservation plan.
704.10 Eligible conservation practices.
704.11 CRP contract.
704.12 Obligations of the participant.
704.13 Obligations of the Commodity Credit Corporation.
704.14 Availability of cost-share payments.
704.15 Levels and rates for cost-share payments.
704.16 Annual rental payments.
704.17 Method of payment.
704.18 Assignments.
704.19 Payments not subject to claim.
704.20 Contract modifications.
704.21 Transfer of land.
704.22 Violations.
704.23 CRP Contracts not in conformity with regulations.
704.24 Performance based upon advice or action of representatives of the Department or a Conservation District.
704.25 Access of land.
704.26 Division of program payments and provisions relating to tenants and sharecroppers.
704.27 Appeals.
704.28 Depriving others of payments.
704.29 Filing of false claims.
704.30 Miscellaneous.
704.31 Paperwork Reduction Act assigned numbers.

Authority: Secs. 1201, 1231–1244, Pub. L. 99–198, 99 Stat. 1354, as amended (16 U.S.C. 3801, 3831–3844).

§ 704.1 General Description of the Program.

(a) The regulations in this part set forth the terms and conditions for the Conservation Reserve Program (CRP) authorized by Title XII of the Food Security Act of 1985 (Pub. L. 99–198). The Secretary of Agriculture is authorized to enter into contracts and make payments to eligible owners and operators of eligible cropland to assist them in conserving and improving the soil and water resources of their farms and ranches by converting such land to permanent vegetative cover in accordance with an approved conservation plan. A conservation plan for specified highly erodible croplands shall be developed in cooperation with the Conservation District (CD) in which the lands are located.

(b) The objectives of the CRP are to:

(1) Reduce water and wind erosion,

(2) Protect our long-term capability to produce food and fiber,

(3) Reduce sedimentation,

(4) Improve water quality,

(5) Create better habitat for fish and wildlife through improved food and cover,

(6) Curb production of surplus commodities, and

(7) Provide needed income support for farmers.

§ 704.2 Definitions.

(a) The following definitions shall be applicable for the purposes of this part:

(1) "Agricultural commodity" means any crop planted and produced by annual tilling of the soil or on an annual basis by one-trip planters or sugar cane planted or produced in a State or alfalfa and other multiyear grasses and legumes in rotation, as approved by the Secretary;

(2) "Annual rental payment" means the annual payment specified in the CRP Contract which is made to a participant to compensate such participant for placing eligible cropland in the CRP;

(3) "Applicant" means a person who submits an offer to CCC to enter into a CRP Contract;

(4) "Bid" means the per acre rental payment requested by the owner or operator in such owner or operator's offer to participate in the CRP;

(5) "Conservation District (CD)" means a subdivision of a State organized pursuant to the applicable State Soil Conservation District Law;

(6) "Conservation plan" means the plan describing and scheduling the conservation practices which must be established on eligible cropland placed in the CRP in order for erosion on such land to be adequately controlled. The conservation plan shall include the approved vegetative cover and other required conservation practices necessary for the establishment and maintenance of vegetative cover;

(7) "Commodity Credit Corporation (CCC)" means a wholly-owned government corporation within the U.S. Department of Agriculture;

(8) "CRP Contract" means the approved agreement, including the conservation plan, entered into in writing between CCC and the participant which sets forth the terms and conditions for participation in the CRP established under this part;

(9) "Cost-share payment" means the payment made by CCC to assist program participants in establishing the conservation practices eligible for cost-share assistance and required in the CRP Contract;

(10) "Department" means the United States Department of Agriculture and includes CCC;

(11) "Eligible cropland" means highly erodible land which meets the requirements of § 704.7;

(12) "Field" means a part of a farm which is separated from the balance of the farm by permanent boundaries such as fences, roads, permanent waterways, woodlands, or corp line in cases where the predominantly eligible cropland and farming practices make it a manageable unit and probable that such crop line is not subject to change during the duration of the contract, or other similar features;

(13) "Field windbreak" means a vegetative barrier with a linear configuration composed of trees or shrubs planted for the purpose of wind erosion control;

(14) "Local ASCS office" means the county office of the Agricultural Stabilization and Conservation Service serving the county or a combination of counties in the area in which the landowner's farm or ranch is located;

(15) "Manageable unit" means a part of a field that can be farmed in a normal manner;

(16) "Operator" means a person who is in general control of the farming operations on the farm;

(17) "Owner" means a person who has legal ownership of farmland including a person who is buying farmland under a purchase agreement;

(18) "Participant" means an owner or operator who has entered into a CRP Contract;

(19) "Person" means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity and, whenever applicable, a State, a political subdivision of a State, or any agency thereof;

(20) "Secretary" means the Secretary of the U.S. Department of Agriculture;

(21) "Soil Loss Tolerance (T)" represents the maximum level of annual soil erosion that will permit a high level of crop productivity to be sustained economically and indefinitely;

(22) "Technical assistance" means the assistance provided to owners or operators by a representative of the Department in classifying cropland, developing conservation plans, inspecting eligibility of a designated area, and implementing and certifying conservation practices;

(23) "Tree planting plan" means the plan that sets forth the silvicultural treatment necessary for planting trees, in order to obtain adequate erosion control on eligible cropland. The plan shall include site location, number of acres, requirements for site preparation, tree species and specifications, planting dates, pre- and post-care of nursery stock, and maintenance to ensure survival; and

(24) "Vegetative cover" means perennial or permanent grasses, legumes, forbs, and shurbs with a lifespan of 5 or more years, or trees.

(b) In the regulations in this part and in all instructions, forms, and documents in connection therewith, all other words and phrases specifically relating to ASCS operations shall, unless the context of subject matter otherwise requires, have the meanings assigned to them in the regulations governing reconstitution of farms, allotments and bases, 7 CFR Part 719.

§ 704.3 Administration.

(a) The program will be administered on behalf of CCC under the general supervision of the Administrator of the Agricultural Stabilization and Conservation Service (ASCS) and shall be carried out in the field by State ASC Committees (STC) and County ASC Committees (COC).

(b) The Soil Conservation Service (SCS) shall determine whether land is highly erodible and suitable for permanent vegetative cover, and the adequacy of the planned conservation practice to achieve the necessary erosion control and shall provide such other technical assistance in the implementation of the CRP as determined necessary.

(c) The Forest Service (FS) or the State Forestry Agency shall provide such assistance as determined necessary for developing and implementing conservation plans which include tree planting as the appropriate conservation practice.

(d) The Extension Service (ES) shall coordinate the related information and education program concerning implementation of the CRP.

(e) The ASCS shall, in its operating procedures, list the conservation agencies and other agencies, such as the Fish and Wildlife Service, that provide services that may be utilized by ASCS in carrying out the program provided for in this part.

(f) Except as provided in paragraph (b), the Deputy Administrator, State and County Operations, ASCS (Deputy Administrator), may determine any question arising under the CRP, may reverse or modify any determination made by a STC or COC in connection with the CRP, and may administer any or all phases of the CRP delegated to the COC, STC, or any employee(s) where the COC, STC, or any employee fails to perform a function required in these regulations. In exercising this authority the Deputy Administrator may authorize a person or persons to carry out the CRP or other function(s) for such period of time as is deemed necessary by the Deputy Administrator.

§ 704.4 Applicability.

(a) The CRP is applicable in the 50 States, the Commonwealth of Puerto Rico, and the Virgin Islands of the United States.

(b) The CRP is applicable to private croplands, Indian tribal croplands, and State or local government croplands that otherwise meet the requirements of eligibility set forth in § 704.7.

§ 704.5 Maximum county acreage.

The maximum acreage in a county which may be placed in the CRP may not exceed 25 percent of the total cropland in the county unless CCC determines that such action would not adversely affect the local economy of the county.

§ 704.6 Eligible person.

In order to be eligible to enter into a CRP Contract in accordance with this part, a person must be an owner or operator of eligible cropland and—

(a) If an operator of eligible cropland, must have operated such cropland for the period beginning not less than 3 years prior to the close of the applicable signup period of January 1, 1985, whichever is later, and must provide satisfactory evidence that such person will be the operator of such cropland for the CRP Contract period; or

(b) If an owner of eligible cropland, must have owned such cropland for not less than 3 years prior to the close of the applicable signup period, unless:

(1) The new owner acquired such cropland by will or succession as a result of the death of the previous owner;

(2) The new owner acquired such cropland prior to January 1, 1985; or

(3) It is determined that the new owner of such cropland did not acquire such cropland for the purpose of placing it in the CRP.

§ 704.7 Eligible cropland.

(a) In order to be eligible to be placed in the CRP, a field must—

(1) Have been annually planted or considered planted to produce an agricultural commodity other than orchards, vineyards, or ornamental plantings in 2 of the 5 crop years, 1981 through 1985;

(2) Be physically possible to be planted to produce an agricultural commodity other than orchards, vineyards, or ornamental plantings;

(3) With respect to CRP Contracts effective beginning with the 1986 crop year, consist predominantly of soils that meet the criteria set forth in paragraph (a)(4)(ii) of this section;

(4) With respect to CRP Contracts effective beginning with the 1987 crop year, consist predominantly of soils—

(i) Identified as being highly erodible in accordance with § 704.8 of this part and having an erosion rate during the crop years 1981–1985 greater than that recommended by the Soil Conservation Service Field Office Technical Guide; or

(ii) Be classified by SCS as being predominantly Land Capability Classes II, III, IV, and V with an average annual erosion rate of 2T or greater, as announced by the Secretary; or be classified by SCS as being predominantly Land Capability Classes VI, VII, or VIII;

(5) With respect to CRP Contracts effective beginning with the 1988 and subsequent crop years, consist predominantly of soils that meet the criteria set forth in paragraph (a)(4)(i) of this section; and

(6) If a redefined field, be a manageable unit which meets the minimum acreage requirements as established by CCC for the county.

(b) Land subject to a contract under the Great Plains Conservation Program, Agricultural Conservation Program, Forestry Incentives Program, Rural Clean Water Program, or similar program contract or land currently under an annual program with maintenance on lifespan requirements may be eligible to be placed in the CRP if the eligible cropland meets the requirements of paragraph (a) and the conservation practices required under the CRP are consistent with the requirements of the existing contracts.

(c) A field shall be considered to be predominantly highly erodible if 66⅔ percent or more of the land in such field meets the requirements of paragraph (a)(3), (4), or (5), as applicable.

§ 704.8 Criteria for identifying highly erodible land.

(a) Soil map units will be used as the basis for identifying highly erodible land. The erodibility of a soil is determined by dividing the potential average annual rate of erosion for each soil by the predetermined soil loss tolerance (T) value for the soil.

(1) The potential average annual rate of sheet and rill erosion is estimated by multiplying the following factors of the Universal Soil Loss Equation (USLE):

(i) Rainfall and runoff (R),

(ii) The degree to which the soil resists water erosion (K), and

(iii) The function (LS), which includes the effects of slope length (L) and steepness (S).

(2) The potential average annual rate of wind erosion is estimated by multiplying the following factors of the Wind Erosion Equation (WEQ): Climatic characterization of wind speed and surface soil moisture (C) and the degree to which soil resists wind erosion (I).

(3) The USLE is explained in U.S. Department of Agriculture Handbook 537, "Predicting Rainfall Erosion Losses." The WEQ is explained in Agriculture Handbook 346, "Wind Erosion Forces in the United States and Their Use in Predicting Soil Loss." Copies of the handbook may be obtained by writing: U.S. Department of Agriculture, Soil Conservation Service, Land Treatment Programs Division, Washington, D.C. 20013–2890. Values for all the factors used in these equations are contained in the SCS field office technical guide and the references which are a part of the guide.

(b) A soil map unit subject to significant erosion by water or by wind shall be determined to be highly erodible if either the RKLS/T or the CI/T value equals or exceeds 8.

(c) Whenever a soil map unit description contains a range of slope length and steepness characteristics that produce a range of LS values which result in RKLS/T quotients both above and below 8, the soil map unit will be entered on the list of highly erodible soil map units as "potentially highly erodible." The final determination of erodibility for an individual field containing these soil map delineations shall be made by an on-site investigation.

§ 704.9 Conservation plan.

(a) The applicant, in consultation with the Soil Conservation Service (SCS), shall develop the conservation plan.

(b) The SCS shall ensure that the conservation practices included in the conservation plan and agreed to by the applicant will achieve the reduction in erosion necessary to maintain the production capability of the soil.

(c) If applicable, a tree planting plan shall be developed by the State Forester and shall be included with the conservation plan.

(d) All conservation plans must be approved by the CD, or for areas not located within a CD, a representative of SCS.

(e) The conservation plan may include practices which will enable participants to be in compliance with provisions of 7 CFR Part 12 governing production of agricultural commodities on highly erodible land when the contract expires, if the participant agrees in writing to: (1) Minimize soil erosion on the land during the installation of such conservation practices, and (2) re-establish disturbed vegetative cover at no cost to CCC.

§ 704.10 Eligible conservation practices.

(a) Eligible conservation practices are those practices specified in the conservation plan that meet all quantity and quality standards needed to establish permanent vegetative cover,

including introduced or native species of grasses and legumes, forest trees, permanent wildlife habitat, field windbreaks, and shallow water areas for wildlife that will provide adequate erosion control for the contract period.

(b) Other conservation practices may be determined to be eligible if such practices are required in the conservation plan to assure establishment or permanent vegetative cover.

(c) Conservation practices installed according to paragraph 704.9(e) are not eligible for cost-share payments under the provisions of this part.

§ 704.11 CRP Contract.

(a) In order to enter into the CRP, the owner or operator must enter into a CRP Contract with CCC.

(b) The CRP Contract will be comprised of: (1) The terms and conditions for participation in the CRP, (2) the offer of the applicant, and (3) the conservation plan.

(c) In order to enter into a CRP Contract, the applicant must submit an offer to participate on a Form CRP–1 at the local county ASCS office during the announced signup period for the applicable crop year.

(1) The offer shall be irrevocable for a period of 30 days subsequent to the close of the applicable signup period.

(2) The applicant shall be assessed liquidated damages in an amount provided in the CRP Contract if the applicant revokes an offer prior to 30 days after the close of the applicable signup period. Once an offer has been received by CCC, it shall be reviewed and evaluated. The revocation of offers during this 30-day review and evaluation period would require a re-evaluation of bids reviewed and would result in additional administrative expenditures by CCC as well as increased annual rental payments; however, it would be impossible to compute the actual damages suffered by CCC.

(3) CCC may waive payment of liquidated damages if CCC determines that the assessment of such damages in a particular case is not in the best interest of the CRP.

(d) The CRP Contract must be signed within the dates established by the COC by: (1) The applicant, and (2) the owners of the cropland to be placed in the CRP.

(e) The COC or its designee is authorized to approve CRP Contracts on behalf of CCC in accordance with instructions issued by the Deputy Administrator.

(f) CCC may reject any and all offers to place land into the CRP, including offers received from:

(1) Applicants who have submitted a previous offer to place such land into the CRP at a lower annual rental rate and revoked such earlier offer in violation of the provisions of § 704.10(c);

(2) Applicants who have violated any other terms and conditions of an earlier CRP Contract covering such land; and

(3) Applicants who had previously entered into CRP contracts with CCC if the total annual rental payments due under such prior contracts (excluding contracts entered into in accordance with § 704.21 of this part) plus the total annual rental payments called for in the offer exceeds $50,000.

§ 704.12 Obligations of the participant.

(a) All participants in the CRP must:

(1) Carry out the terms and conditions of the CRP Contract for a period of 10 crop years from the date the CRP Contract is entered into by the participant and CCC;

(2) Implement the conservation plan:

(i) The participant shall implement the conservation plan in accordance with the plan's scehdule of operation, unless and extension of time for practice completion is granted by the COC. Such as extension shall be granted only if the participant cannot fully implement the plan as scheduled for reasons beyond the participant's control; and

(ii) The participant shall establish temporary vegetative cover when required by the conservation plan or the COC to control soil erosion until permanent vegetative cover can be adequately established;

(3) Agree to reduction in the aggregate total of crop acreage bases, allotments, and quotas for the contract period for each farm which contains land which is the subject of the CRP Contract by an amount based upon the ratio between the total cropland acreage on such farm and the total acreage on such farm subject to the CRP Contract;

(4) Not undertake any action on other land under the participant's control during the contract period that tends to defeat the purpose of the CRP, including the production of any agricultural commodity on land subject to 7 CFR Part 12 which sets forth the terms and conditions under which a person shall be determined ineligible for certain benefits provided by the U.S. Department of Agriculture because of the production of an agricultural commodity on highly erodible land or converted wetland;

(5) Not knowingly or willingly allow grazing, harvesting, or other commercial use of any crop from the cropland subject to the CRP Contract except for those periods of time in accordance with instructions issued by the Secretary in response to drought or similar emergency;

(6) Not knowingly or willingly allow harvesting, as Christman trees or nursery stock, of any trees planted during the contract period on land subject to the CRP Contract;

(7) Maintain the vegetative cover and the required conservation practices on the land subject to the CRP Contract and take other actions that may be required by CCC to achieve the reduction in soil erosion necessary to maintain the production capability of the soil throughout the CRP Contract period; and

(8) Comply with the noxious weed laws of the applicable State on land subject to the CRP Contract.

(b) The participant and each other person signing the CRP Contract shall be jointly and severally responsible for compliance with the CRP Contract and the provisions of this part and for any refunds or payment adjustments which may be required for violation of any of the terms and conditions of the CRP Contract and the provisions of this part.

§ 704.13 Obligations of the Commodity Credit Corporation.

(a) CCC shall, subject to the availability of funds:

(1) Share the cost with participants of establishing eligible conservation practices specified in the conservation plan at the levels and rates of cost-sharing determined in accordance with the provisions of § 704.15;

(2) Pay to the participant for a period of years not in excess of the contract period an annual rental payment in such amounts as may be specified in the CRP Contract; and

(3) Provide such technical assistance as may be necessary to assist the participant in carrying out the CRP Contract.

(b) CCC shall preserve the participant's cropping history during the contract period, for use in establishing any bases, allotments and quotas required by federal farm programs in effect upon expiration of the contract.

§ 704.14 Availability of cost-share payments.

(a) Cost-share payments shall be made available upon a determination by CCC that the eligible conservation practice, or an identifiable unit thereof, has been established in compliance with the appropriate standards and specifications.

(b) Cost-share payments may be made under the CRP only for the establishment or installation of an eligible conservation practice.

(c) Except as provided in paragraph (d) of this section, cost-share payments shall not be made to the same owner or operator on the same acreage for any eligible conservation practices which have been previously established, and for which such owner or operator has received cost-share assistance from the Department.

(d) Cost-share payments may be authorized for the replacement or restoration of conservation practices for which cost-share assistance has been previously allowed under the CRP only if:

(1) Replacement or restoration of the practice is needed to achieve adequate erosion control; and

(2) The failure of the original practice was not due to the lack of proper maintenance by the participant.

(e) The cost-share payment made to a participant shall not exceed the participant's actual contribution to the cost of establishing the conservation practice.

§ 704.15 Levels and rates for cost-share payments.

(a) CCC will share not more than 50 percent of the actual or average cost of establishing the eligible conservation practices specified in the conservation plan.

(b) The average cost of performing a conservation practice shall be determined by the STC or COC, based upon the recommendation of the State and county Conservation Review Groups as identified in 7 CFR 701.2 (a) and (f), and may be the average cost in a State, a county, or a part of a county or counties.

§ 704.16 Annual rental payments.

(a) Annual rental payments shall be made in such amount and in accordance with such time schedule as may be agreed upon and specified in the CRP Contract.

(b) The annual rental payment shall be divided among the participants in the manner agreed upon in the CRP Contract.

(c) The maximum amount of rental payments which a person may receive under the CRP for any fiscal year shall not exceed $50,000. The regulations set forth at 7 CFR Part 795 shall be applicable in determining whether certain persons as individuals or other entities are to be considered as a separate person for payment limitation purposes.

(d) Annual rental payments made by CCC will not be reduced by amounts paid to CRP participants in cash or services by other natural resources entities.

§ 704.17 Method of payment.

Payments made by the Department under this part may be made in cash, in-kind, in commodity certificates or in any combination of such methods of payment in accordance with 7 CFR Part 770.

§ 704.18 Assignments.

Any participant who may be entitled to any cash payment under this program may assign the right to receive such cash payment, in whole or in part, as provided in the regulations at 7 CFR Part 709, Assignment of Payment, except that assignments may also be made to secure or pay pre-existing indebtedness.

§ 704.19 Payments not subject to claim.

Subject to the regulations found at 7 CFR Part 13, any cost-share or annual payment or portion thereof due any person shall be allowed without regard to questions of title under State law, and without regard to any claim or lien in favor of any creditor, except agencies of the U.S. Government.

§ 704.20 Contract modifications.

(a) CCC, by mutual agreement with the participant, may modify the CRP Contract in order to:

(1) Decrease acreage placed in the CRP;

(2) Permit the production of an agricultural commodity during a crop year on all or part of the land subject to the CRP Contract; or

(3) Facilitate the practical administration of the CRP.

(b) The concurrence of the SCS, State Forester where applicable, and the CD are necessary when modifications to a CRP Contract involve a technical aspect of the participant's conservation plan.

(c) CCC may modify CRP Contracts to add, delete, or substitute conservation practices when:

(1) The installed conservation practice failed to adequately control erosion through no fault of the participant;

(2) The installed measure deteriorated because of conditions beyond the control of the participant; or

(3) Another conservation practice will achieve at least the same level of erosion control.

§ 704.21 Transfer of land.

(a) Participation by new owner.

(1) If a new owner or operator purchases or obtains the right and interest in, or right to occupancy of, the land subject to CRP Contract, such new owner or operator, upon the approval of the COC, may become a participant to the existing contract with the same terms and conditions or may offer to enter into a new CRP Contract with CCC covering such transferred land.

(2) If the new owner or operator becomes a participant to the existing CRP Contract, the new owner or operator shall assume all obligations under the CRP Contract of the previous participant with respect to the transferred land.

(3) The following provisions shall be applicable if the new owner or operator becomes a participant to the existing CRP Contract or enters into a new CRP Contract with CCC:

(i) Cost-share payments shall be made to the participant who established the conservation practice as specified in the contract; and

(ii) Annual rental payments to be paid during the fiscal year when the land was transferred shall be divided:

(A) Between the new participant and the previous participant based upon the period of time during the fiscal year during which such participants had control of the land or

(B) As agreed upon between the participants and approved by the COC.

(b) If a participant transfers all or part of the right and interest in, or right to occupancy of, the land subject to CRP Contract and the new owner or operator does not become a participant to the existing CRP Contract or a new CRP Contract in accordance with the provisions of this section, the CRP Contract shall be terminated with respect to the affected portion of the land subject to the CRP Contract, and the participant:

(1) Must forfeit all rights to any future annual rental or cost-share payments with respect to the transferred acreage;

(2) Must refund all or part of the payments plus interest thereon, as determined by CCC, that have been made on the transferred land, except a portion of the payments may be retained to the extent CCC determines, after consultation with the technical agency and the CD, that the established conservation practices have achieved desired conservation benefits for an acceptable period; and

(3) Must pay liquidated damages to CCC as set forth in §704.22(a)(3) of this part if no annual payments have been made under the CRP Contract.

(c) An offer to modify an existing CRP Contract upon the transfer of land subject to a CRP Contract will be accepted only if, under the terms of the modified CRP Contract and any new CRP Contracts entered into with respect to the transferred land, CCC would not pay an increased total annual rental for the land covered by the existing CRP Contract.

§ 704.22 Violations.

(a) Termination of CRP Contract.

(1) If the participant fails to carry out the terms and conditions of the CRP Contract, CCC may, after considering the recommendations of the CD and SCS, terminate the CRP Contract.

(2) If the CRP Contract is terminated by CCC in accordance with this paragraph (a), the participant shall:

(i) Forfeit all rights to further payments under the CRP Contract and refund all payments received together with interest thereon as determined by CCC; or

(ii) Forfeit all rights to payments under the CRP Contract and pay liquidated damages to CCC in an amount specified in the CRP Contract if no payments have been received by the participant under the CRP Contract.

(3) The purpose of the CRP is to control erosion on highly erodible lands thereby protecting the Nation's soil and water resources for succeeding generations. Once a CRP Contract has been entered into between CCC and the owner or operator, CCC and other segments of the agricultural community will act based on the assumption that the CRP Contract will be fulfilled and the reduction in erosion and production will be obtained. CCC's action includes budgeting and planning for the CRP in subsequent crop years. A participant's failure to carry out the terms and conditions of the CRP Contract undermines the basis for these actions, damages the credibility of CCC's programs with other segments of the agricultural community, and requires additional expenditures in subsequent crop years in order for the required levels of acreage to be placed in the CRP and in order for an adequate reduction in erosion to be obtained. While the adverse effects on CCC of the participant's failure to comply with the CRP Contract is obvious, it would be impossible to compute the actual damage suffered by CCC. Therefore, participants shall be required to refund all payments received, plus interest, upon the termination of the CRP Contract in accordance with this paragraph (a), or to pay liquidated damages in an amount specified in the CRP Contract if no payments under the CRP have been received prior to termination.

(b) CCC may also terminate a CRP Contract if the participant agrees to such termination and CCC determines that termination would be in the public interest.

(c) If the participant fails to carry out the terms and conditions of the CRP Contract but CCC determines that such failure does not warrant termination of the CRP Contract, CCC may require such participant to refund payments received under the CRP Contract or to accept such adjustments in the payment as are determined to be appropriate by CCC.

§ 704.23 CRP Contracts not in conformity with regulations.

If, after a CRP Contract is approved by the COC on behalf of CCC, it is discovered that such CRP Contract is not in conformity with the provisions of this part as the result of a misunderstanding of the program procedures by a signatory to the contract, a modification of the contract may be made by mutual agreement. If the parties to the CRP Contract cannot reach agreement with respect to such modification, the CRP Contract shall be terminated and all payments paid or payable under the contract shall be forfeited or refunded to CCC, except as may otherwise be allowed by CCC in accordance with the provisions of § 704.24.

§ 704.24 Performance based upon advice or action of representatives of the Department or a Conservation District.

(a) Notwithstanding any other provision of law, performance rendered in good faith in reliance upon the action or advice of any authorized representative of a CD (where performance relates to the Conservation Plan or the erodibility determination), a representative of SCS, or the STC or COC (where performance relates to any other program requirement) may be accepted by the Chief of SCS or the Deputy Administrator, as applicable, as meeting the requirements of this program. The Chief of SCS or the Deputy Administrator respectively, may grant relief because of such good faith reliance to the extent it is deemed desirable in order to provide fair and equitable treatment.

(b) The provisions of this section shall be applicable only if a person relied upon the action or advice of an authorized representative of a CD, SCS, or the STC or COC, in rendering performance which the person believed in good faith met the requirements of the program established by this part. The authority provided in this section does not extend to cases where the person knew or had sufficient reason to know that the action or advice of the authorized representative of SCS or the STC or COC, upon which the person relied was improper or erroneous, or where the person acted in reliance on the person's own misunderstanding or misinterpretation of program provisions, notices or advice.

(c) Any person seeking consideration under the provisions of this section may file a request therefor with the local SCS field office and the COC (where performance related to the Conservation Plan or erodibility determination) or the COC (where performance relates to any other program requirement).

§ 704.25 Access to land.

Any representative of the Department, or designate thereof, shall have the right of access to land which is the subject of an application for a CRP Contract or land which is the subject of a CRP Contract and shall have the right to examine any other cropland under the applicant's or participant's control for the purpose of determining whether the land is highly erodible and for the purpose of determining whether there is compliance with the terms and conditions of the CRP.

§ 704.26 Division of program payments and provisions relating to tenants and sharecroppers.

Payments received under a CRP Contract shall be divided fairly and equitably among all participants to the contract. Producers who would have shared in the risk of producing crops on the land to be placed in the CRP shall receive equitable treatment in accordance with the regulations set forth in 7 CFR 713.109 and 713.150 which relate to division of payments and the rights of tenants and sharecroppers.

§ 704.27 Appeals.

(a) Except as provided in paragraph (b) of this section, the participant may obtain a review in accordance with the administrative appeal regulations (7 CFR Part 780) of any administrative determination rendered under this program.

(b) The participant may obtain a review in accordance with appeal regulations at 7 CFR Part 614 of any determinations rendered under this program by SCS or a CD.

§ 704.28 Depriving others of payments.

If it is determined by CCC that any participant has employed any scheme or device to deprive any other person of cost-share assistance or land rental payments, any part of any program payment otherwise due or paid such participant during the CRP Contract period may be withheld or required to be refunded with interest thereon as

determined by CCC. A scheme or device includes, but is not limited to, coercion, fraud, or misrepresentation.

§ 704.29 Filing of false claims.

If it is determined by CCC that any participant has knowingly supplied false information or has knowingly filed a false claim, such participant shall be ineligible for payments under the CRP with respect to the crop year in which the false information or claim was filed. False information or false claims include a claim for payment for a conservation practice which is not carried out or a claim for payment for conservation practices which do not meet the specifications of the applicable conservation plan. Any amounts paid under these circumstances shall be refunded, together with interest as determined by CCC, and any amounts otherwise due such participant shall be withheld. The withholding or refunding of such payments will be in additional to any other penalty or liability otherwise imposed by law.

§ 704.30 Miscellaneous.

(a) In accordance with the regulations set forth at 7 CFR Part 796:

(1) No payment shall be made to any participant who harvests or knowingly permits to be harvested for illegal use, marihuana or other such prohibited drug-producing plants on any part of the lands owned or controlled by such participant; and

(2) Any participant who is convicted under Federal or State law of planting, cultivating, growing, producing, harvesting, or storing a controlled substance in any crop year shall be ineligible for any payments under this part during the crop year and the four (4) succeeding crop years.

(b) In case of death, incompetency, or disappearance of any participant, any payment due shall be paid to the participant's successor in accordance with the provisions of 7 CFR Part 707.

§ 704.31 Paperwork Reduction Act assigned numbers.

The Office of Management and Budget has approved the information collection requirements contained in these Regulations under provisions of 44 U.S.C. Chapter 33 and OMB Number 0560–0125 has been assigned.

Signed at Washington, DC on February 6, 1987.

Peter C. Myers,

Acting Secretary of Agriculture.

[FR Doc. 87–2909 Filed 2–6–87; 5:08 pm]

BILLING CODE 3410–03–M

Commodity Credit Corporation

7 CFR Part 1468 and 1472

Mohair and Shorn Wool and Unshorn Wool; Payment Program (1986–1990)

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Interim rule.

SUMMARY: This interim rule amends the regulations at 7 CFR Parts 1468 and 1472 with respect to a producer's eligibility for price support payments for mohair and wool, respectively, and makes certain minor changes.

EFFECTIVE DATES: This interim rule shall become effective on February 11, 1987. Comments must be received on or before April 13, 1987 in order to be assured of consideration.

ADDRESS: Send comments on the interim rule to: Director, Emergency Operations and Livestock Programs Division, ASCS, Department of Agriculture, P.O. Box 2415, Washington, DC 20013. All written submissions made pursuant to this rule will be made available for public inspection in Room 4095 South Building, USDA, between the hours of 8:15 AM and 4:45 PM, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Jerry W. Newcomb, Director, Emergency Operations and Livestock Programs Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, P.O. Box 2415, Washington, DC 20013. Telephone (202) 447–5621.

SUPPLEMENTARY INFORMATION: Information collection requirements contained in these regulations (7 CFR Parts 1468 and 1472) have been approved by the Office of Management and Budget in accordance with provisions of 44 U.S.C. Chapter 35 and OMB Number 0560–0023 has been assigned.

This interim rule has been reviewed under U.S. Department of Agriculture (USDA) procedures established in accordance with provisions of Executive Order 12291 and Departmental Regulation No. 1512–1 and has been classified as "not major." It has been determined that these program provisions will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal assistance programs to which this rule applies are: Title—Commodity loans and Purchases; Number—10.051; as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this interim 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 rule.

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

These programs/activities are 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 F.R. 29115 (June 24, 1983).

Since the marketing of the 1986 crop of mohair and wool has begun, it has been determined that the provisions of this interim rule must be effective on February 11, 1987. However, comments on this interim rule are requested and must be received not later than 60 days from the date of publication in the **Federal Register** in order to be assured of consideration. A final rule will be published discussing any amendments which are determined to be necessary.

Section 703(a) of the National Wool Act of 1954, as amended ("the Wool Act"), was amended by 201 of the Food Security Act of 1985 to authorize the Secretary of Agriculture ("the Secretary") to support the price of wool and mohair marketed through December 31, 1990. Section 703(a) provides that the Secretary shall support the prices of wool and mohair to producers by means of loans, purchasers, payments or other operations. Section 704 of the Wool Act provides that if payments are utilized as a means of price support, the payments shall be such as the Secretary determines to be sufficient, when added to the national average price received by all producers, to give producers a national average return for the commodity equal to the support level. On August 12, 1986, a notice of final determinations was published in the **Federal Register** at 51 FR 28852 which, in part, determined that the price of wool and mohair will be supported for the

1986 through 1990 marketing years by means of payments to producers.

On May 14, 1986, two final rules were published which made the price support program regulations for mohair (7 CFR Part 1468) at 51 FR 17611 and wool (7 CFR Part 1472) at 51 FR 17612 for the 1982–1985 marketing years applicable for such programs for the 1986–1990 marketing years. However, these two final rules inadvertently failed to change the phrase "four marketing years" to "five marketing years" in the respective regulations when referring to the 1986–1990 marketing years. Accordingly, this interim rule makes those corrections by amending sections 1468.103 and 1472.1503.

The provision in the mohair and wool price support regulations (7 CFR 1468.107 and 1472.1507, respectively) concerning bona fide marketing were amended on November 14, 1985 (50 FR 47033) and on August 23, 1985 (50 FR 34082), respectively, to clarify the requirements for a bona fide marketing. A review conducted by this Department of a selected number of applications for 1983 price support payments for shorn wool revealed marketing practices which defeated the purposes of the programs which are designed to encourage the continued domestic production of mohair and wool at prices fair to both producers and consumers in a manner which would assure a viable domestic mohair and wool industry.

The review disclosed that, in many instances, payments were being made to producers who sold wool to persons not previously engaged in the business of purchasing or selling wool. These transactions also often resulted in reports of sales of wool at substantially higher prices than the prices generally received by producers who marketed their wool through normal channels. Thus, these producers received higher price support payments on wool sold at these higher prices. The review further revealed attempts to submit to CCC documents representing sales, transfers, or other arrangements with respect to wool which were fictitious or not legally binding. Accordingly, it was determined that the wool price support payment program should be revised to prevent these abuses and, since the marketing of mohair is similar to the marketing of wool, the mohair price support program should be similarly revised.

The mohair and wool price support regulations were amended in 1985 to correct these abuses. Among other changes, the regulations at 7 CFR 1468.107 and 1472.1507 were amended to clearly set forth the requirements which producers have to meet in order to become eligible to receive price support payments for their marketings of mohair or wool. Those requirements provided that, in order to be considered as a bona fide marketing, the mohair or wool must be sold to a person or business engaged in the business of buying and selling grease basis mohair or wool and that the mohair or wool was purchased in the course of that business.

However, after thorough consideration of the impact on the producers who market grease basis mohair or wool and on purchasers of mohair or wool, it has been determined by the Deputy Administrator, State and County Operations (DASCO) that the amended regulations at 7 CFR 1468.107 and 1472.1507 were too restrictive in that they could effectively disqualify sales of mohair or wool, which were otherwise considered bona fide marketings under the regulations, solely because they were marketed by a producer to a purchaser who was not engaged in the business of buying and selling grease basis mohair or wool. While it is intended that a producer must sell grease basis mohair or wool to be eligible for a price support payment, it is not intended that the person who purchases such mohair or wool must also be in the business of selling mohair or wool on a grease basis. Thus, this interim rule amends the regulations at 7 CFR 1468.107 and 1472.1507 to provide that price support payments may be made to eligible producers who market mohair or wool to persons or businesses that do not normally purchase or sell mohair or wool, respectively, on a grease basis.

DASCO also determined that making price support payments on the basis of the full sales proceeds of mohair or wool sold at substantially higher prices generally received by producers who market mohair or wool through normal channels defeats the intent of the mohair or wool price support programs.

The legislative history of the Wool Act shows that its main purpose is to enable . . . [producers] to compete successfully with the wool which is brought in from cheaper production areas of the world, and thus encourage the rebuilding of sheep herds, and it is hoped, the eventual production of a larger proportion of our wool requirements in the United States, H.R. Rep. No. 1927, 83d Cong., 2d Sess. 21–22 (1954).

DASCO has determined in the cases where the sales price of mohair or wool is so high that there appears to be no relationship between the price received and the inherent grease basis value of the mohair or wool, that the higher price is attributable to specialized marketing techniques.

The specialized marketing techniques for which the person purchasing the mohair or wool is charged include advertising and the direct retailing of the fleeces from a particular animal which received special care and treatment or the fleeces that have been specially handled.

While these innovative marketing techniques which result in the mohair or wool producer receiving a substantially higher price for their mohair or wool are to be commended, it has been determined that these marketing techniques do not contibute to the rebuilding of goat or sheep herds, or increase the amount of domestically produced mohair and wool as envisioned by the Wool Act. Price support payments should not compensate producers for advertising expenses or other expenses associated with specialized marketing techniques of mohair or wool which do not contribute to the encouragement of the continued domestic production of mohair or wool at prices which are fair to both producers and consumers in a manner which will assure a viable domestic mohair and wool industry in the future.

Accordingly, this interim rule amends the regulations at 7 CFR 1468.116(b) and 1472.1545(b) to provide that price support payments will not be made with respect to that portion of the sales proceeds received by a producer which is based on sales in excess of the maximum sales price per pound as determined by DASCO for each marketing year and publicy announced by the Department at the end of the marketing year for mohair and wool, respectively. The maximum sales price for mohair and wool shall be determined on the basis of the national average market price for mohair and wool computed each marketing year and shall be an amount which will reasonably fall within specified bounds of prices received by the preponderance of producers and will enable such producers of mohair or wool to compete with foreign produced mohair or wool, rebuild herds, and increase the domestic production of mohair and wool.

Lists of Subjects

7 CFR Part 1468

Commodity Credit Corporation, Mohair, Price support program, Reporting and recordkeeping requirements.

7 CFR Part 1472

Commodity Credit Corporation, Price support program, Reporting and recordkeeping requirements, Wool.

Interim Rule

PART 1468—MOHAIR

Accordingly, the regulations at 7 CFR Parts 1468 and 1472 are amended as follows:

1. The authority citation for Part 1468 continues to read as follows:

Authority: Secs. 4 and 5, 62 Stat. 1070, as amended, 1072, as amended (15 U.S.C. 714b, 714c); secs. 702–708, 68 Stat. 910–912, as amended (7 U.S.C. 1781–1787).

§ 1468.103 [Amended]

2. Section 1468.103 is amended by removing the phrase, "4 marketing years" and adding in lieu thereof "five marketing years".

3. Section 1468.107(c) is amended by removing paragraphs (c) (3) and (4), and by revising paragraphs (c)(1) and (c)(2) to read as follows:

§ 1468.107 Bona fide marketing within a specified marketing year.

* * * * *

(c) * * * (1) The mohair is sold to a person or business which normally purchases grease basis mohair and (2) the producer selling the mohair does not sell the mohair to a family member or to any business in which the producer and/or family member has more than a 20 percent interest.

* * * * *

§ 1468.116 [Amended]

4. Section 1468.116 is amended as follows:

a. Paragraphs (c), (d) and (e) are redesignated as paragraphs (d), (e) and (f) respectively.

b. A new paragraph (c) is added to read as follows:

* * * * *

(c) Notwithstanding any other provision of this Part, price support payments shall not be made with respect to that portion of the sales proceeds received by a producer for eligible mohair which is based on sales prices in excess of the maximum sales price per pound for mohair as determined by the Deputy Administrator. The Deputy Administrator shall determine the maximum sales price per pound for mohair marketed in each marketing year on the basis of the national average market price for mohair computed for each marketing year. The maximum sales price shall be an amount which the Deputy Administrator determines will encourage the continued domestic production of mohair at prices fair to both producers and consumers in a manner which would assure a viable domestic mohair industry. The maximum sales price shall be publicly announced by the Department of Agriculture at the end of each marketing year for mohair.

* * * * *

PART 1472—WOOL

5. The authority citation for Part 1472 continues to read as follows:

Authority: Secs. 4 and 5, 62 Stat. 1070, as amended, 1072, as amended (15 U.S.C. 714b, 714c); secs. 702–708, 68 Stat. 910–912, as amended (7 U.S.C. 1781–1787).

§ 1472.1503 [Amended]

6. Section 1472.1503 is amended by removing the phrase "four marketing years" and adding in lieu thereof "five marketing years".

7. Section 1472.1507(c) is amended by removing paragraphs (c) (4) and (5), and by revising paragraphs (c) (1) and (2) to read as follows:

§ 1472.1507 Bona fide marketing within a specified marketing year.

* * * * *

(c) * * * (1) The wool is sold to a person or business which normally purchases grease basis wool and (2) the producer selling the wool does not sell the wool to a family member or to any business in which the producer and/or family member has more than a 20 percent interest.

* * * * *

§ 1472.1545 [Amended]

8. Section 1472.1545 is amended as follows:

a. Paragraph (c), (d), and (e) are redesignated as paragraph (d), (e) and (f) respectively.

b. A new paragraph (c) is added to read as follows:

* * * * *

(c) Notwithstanding any other provision of this Part, price support payments shall not be made with respect to that portion of the sales proceeds received by a producer for eligible wool which is based on sales prices in excess of the maximum sales price per pound for wool as determined by the Deputy Administrator. The Deputy Administrator shall determine the maximum sales price per pound for wool marketed in each marketing year on the basis of the national average market price for wool computed for each marketing year. The maximum sales price shall be an amount which the Deputy Administrator determines will encourage the continued domestic production of wool at prices fair to both producers and consumers in a manner which would assure a viable domestic wool industry. The maximum sales price shall be publicly announced by the Department of Agriculture at the end of each marketing year for wool.

* * * * *

Signed at Washington, D.C. on February 4, 1987.

William C. Bailey,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 87–2708 Filed 2–10–87; 8:45 am]

BILLING CODE 3410–05–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 86–NM–144–AD; Amdt. 39–5551]

Airworthiness Directives: Short Brothers PLC Model SD3–30 Series Airplane

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Short Brothers PLC Model SD3–30 series airplanes, that requires sealing the fuselage top skin. This action is needed to prevent fuel leaks, should they occur in certain areas, from entering the main fuselage cabin.

DATES: Effective March 18, 1987.

ADDRESSES: The service bulletin specified in this AD may be obtained 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 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: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive, which requires application of a sealant to certain areas

of the fuselage top skin of certain Short Brothers Model SD3–30 airplanes to prevent fuel from entering into the main cabin, was published in the **Federal Register** on September 3, 1986 (51 FR 31343).

Interested parties have been afforded an opportunity to participate in the making of this amendment. No comments were received in response to the proposal.

Since the issuance of the Notice, the manufacturer has issued a revision to the service bulletin specified in the proposal, which modifies and clarifies the procedures. The United Kingdom Civil Aviation Authority (CAA) has declared the revision to be mandatory. This final rule has been revised to allow modification in accordance with the procedures contained in this revision, in lieu of the original issue of the service bulletin. The FAA has determined that this change will have no significant impact on the safety of flight, nor will it impose any additional financial burden on any operator.

After careful review of the available data, the FAA has determined that air safety and the public interest require the adoption of the rule with the change noted above.

It is estimated that 68 airplanes of U.S. registry will be affected by this AD, that it will take approximately 30 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $81,600.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT 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 rule will not have a significant economic effect on a substantial number of small entities because of the minimal cost of compliance per airplane ($1,200). A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation Safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

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

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 PLC: Applies to Model SD3–30 airplanes, Serial Numbers SH3002 through SH3116 inclusive, certificated in any category. Compliance is required within 90 days after the effective date of this AD, unless previously accomplished:

A. To prevent fuel entering into the main cabin, seal certain areas of the fuselage top skin in accordance with Short Brothers PLC, Service Bulletin SD330–53–58, dated January 1986, or Revision 1, dated May 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 a 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 document from the manufacturer may obtain copies upon request to Short Brothers PLC, 2011 Crystal Drive, Suite 713, Arlington, Virginia 22202–3702. This document 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.

This amendment becomes effective March 18, 1987.

Issued in Seattle, Washington, on February 4, 1987.

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 87–2811 Filed 2–10–87; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 86–CE–51–AD; Amdt. 39–5547]

Airworthiness Directives; Partenavia Models P–68, P–68B, P–68C, P–68C–TC, P68 "OBSERVER" and P68TC "OBSERVER" Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to certain Partenavia Models P–68, P–68B, P–68C, P–68C–TC, P68 "OBSERVER" and P68TC "OBSERVER" airplanes equipped with photogrammetric hatch, which requires an inspection and modification of the aileron control cable at the right side of this hatch to prevent chafing/cutting of the brake oil line. An incident was reported where the aileron control cable sawed through the brake oil line, causing loss of the brake system. This action will detect and prevent any interference and preclude possible loss of braking and/or the loss of aileron control.

EFFECTIVE DATE: March 16, 1987.

Compliance: Required within 50 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished.

ADDRESSES: Partenavia Service Bulletin (S/B) No. 68 dated January 31, 1986, applicable to this AD may be obtained from Partenavia Costruzioni Aeronautiche S.p.A., Via Cava, 80026 Casoria (Naples), Italy. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. M. Dearing, Brussels Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, B–1000, Brussels, Belgium; Telephone 513.38.30; or Mr. Harvey Chimerine, FAA, ACE–109, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374–6932.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD requiring an inspection for interference between the right aileron control and brake oil line, which will preclude possible chafing/cutting of the brake oil line, the loss of braking ability on the right side of the aircraft as well as possible loss of right aileron control on certain Partenavia Models P–68, P–68B, P–68C, P–68C–TC, P68 "OBSERVER" and P68TC "OBSERVER" airplanes was published in the **Federal Register** on November 4, 1986 (51 FR 40035). The proposal resulted from a reported incident where the aileron control cable at the right side of the photogrammetric hatch sawed through the brake oil line on a Partenavia P–68. Consequently, Partenavia issued S/B No. 68 dated January 31, 1986, which required a one-time visual inspection for interference between the right aileron control cable and brake oil line.

The Registro Aeronautico Italiano (RAI), which has responsibility and authority to maintain the continuing airworthiness of these airplanes in Italy, classified this service bulletin and the actions recommended therein by the manufacturer as mandatory, and has

issued Italian AD No. 86–22 dated March 30, 1986, to assure the continued airworthiness of the affected airplanes.

On airplanes operated under Italian registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the RAI combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA examined the available information related to the issuance of Partenavia S/B No. 68 dated January 31, 1986, and the mandatory classification of this service bulletin by the RAI, and concluded that the condition addressed by Partenavia S/B No. 68 dated January 31, 1986, was an unsafe condition that may exist on other airplanes of this type certificated for operation in the United States. Accordingly, the FAA proposed an amendment to Part 39 of the FAR to include an AD on this subject.

Interested persons have been afforded an opportunity to comment on the proposal. One positive comment was received on this proposal, and no objections were received on the proposal or the FAA determination of the related cost to the public. Accordingly, the proposal is adopted without change. The FAA has determined that this regulation involves 15 airplanes at an approximate one-time cost of $80 for each airplane, or a total one-time fleet cost of $1,200.

The cost of compliance with the proposed AD is so small that the expense of compliance will not be a significant financial impact on any small entities operating these airplanes.

Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "**ADDRESSES**".

List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft, Safety.

Adoption of the Amendment

PART 39—[AMENDED]

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

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 AD:

Partenavia: Applies to certain Partenavia Models P–68, P–68B, P–68C, P–68C–TC, P68 "OBSERVER" and P68TC "OBSERVER" (Serial Numbers (S/N) 1 to 340 inclusive) airplanes equipped with photogrammetric hatch, certificated in any category.

Compliance: Required within 50 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished.

To preclude possible loss of braking and/or loss of aileron control, accomplish the following:

(a) For airplanes with Serial Numbers (S/N) 1 to 298 inclusive, visually inspect the aileron control cable to the right side of the photogrammetric hatch for interference with the brake oil line in accordance with steps 1 through 6 of Part 1A, "INSPECTION INSTRUCTIONS" of Partenavia Service Bulletin (S/B) No. 68 dated January 31, 1986 (referred to hereafter as S/B No. 68).

(1) If no discrepancy is found, return the airplane to service.

(2) If a discrepancy is found, prior to further flight, accomplish the following:

(i) Replace damaged oil tube. Carefully inspect and, if necessary, replace the aileron control cable.

(ii) To prevent further interference between the brake oil lines and the aileron control cable, install a clamp (MS 21919–DG9) as shown in figure 2 on page 3/3 of S/B No. 68.

(iii) Visually check that the clamp is properly installed and the interference is no longer present.

(iv) Return the airplane to service.

(b) For airplanes with S/N 299 to 340 inclusive:

(1) Remove carpeting from around the photogrammetric hatch.

(2) Cut a rectangular inspection hole 3.35 inches by 2.35 inches (85 x 60mm) in accordance with figures 1 and 2 on page 3/3 of S/B No. 68.

(3) Manufacture a rectangular cover plate for the above inspection hole in accordance with figure 2 on page 3/3 of S/B No. 68.

(4) Visually inspect the aileron cable to the right of the photogrammetric hatch for interference with the brake oil line in accordance with steps 3 through 6 of Part 1A, "INSPECTION INSTRUCTIONS" of S/B No. 68.

(i) If no discrepancy is found, return the airplane to service.

(ii) If a discrepancy is found, prior to further flight, accomplish paragraph (a)(2) of this AD.

(c) For all aircraft having clamp (P/N MS 21919–DG9) installed on the brake oil line in accordance with Part II, "Repair Instructions" of Partenavia S/B No. 68 dated January 31, 1986, no further action is necessary.

(d) Airplanes may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(e) An equivalent means of compliance with this AD may be used if approved by the Manager, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, B–1000 Brussels, Belgium.

All persons affected by this directive may obtain copies of the document referred to herein upon request to Partenavia Costruzioni Aeronautiche S.p.A., Via Cava, 80026 Casoria (Naples), Italy; or FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

This amendment becomes effective on March 16, 1987.

Issued in Kansas City, Missouri, on January 29, 1987.

Jerold M. Chavkin,

Acting Director, Central Region.

[FR Doc. 87–2810 Filed 2–10–87; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 86–NM–185–AD; Amdt. 39–5550]

Airworthiness Directives: Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends an existing airworthiness directive (AD), applicable to Boeing Model 747 series airplanes, which requires repetitive inspection and replacement, as necessary, of all main and nose landing gear wheel bearings. The FAA has determined that a certain group of wheel bearings, which the existing AD requires to be inspected, may be eliminated from the repetitive inspection requirement.

DATES: Effective February 26, 1987.

ADDRESSES: The applicable service information specified in this AD may be obtained upon request to 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. Weston B. Slifer, Systems and Equipment Branch, ANM-130S; telephone (206) 431-1945. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations by amending AD 86-11-01, Amendment 39-5322, which requires the repetitive inspection and replacement, as necessary, of all main and nose landing gear wheel bearings, was published in the **Federal Register** on September 22, 1986 (51 FR 33619). The proposed change to the AD was the removal of a certain group of bearings from the repetitive inspection requirement. These bearings are identified by part number LM229146 and LM229139, date-stamped prior to date code LS. Bearings date-stamped LS and subsequent must continue to be inspected in accordance with the AD.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

One comment was received from the Air Transport Association (ATA) of America, which stated that all ATA members have already removed all pre-LS bearings from service, and would, therefore, not be affected by the proposed change. The ATA, nonetheless, supported the proposed rule.

The second comment was from a foreign operator, which stated that it inspects all wheel bearings at each tire change, approximately every 120 landings, as a routine procedure, and would not be affected by the removal of the mandatory requirement to make these inspections.

The third comment was from the Boeing Company. Boeing stated that it believes the most probable cause of the in-service failure of a certain pre-LS bearing was due to sub-surface cracking due to the through-section effects of case hardening. In support of their statements, Boeing presented the following:

1. Evidence of the presence of a cracking pattern in the cone back face rib of that bearing which is more open internally than at the surface.

2. Results of a quality control ultrasonic inspection of some new cones revealing that some cone back face ribs exhibited internal discontinuities. Further metallurgical examination of these cones revealed small internal cracks.

For these reasons, Boeing requested the inspection requirements for all pre-LS bearings be retained.

The FAA does not concur. The FAA does not consider that the evidence submitted by Boeing is conclusive. Boeing has not shown that a direct causal relationship existed between the internal discontinuities cited and in-service failure of the pre-LS bearings. This also includes the incident which preceded issuance of AD 86-11-01.

In fact, preliminary reports released by the National Transportation Safety Board, following an accident involving a Boeing Model 747 airplane, indicate that, while the failed bearing did contain certain irregularities, it also exhibited other evidence suggesting that the cause of the bearing failure was external to the bearing.

Based on all of the above, the FAA has determined that deletion of the repetitive inspection requirements for the pre-LS bearings is appropriate.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require amending the existing AD as proposed.

Since this amendment eliminates certain inspection requirements, it imposes no additional economic burden on any operator, and may be made effective in less than 30 days.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT 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 rule will not have a significant economic effect on a substantial number of small entities, because few, if any, Model 747 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

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

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 amending Airworthiness Directive 86-11-01, Amendment 39-5322 (51 FR 19324; May 29, 1986), by deleting paragraph B.3.

This amends Amendment 39-5322.

This amendment becomes effective February 26, 1987.

Issued in Seattle, Washington, on February 4, 1987.

Wayne J. Barlow,

Director, Mountain Region.

[FR Doc. 87-2808 Filed 2-10-87; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 86-NM-153-AD; Amdt. 39-5552]

Airworthiness Directives: EON Corporation Technical Standard Order (TSO) C22 Safety Belt Assemblies

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) which requires replacement of EON safety belt assemblies which incorporate EON E6000 safety belt buckle assemblies. This action is prompted by reports of a buckle assembly which pulled apart under load, and other assemblies which could be pulled apart by wiggling the latch in the buckle. This condition, if not corrected, could result in the inadvertent unbuckling of a safety belt assembly, and the resultant lack of restraint of the occupant under either flight loads or crash loads.

DATES: Effective March 18, 1987.

ADDRESSES: The EON Corporation no longer exists. A copy of all documents applicable to this AD may be examined at the Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Western Aircraft Certification Office, 15000 Aviation Boulevard, Hawthorne, California.

FOR FURTHER INFORMATION CONTACT: Mr. Walter Eierman, Aerospace Engineer, Systems & Equipment Section, ANM-173W, FAA, Northwest Mountain Region, Western Aircraft Certification Office; telephone (213) 297-1388. Mailing address: FAA, Northwest Mountain Region, Western Aircraft Certification Office, ANM-173W, P.O. Box 92007,

Worldway Postal Center, Los Angeles, California 90009–2007.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive to require replacement of certain inadequate safety belt assemblies with other FAA-approved assemblies, was published in the Federal Register on August 28, 1986 (51 FR 30672).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the two comments received.

The first commenter suggested that the AD include provisions for disposal or marking of the affected safety belts to eliminate their future use in aircraft. The FAA concurs with this suggestion. The final rule has been revised to require removing or obliterating the TSO markings on the safety belts required to be removed by this AD. The FAA has determined that this change will impose no additional financial burden on any operator.

The second commenter expressed no objection to the proposal.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and public interest require the adoption of the rule, with the change previously mentioned.

Because of the wide range of aircraft which may be equipped with these safety belt assemblies, and because parts of these assemblies may be interchanged with other assemblies, the FAA is unable to estimate the number of assemblies that must be replaced in order to comply with the requirements of this AD. The FAA has determined, however, that the cost for each safety belt assembly replacement would be less than $100, including labor costs.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under 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 rule will not have a significant economic impact on a substantial number of small entities because of the minimum cost of compliance per aircraft (replacement of each safety belt assembly has been determined to be less than $100). A final regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

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

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:

EON Corporation

Applies to EON Corporation TSO C22 safety belt assemblies incorporating E6000 buckle assemblies.

Compliance is required within 30 days after the effective date of this AD, unless previously accomplished.

To prevent inadvertent opening of safety belt assemblies, accomplish the following:

A. Inspect all EON Corporation TSO C22 safety belt assemblies to determines if they use E6000 buckle assemblies. If a safety belt assembly with E6000 buckles is installed, remove and replace it with another FAA-approved safety belt assembly. The removed belts, if not destroyed, must have the TSO approval markings either permanently obliterated or removed.

Note.—This type of buckle assembly has a front cover plate which is pivoted at one end and is pulled at the other end through an arc to release the latch from the buckle. The E6000 buckle assemblies can be identified by the type of catch they use. Figure 1 (following) shows the configuration of the catch and how it is located within the buckle assembly.

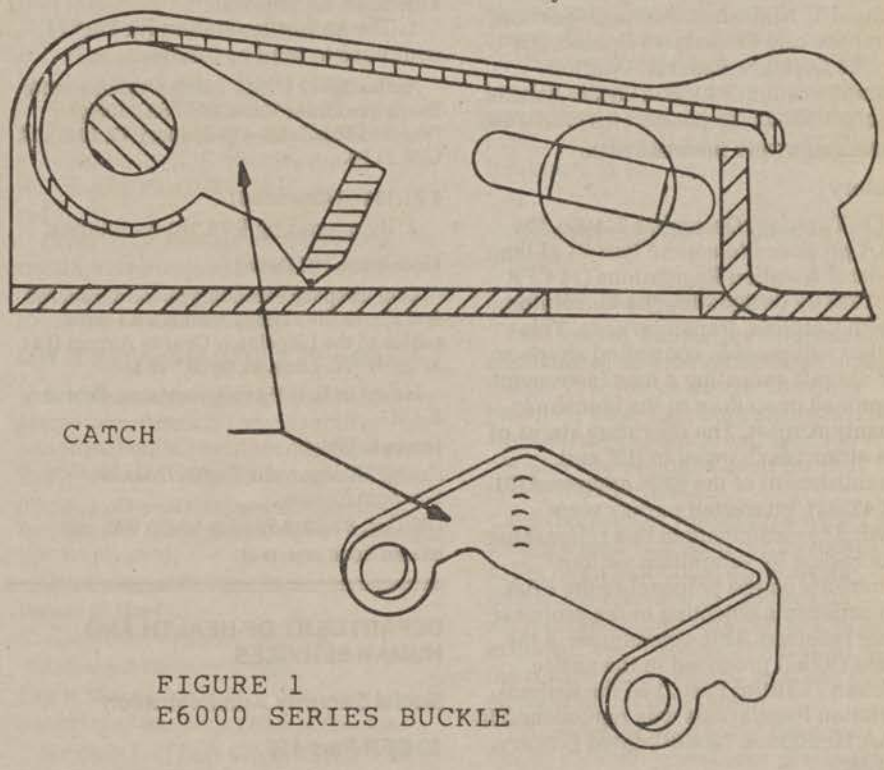

FIGURE 1
E6000 SERIES BUCKLE

B. Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, Western Aircraft Certification Office, FAA, Northwest Mountain Region.

This amendment becomes effective March 18, 1987.

Issued in Seattle, Washington, on February 4, 1987.

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 87–2809 Filed 2–10–87; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 86-ASO-27]

Designation of Transition Area, Lincolnton, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment designates the Lincolnton, North Carolina, transition area to accommodate Instrument Flight Rules (IFR) operations at the Lincolnton County Airport. This action will lower the base of controlled airspace from 1,200 to 700 feet above the surface in the vicinity of the airport. An instrument approach procedure, based on the proposed Lincolnton Nondirectional Radio Beacon (RBN), is being developed to serve the airport and the controlled airspace is required for protection of IFR aeronautical activities.

EFFECTIVE DATE: 0901 UTC, April 9, 1987.

FOR FURTHER INFORMATION CONTACT: Ronald T. Niklasson, Airspace Section, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

History

On Tuesday, December 2, 1986, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by designating the Lincolnton, North Carolina, transition area. This action will provide controlled airspace for aircraft executing a new instrument approach procedure to the Lincolnton County Airport. The operating status of the airport is changed to IFR and establishment of the RBN approved (51 FR 43384). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. This amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in FAA Handbook 7400.6C dated January 2, 1987.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations designates the Lincolnton, North Carolina, transition area to accommodate Instrument Flight Rules operations at the Lincolnton County Airport.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Transition area.

Adoption of the Amendment

PART 71—[AMENDED]

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

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

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. By amending § 71.181 as follows:

Lincolnton, NC [New]

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Lincolnton County Airport (Lat. 35°29'01" N., Long. 81°09'39" W.).

Issued in East Point, Georgia, on February 2, 1987.

James L. Wright,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 87-2812 Filed 2-10-87; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 416

[Regulations No. 16]

Supplemental Security Income for the Aged, Blind, and Disabled; Liquid and Nonliquid Resources and Resources Determinations

AGENCY: Social Security Administration, HHS.

ACTION: Final rule.

SUMMARY: We are amending our regulations to include a 20-day rule for distinguishing between liquid and nonliquid resources and a first-of-the-month rule which applies to the determination and valuation of resources and to the point at which income becomes subject to resource counting rules.

EFFECTIVE DATE: These regulations are effective February 11, 1987.

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 a Notice of Proposed Rulemaking (NPRM) covering all the rules on the resources provisions on November 8, 1982 (47 FR 50511). The rules distinguishing liquid resources from nonliquid resources and establishing when resources determinations are made are being finalized at this time, separately from other provisions of the NPRM, because they are current operating policies already detailed in manual instructions and they are needed for accurate and consistent adjudication. Some portions of the NPRM have already been published as final rules, 50 FR 42683 (October 22, 1985) and other portions are still under consideration. Only one comment was received regarding these two policies and our response is discussed later in the preamble.

Section 416.1201 (which was § 416.1202 in the NPRM) explains that, as a general rule, resources are any cash or other liquid assets or any real or personal property a person can use to meet his or her needs for food, clothing, or shelter. We have included a rule distinguishing between liquid and nonliquid resources. Liquid resources are those items such as cash on hand, bank savings and checking accounts and similar items which can be converted to cash within 20 days, excluding certain nonwork days as explained in § 416.120(d). All other resources are nonliquid. It is necessary to distinguish between liquid and nonliquid resources because under our regulations, liquid resources cannot be excluded as property essential to self-support unless they are part of a trade or business (§ 416.1220). In addition, a person cannot receive conditional payments if liquid resources exceed a certain limit (§ 416.1240).

Section 416.1207 (which was § 416.1204(b), (c), and (d) in the NPRM) is being added to clarify that changes during a month in the existence, value, or excludability of resources are not

taken into account until the first moment of the next month. We also make explicit in the regulations that items received during a month are evaluated first under the income counting rules and, if retained until the first moment of the following month, will be subject to the rules for counting resources at that time. The statement in the NPRM as to when income "becomes" a resource has been changed to clarify that the focus of these regulations is on how and when the Secretary counts an item as income or resources and not on a transformation in the nature of the item. In addition, the final rule breaks out as a separate subsection (e) the rule related to changing the form of a resource and shows the relationship between this provision and the transfer of assets provisions of § 416.1246.

Comment Received Following Publication of the NPRM on Liquid and Nonliquid Resources (Published November 8, 1982 (47 FR 50511))

Comment: A State clearinghouse questioned the rationale for including in the difinition of liquid resources "other property which you can convert to cash within 20 work days." The commenter recommended that, because the property cannot be used until it has been converted, it should be considered *nonliquid* unless conversion actually occurs within the 20-day period.

Response: In a program such as SSI, it is necessary to have some point in time at which resources are evaluated. For SSI purposes, that point is the first moment of the month. It would be inconsistent with the first-of-the-month rule to wait 20 days before making a decision about eligibility based on resources. A nonexcluded resource, whether liquid or nonliquid, is counted as of the first of the month against the statutory resources limitation. However, if an individual does not have countable resources in excess of the statutory limit, then a distinction between liquid and nonliquid resources is not material to eligibililty. If the individual meets all other eligibility criteria, SSI payments can be made for the month. If, however, countable resources exceed the statutory limit, a decision as to liquidity/nonliquidity must be made to determine whether the individual meets the requirements for conditional payment (see § 416.1240). One of the requirements for conditional payment is a dollar limitation on the amount of liquid resources. Because liquid resources generally are readily convertible to cash, and thus available for meeting basic needs for food, clothing, and shelter, we expect an individual to use such resources toward his or her own support before qualifying for SSI. The 20-day rule encourages people to convert such assets quickly, and thus reinforces the basic purpose of the SSI program. Of course, if evidence shows that there is some obstacle which precludes disposition in 20 days (e.g., a life insurance policy may not be payable on demand but rather must be presented to the home office and such processing will take more than 20 days), then the resource is considered nonliquid and, if appropriate, a previous decision can be revised. Given the purpose of the SSI program to make payments to individuals who have limited income and resources available for meeting current needs, we do not believe that the commenter's recommended change of policy is appropriate.

Executive Order 12291: The Secretary has determined that this is not a major rule under Executive Order 12291. 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 OMB clearance.

List of Subjects in 20 CFR Part 416

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

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

Dated: August 8, 1986.

Dorcas R. Hardy,

Commissioner of Social Security.

Approved: October 2, 1986.

Otis R. Bowen,

Secretary of Health and Human Services.

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

PART 416—[AMENDED]

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

Authority: Secs. 1102, 1611, 1613, 1614 and 1631 of the Social Security Act, as amended; Sec. 211 of Pub. L. 93–66; 49 Stat. 647, as amended; 86 Stat. 1466, 1470, 1471 and 1475, as amended; 42 U.S.C. 1302, 1382, 1382b, 1382c and 1383.

2. In § 416.1201, paragraphs (b) and (c)(1) are revised to read as follows:

§ 416.1201 Resources; general.

* * * * *

(b) *Liquid resources.* Liquid resources are cash or other property which can be converted to cash within 20 days, excluding certain nonwork days as explained in § 416.120(d). Examples of resources that are ordinarily liquid are stocks, bonds, mutual fund shares, promissory notes, mortgages, life insurance policies, bank accounts (savings and checking), certificates of deposit and similar items. Liquid resources, other than cash, are evaluated according to the individual's equity in the resources.

(c) *Nonliquid resources.* (1) Nonliquid resources are property which is not cash and which cannot be converted to cash within 20 days excluding nonwork certain days as explained in § 416.120(d). Examples of resources that are ordinarily nonliquid are loan agreements, household goods, automobiles, trucks, tractors, boats, machinery, livestock, buildings and land. Nonliquid resources are evaluated according to their equity value except as otherwise provided. (See § 416.1218 for treatment of automobiles.)

* * * * *

3. Section 416.1207 is added to read as follows:

§ 416.1207 Resources determinations.

(a) *General.* Resources determinations are made as of the first moment of the month. A resource determination is based on what assets an individual has, what their values are, and whether or not they are excluded as of the first moment of the month.

(b) *Increase in value of resources.* If, during a month, a resource increases in value or an individual acquires an additional resource or replaces an excluded resource with one that is not excluded, the increase in the value of the resources is counted as of the first moment of the next month

(c) *Decrease in value of resources.* If, during a month, a resource decreases in value or an individual spends a resource or replaces a resource that is not excluded with one that is excluded, the decrease in the value of the resources is counted as of the first moment of the next month.

(d) *Treatment of items under income and resource counting rules.* Items received in cash or in kind during a month are evaluated first under the income counting rules and, if retained until the first moment of the following

month, are subject to the rules for counting resources at that time.

(e) *Receipts from the sale, exchange, or replacement of a resource.* If an individual sells, exchanges or replaces a resource, the receipts are not income. They are still considered to be a resource. This rule includes resources that have never been counted as such because they were sold, exchanged or replaced in the month in which they were received. See § 416.1246 for the rule on resources disposed of for less than fair market value (including those disposed of during the month of receipt).

Example: Miss L., a disabled individual, receives a $350 unemployment insurance benefit on January 10, 1986. The benefit is unearned income to Miss L. when she receives it. On January 14, Miss L. uses the $350 payment to purchase shares of stock. Miss L. has exchanged one item (cash) for another item (stock). The $350 payment is never counted as a resource to Miss L. because she exchanged it in the same month she received it. The stock is not income; it is a different form of a resource exchanged for the cash. Since a resource is not countable until the first moment of the month following its receipt, the stock is not a countable resource to Miss L. until February 1.

[FR Doc. 87-2874 Filed 2-10-87; 8:45 am]

BILLING CODE 4190-11-M

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Narasin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Elanco Products Co. providing for revised assay specification for narasin Type C feeds. The feed is used for broilers for prevention of certain forms of coccidiosis.

EFFECTIVE DATE: February 11, 1987.

FOR FURTHER INFORMATION CONTACT: Henry E. Schmaus, Center for Veterinary Medicine (HFV-140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6971.

SUPPLEMENTARY INFORMATION: Elanco Products Co., A Division of Eli Lilly & Co., 740 South Alabama St., Indianapolis, IN 46285, is sponsor of NADA 118-980 which provides for use of Monteban® (narasin) Type A article to make Type C broiler feeds containing 54 to 72 grams narasin per ton used to prevent certain forms of *Eimeria* coccidiosis. The NADA was originally approved August 14, 1986 (51 FR 29097). Elanco filed a supplement which provides for Type C feed assay limits of 75 to 125 percent instead of the currently approved 85 to 115 percent limits. The NADA supplement is approved and the regulation in 21 CFR 558.4(d) is amended to reflect this approval.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR Part 558 continues to read as follows:

Authority: Sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b); 21 CFR 5.10 and 5.83.

§ 558.4 [Amended]

2. Section 558.4 *Medicated feed applications* is amended in paragraph (d) in the table entitled "Category I" in the entry for "Narasin" in the 4th column by changing the assay from 85-115 to "85-115/75-125."

Dated: February 4, 1987.

Marvin A. Norcross,

Associate Director for New Animal Drug Evaluation.

[FR Doc. 87-2821 Filed 2-10-87; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

24 CFR Parts 905 and 968

[Docket No. N-87-1636; FR-2263]

Cost Containment Policy Statement—Indian Housing Program and Comprehensive Improvement Assistance Program

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Policy statement.

SUMMARY: The Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1986 (Pub. L. 99-160, approved November 25, 1985) repealed section 6(b) of the United States Housing Act of 1937. Section 6(b) required the Secretary to establish prototype costs for the development of public and Indian housing. These prototype costs were used to limit costs associated with public and Indian housing development, and also for modernization. The purpose of this statement is to announce interim cost containment policies for the Indian Housing development program and the Comprehensive Improvement Assistance Program (CIAP). These policies are to be applied by the Department pending the issuance of rules amending existing regulations. This policy notice is applicable to the Indian housing development program and to CIAP only. A related notice has been published to explain interim cost containment policies for public housing development projects.

FOR FURTHER INFORMATION CONTACT: Nancy Chisholm, Director, Policy Staff, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 755-6713. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Background

Until recently, section 6(b) of the United States Housing Act of 1937 required the Secretary of HUD to establish prototype costs for the development of public and Indian housing projects. These prototype costs were established for different areas of the country and were based on construction costs of new dwelling units of various sizes and types that were suitable for occupancy by persons assisted under the Act. Section 6(b) required every contract for loans (other than preliminary loans) or annual contributions to provide that the cost of construction and equipment of the project (excluding land, demolition, and nondwelling facilities) on which the computation of annual contributions under the Act was based, not exceed by more than 10 percent the appropriate prototype cost for the area. These statutory requirements were incorporated in HUD's Indian housing development regulations. In addition, HUD promulgated other regulations that limited total development costs based on the published Indian prototype costs limits; e.g., for new construction projects, total development costs were limited to 160 percent of project prototype costs for detached, semi-detached, row or walk-up projects, and to 145 percent of project prototype costs for elevator projects. Additionally, under the Comprehensive Improvement

Assistance Program (CIAP), HUD assessed the financial feasibility of proposed modernization of a project by determining whether the cost of a proposed modernization program (excluding the cost of management improvements) exceeded the prototype cost of a new project. Cost containment regulations based on the Department's prototype cost determinations appear in other program regulations.

In 1985, Congress expressed its concern that the available data for the calculation of prototype costs were inadequate. It believed that this shortcoming, coupled with what congressional critics saw as the relatively inflexible approach adopted by the Department in applying prototype cost requirements, had become a significant and unreasonable impediment to the utilization of development funds. (S. Rep. No. 99–129, 99th Cong. 1st Sess. 10). Accordingly, section 6(b) was repealed in the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1986 (Pub. L. 99–160).

Purpose of statement

The repeal of section 6(b) eliminated the statutory requirement that HUD limit dwelling construction and equipment costs based on prototype cost determinations. It did not, however, eliminate HUD's responsibility to approve assistance applications on the basis of reasonable criteria designed to promote economy. (S. Rep. No. 99–129, at 10.) Despite the absence of statutory prototype limitations, HUD believes that it is essential to limit costs in assisted housing programs so that the Department can develop or modernize the largest number of units with available funds.

Since the cost containment regulations contained in 24 CFR Part 905 are based on prototype cost determinations which are no longer mandated by the statute, HUD is now responsible for developing its own cost containment policy for Indian housing development. Similarly, the use of prototype costs to limit CIAP costs under 24 CFR Part 968 also raises the question of appropriate cost containment policy for that program. HUD intends to develop new cost containment policy for both programs in a rulemaking procedure which will include a notice of proposed rulemaking and an opportunity for public comment. The development of a final rule under this procedure, however, will be time-consuming. Accordingly, it is necessary to announce the cost containment policy that the Department will follow pending the effective date of the final rule. The features of this interim policy are discussed below.

This policy notice describes the cost containment policies applicable to (1) Indian Housing Authorities (IHAs) in the development of Indian housing; and (2) Public Housing Agencies (PHAs) and IHAs in the modernization of existing public and Indian housing projects under CIAP. The cost containment policies applicable to PHAs in the development of public housing projects were explained in a related notice published on *September 24, 1986* (51 FR *33898*).

Indian Housing Development

HUD's Indian housing development cost containment procedures will be based upon total development cost standards. These standards will be issued by the Department on a regular basis and will reflect the total development cost for various unit sizes, housing types and market areas (*i.e.*, areas within which trade conditions and economic influences tend to make development costs substantially the same). The standards will be based on actual Indian housing project data as well as cost data provided by commercially available cost and valuation services specified by the Department. The standards will be adjusted to reflect current cost levels and the cost of building in remote areas.

To ensure that the cost standards will more accurately reflect costs than the prototype costs procedures, IHAs may request HUD to revise the total development cost standard for their market area or to establish a separate market area for their jurisdiction. To assist IHAs in the preparation of their request, HUD will issue with the standards a description of the methodology used to compute the standards and information concerning the documentation that must be submitted in support of the requests. HUD's first Field Notice announcing the cost guidelines and providing this additional data was PIH Notice 86–10, issued June 20, 1986.

IHA documentation supporting revised total development cost standards will be reviewed by the appropriate HUD Indian Field Office. After review, the Indian Field Office will forward the IHA's documentation with a recommendation to HUD Headquarters through the Regional Administrator. The Assistant Secretary will review the IHA's documentation and the Field Office recommendation and will issue revised standards for a market area if the evidence shows that the revised standards are reasonable and necessary to develop a project which is durable, safe and secure and which provides for economical maintenance, healthy family life, good design and energy conservation.

The total development cost standards will be applied in a significantly more flexible manner than were past prototype cost limits. Prototype costs served as an absolute limit on dwelling construction and equipment costs and were used to compute a limit on total development costs of the project. The standards, on the other hand, will be used to limit only the total development costs of a project. (Under the regulations, the total development cost of a project may include the costs of certain off-site sewer and water facilities. Such costs will continue to be permissible development costs, but will not be included in the computation of, nor subject to, the total development cost standard limitation.) To provide for additional flexibility in the application of the standards, the Department will, under certain circumstances, permit a project to exceed the costs computed under the cost standards.

The Department will use the following procedures to compute the total development cost limitation for Indian new construction and acquisition projects.

1. Fund Reservation

The amount of the initial reservation of funds for the development of an Indian housing project will be computed by applying the most recently issued cost standards for the market area. (While IHAs may request revised guidelines at any time following their issuance, to affect the initial reservation of funds for a project, the Assistant Secretary must have approved revised guidelines before the initial reservation is made.) The Indian Field Office will multiply the cost guideline issued for each unit size and structure type times the number of units proposed for that unit and structure type. These figures will be totaled. The Indian Field Office may reserve funds up to this amount for the total development cost for the project. At the initial reservation stage, total development costs above the described level may not be authorized.

2. Cost Amendments

Field Offices may approve proposals, annual contribution contracts (ACCs) and amended ACCs for projects with total development costs up to the most recently issued cost standards. An IHA may file a request with the Indian Field Office seeking approval of project development costs in excess of the

applicable cost standards. The Indian Field Office will forward the request through the Regional Administrator to the Assistant Secretary for Public and Indian Housing. The Assistant Secretary may approve project costs in excess of the applicable cost standards if the costs are reasonable and necessary to the development of a project that provides durability, safety, security, and economical maintenance, healthy family life, good design and energy conservation. For example, higher costs for a project may be justified on the basis of special circumstances relating to security in high crime areas, unusual environmental or site considerations, remoteness, etc.

Once funds are reserved, the Indian Field Office may not terminate a project merely because the total development cost will exceed approved or approvable cost limits, unless such termination has been approved by the Assistant Secretary for Public and Indian Housing.[1]

In addition to current limitations on total development costs and dwelling construction and equipment costs, the Indian housing regulations contain several miscellaneous references to prototype cost; *i.e.*, The regulations require that certain public advertisements disclose the prototype cost limit (§§ 905.203(g) and 905.212(d)); state that an IHA's development cost program outline must be sufficiently detailed to permit HUD to determine if the project can be developed within the applicable prototype cost limit (§ 905.212(c)); and provide that the initial purchase price of a home under the mutual help homeownership opportunity program may be computed based on the ratio that the prototype cost of the unit (home) bears to the prototype cost for all units in the project (§ 905.422). In each of these instances, the total development cost computed under the guidelines or the unit guidelines, as appropriate, will be substituted.

Modernization of Public and Indian Housing Projects

In addition to explaining the cost containment policies applicable to the Indian housing development program, this statement also addresses cost containment policies applicable to the modernization of public and Indian Housing projects under CIAP.

Under CIAP, HUD provides financial assistance to PHAs and IHAs to improve the physical condition and upgrade the management and operation of existing projects. As noted above, the current regulations require HUD to assess the financial feasibility of proposed modernization of a project based on the prototype cost of a new project.

HUD intends to continue to make its financial feasibility determination for modernization of projects based on the cost of dwelling construction and equipment for new projects. With the elimination of the prototype cost determinations, HUD will make this financial feasibility assessment based on the newly established cost containment procedures.

For the Indian housing modernization program, the Department will determine the financial feasibility of the project based on the Indian housing standards discussed above. Because the standards reflect total development costs, the dwelling construction and equipment costs must be imputed from the standards. HUD intends to make this calculation by applying a factor to the standards. Under this procedure, the Department will find that the modernization of an Indian housing project is financially feasible if the modernization cost (excluding the cost of management improvements) does not exceed 62.5 percent (nonelevator projects) or 69 percent (elevator projects) of the standards for a new project with the same structure type, number and size of units and market area.

For the public housing modernization program, the Department will determine the financial feasibility by applying the cost containment procedures for public housing development contained in the policy statement published September 24, 1986, 51 FR 33898. As described in that statement, public housing development cost containment policies are based on the application of "guidelines." Unlike the Indian housing standards which reflect total development costs, public housing guidelines are based on dwelling construction and equipment costs. Accordingly, for modernization of public housing projects, it is not necessary to impute these costs by applying an adjustment factor to the guidelines. To assess the financial feasibility of the modernization of a public housing project, the Department will determine whether the modernization cost (excluding the cost of management improvements) exceeds the guidelines for a new project with the same structure type, number and size of units, and market area.

The Department will permit PHAs and IHAs to request revisions to the guidelines and standards applicable in their market areas (See the discussion above for Indian housing standards and 51 FR 33898, 33899 for public housing guidelines.) For both the public and Indian housing modernization programs, the financial feasibility determination will be made by applying the guidelines or standards that are current at the time the funds for the project are reserved.

In addition, the new procedures will continue to permit the Assistant Secretary to authorize the modernization of certain projects even though the project fails to meet the financial feasibility requirements. A PHA or IHA may file a request with the appropriate Field Office seeking a determination that the modernization project may be approved even though the financial feasibility requirements are not met. Where the Field Office recommends approval, the Field Office may forward the request through the Regional Office. Where the Regional Office concurs in the approval, the Regional Office may forward the request to the Assistant Secretary for approval or disapproval. A project may be approved if the Assistant Secretary determines that the costs are reasonable and necessary for the modernization of a project that provides durability, safety, security, and economic maintenance, healthy family life in a neighborhood environment, good design and energy conservation. For example, higher costs for a project may be justified on the basis of special circumstances relating to security in high crime areas, unusual environmental or site considerations, relocation expenses, remoteness, etc.

Effect of Existing Regulations

Based on the statutory repealer, HUD could immediately issue a final rule (without notice and public comment) removing prototype cost requirements contained in 24 CFR Part 905. The removal of the provisions of existing regulations, however, involves certain technical problems. For administrative simplicity, the formal removal will be consolidated with the rulemaking

[1] As noted above, HUD previously used Indian prototype cost limits to generate a total development cost limitation for the project. (See § 905.214(b) (2) and (3).) Under procedures adopted in 1974, development projects in Alaska were not subject to this cost limitation, but rather were subject to an administratively determined cost cap. Notwithstanding the procedures announced in this notice, projects in Alaska will continue to be governed by this cost cap rather than the cost standards.

Currently the cost cap for Alaska is $92,200 per dwelling unit. The cost cap, like the cost standards, will be used to limit the total development costs permitted for a project (exclusive of off-site sewer and water facilities) and will be used instead of the Indian housing standard to determine the financial feasibility of the project. (See discussion below.) This cost cap will not be subject to change absent a further administrative finding by the Assistant Secretary.

implementing the new cost containment provisions. While the provisions of existing regulations will remain a part of the Code of Federal Regulations pending their formal removal, they have no binding effect, in light of the repeal of section 6(b), and will be disregarded in favor of the policies announced in this statement. Affected regulations pertaining to Indian housing development are:

24 CFR 905.203
24 CFR 905.212 (c) and (d)
24 CFR 905.213
24 CFR 905.214 (a) and (b)
24 CFR 905.422

The same approach will be taken for the modernization prototype cost regulations at 24 CFR 968.3.

The information collection requirements contained in this policy statement have been approved by the Office of Management and Budget under the provisions of the Paper Reduction Act of 1980 (44 U.S.C. 3501–3520). The OMB Control Number is 2577–0101.

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

Dated: October 6, 1986.

J. Michael Dorsey,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 87–2853 Filed 2–10–87; 8:45 am]

BILLING CODE 4210–33–M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, USS Jouett

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Secretary of the Navy has determined that USS JOUETT (CG–29) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS without interfering with its special function as a naval cruiser. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: January 27, 1987.

FOR FURTHER INFORMATION CONTACT: Captain P.C. Turner, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332–2400, Telephone number: (202) 325–9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS Jouett (CG–29) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS, Annex I, section 3(a), pertaining to the location of the forward masthead light in the forward quarter of the ship, the placement of the after masthead light, and the horizontal distance between the forward and after masthead lights, without interfering with its special function as a Navy ship. The Secretary of the Navy has also certified that the abovementioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this ship in a manner differently from that prescribed herein will adversely affect the ship's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (Water), Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

1. Table Five of § 706.2 is amended by adding the following Navy ship to the list of vessels therein to indicate the certifications issued by the Secretary of the Navy:

Vessel	Number	Forward masthead light less than the required height above hull. Annex I, sec. 2(c)(i)	Aft masthead light less than 4.5 meters above forward masthead light. Annex I, sec. 2(a)(ii)	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, sec. 2(a)(i)	Aft masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim. Annex I, sec. 2(b)	Forward masthead light not in forward quarter of ship. Annex. I, sec. 3(a)	Aft masthead light less than ½ ship's length aft of forward masthead light. Annex I, sec. (3)(a)	Percentage horizontal separation attained.
USS JOUETT	OG–29						X	X	31

Dated: January 27, 1987.

Approved:

John Lehman,

Secretary of the Navy.

[FR Doc. 87–2792 Filed 2–10–87; 8:45 am]

BILLING CODE 3810–AE–M

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Secretary of the Navy has determined that USS VANCOVER (LPD–2) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS without interfering with its special function as a naval amphibious transport dock ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: January 27, 1987.

FOR FURTHER INFORMATION CONTACT: Captain P.C. Turner, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332–2400, Telephone number: (202) 325–9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS VANCOUVER (LPD–2) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS, Annex I, section 3(a), pertaining to the placement of the after masthead light and the horizontal distance between the forward and after masthead lights, without interfering with its special function as a Navy ship. The Secretary of the Navy has also certified that the above-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this ship in a manner differently from that prescribed herein will adversely affect the ship's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (Water), Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

1. Table Five of § 706.2 is amended by adding the following Navy ship to the list of vessels therein to indicate the certifications issued by the Secretary of the Navy:

Vessel	Number	Forward masthead light less than the required height above hull. Annex I, sec. 2(a)(i)	Aft masthead light less than 4.5 meters above forward masthead light. Annex I, sec. 2(a)(ii)	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, sec. 2(a)(i)	Aft masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim. Annex I, sec. 2(b)	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light less than ½ ship's length aft of forward masthead light. Annex I, sec. (3)(a)	Percentage horizontal separation attained.
USS VANCOUVER	LPD–2							x	57

Dated: January 27, 1987.

Approved:

John Lehman,

Secretary of the Navy.

[FR Doc. 87–2794 Filed 2–10–87; 8:45am]

BILLING CODE 3810-AE-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-4-FRL-3151-5; AL-012]

Approval and Promulgation of Implementation Plans; Lead Plan for Jefferson County, AL

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving conditionally under section 110(a) of the Clean Air Act, 42 U.S.C. 7410(a), the plan submitted by the State of Alabama for attaining and maintaining the national ambient air quality standard (NAAQS) for lead, 40 CFR 50.12 (1986), in Jefferson County, Alabama. The condition of approval is that the state fulfill by October 1, 1987, its commitment to submit to EPA (1) whatever additional measures, if any, are necessary to assure timely attainment and maintenance and (2) an appropriate demonstration that those measures together with the measures EPA is approving now will assure such attainment and maintenance.

EFFECTIVE DATE: This conditional approval takes effect on March 13, 1987.

ADDRESSES: Copies of the state submittal and other relevant documents are available for public inspection at the following locations:

U.S. Environmental Protection Agency, Region IV, Air Programs Branch, 345 Courtland Street, NE, Atlanta, Georgia 30365

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

Alabama Department of Environmental Management, Air Division, 1751 Federal Drive, Montgomery, Alabama 36130

FOR FURTHER INFORMATION CONTACT: Mr. Raymond S. Gregory, U.S. Environmental Protection Agency, Region IV, Air Programs Branch, at the above listed address or at 404–347–2864 or FTS–257–2864.

SUPPLEMENTARY INFORMATION:

A. Background

1. Clean Air Act

The Clean Air Act sets forth a joint state and federal program for bringing air quality to the level of a NAAQS and

keeping it there. Section 110(a)(1) directs each state to submit, within a short period after the promulgation of a NAAQS, a plan for implementing it. Section 110(a)(2) directs EPA to approve or disapprove the plan. Section 110(a)(2) explicitly states that, when a plan meets certain requirements, EPA must approve it. In contrast, the Act nowhere explicitly states what action EPA must take when the plan does not meet those requirements. The key requirement is that the plan provide for attainment and maintenance of the NAAQS expeditiously as practicable, but no later than three years from approval, using emission limitations, schedules, and timetables for compliance with such limitations, and such other measures as may be necessary. Section 110(e) allows EPA, upon application of the relevant Governor, to extend the attainment deadline as much as two years beyond the original three years, if the technology or other means necessary for attainment will not be reasonably available within that three-year period. Section 110(c) directs EPA, in the event that it disapproves a submission or certain other events occur, to promulgate an implementation plan of its own. The Act emphasizes, however, that "the prevention and control of air pollution at its source is the primary responsibility of States and local governments". Section 101(a)(3), 42 U.S.C. 7401(a)(3); see also section 107(a), 42 U.S.C. 7407(a).

2. Plan for Jefferson County

Alabama submitted a plan for implementing the NAAQS for lead in Jefferson County in October 1985. The plan primarily addresses violations of the NAAQS near a secondary lead smelter operated by the Interstate Lead Corporation (ILCO). A monitor located just outside the plant boundary recorded average concentrations of about six micrograms of lead per cubic meter for the fourth quarter of 1985, a level that is four times that of the NAAQS.

The smelter extracts lead from manufactured products such as batteries. It consists of a blast furnace, a reverberatory furnace, five refining and alloying kettles, a battery breakdown operation, storage piles, conveyors, and roads. A single stack vents the main emissions from the furnaces. The height of the stack equals roughly that of a nearby ridge. The boundaries of the plant encompass a relatively small work area of about 20 acres and run along the base of the ridge, so that the distance available for dispersion between the work areas and the ambient air, especially the ambient air over the ridge, is unusually short. Finally, the plant has been operating for several years under a bankruptcy petition.

The plan submitted by the state to cure the violations consists largely of a regulation adopted by the Jefferson County Board of Heath, Regulation 6.11. It requires (1) abatement of emissions from the primary exhaust stack to a level of 0.012 grams of particulate/dscf, (2) the use of enclosed buildings or containers for the storage and transport of all lead-bearing materials; (3) the washing of certain paved areas external to buildings so that "no visible emissions are observed emanating from the paved area"; (4) vacuum sweeping of other paved areas; (5) the planting of ground cover on unpaved areas; (6) the washing of truck tires; and (7) prevention of visible emissions to certain degrees from certain processes. The state regarded these provisions as reflecting "reasonably available control technology" (RACT). The schedule requires that RACT be in place by December 31, 1986.

In addition to setting these core requirements, however, Regulation 6.11 gives the Health Officer for the county authority unilaterally to vary certain control requirements. For example, one section requires twice daily vacuum sweeping of paved areas "except under specific conditions as approved by the Health Officer".

Beyond Regulation 6.11, the plan also contained (1) a commitment to identify and adopt whatever additional measures beyond RACT would be necessary to assure timely attainment and (2) a request pursuant to section 110(e) for a two-year extension of the attainment deadline. The state, with extensive help from EPA, performed several analyses using dispersion modeling of whether Regulation 6.11 would bring about attainment. The analysis predicted concentrations after control that were in excess of the NAAQS. However, predicted concentrations before control were inconsistent with the readings from the monitors before control; in some cases, the predicted concentrations were up to ten times higher than the monitored concentrations. The likely causes of this discrepancy are, first, the fact that dispersion models cannot perfectly reflect the peculiarities of the specific topography surrounding the plant, especially the contours of the ridge abutting the plant; second, the monitors used for the pre-control comparison may not have been located in areas that experienced the highest concentrations; and third, the failure of the input data to reflect the unique characteristics of the plant, including its meteorology, specific rates and places of emissions, and stack parameters. In view of this, the state was unable to determine rationally whether any controls beyond RACT would in fact be required to attain the NAAQS, where to focus any such additional control requirements, and how stringent to make them. Hence, it asked for more time—essentially several years—to place three new monitors around the plant, better define the characteristics of the plant, collect site-specific meteorological data, improve the modeling using these new data and refine information about the plant, design whatever additional controls would be necessary, adopt them, submit them for approval, and implement them by the attainment date.

The plan submitted by the state identified only one other troublespot, an area in downtown Birmingham where a monitor recorded a marginal violation for the fourth quarter of 1978 despite the absence of any nearby stationary source of lead. The state proposed to rely on the federal program for reducing lead in gasoline as its strategy for assuring attainment in that area.

Finally, the plan included a permit program for the preconstruction review of new stationary sources of lead.

3. EPA Proposal

On July 16, 1986 (51 FR 25715), EPA proposed to approve Regulation 6.11. EPA stated, however, that, although it was intending to approve the provisions in Regulation 6.11 that give discretion to grant variances at the state level, it was not intending to approve those variances in advance. Thus, according to EPA, no variance could alter the previously approved implementation plan until EPA had approved the variance. See 51 FR 25717 col. 3. See also sections 110(d), (i), 42 U.S.C. 7410(d), (i). EPA also proposed to disapprove the request for an extension of the attainment deadline from three years to five years on ground that the extension was unnecessary. In EPA's view, the state and ILCO could complete the necessary studying and plan development within one year and bring about attainment within two years thereafter. See 51 FR 25717 col. 3, 25718 col. 1.

Finally, EPA proposed to approve the overall "RACT, plus studies" plan as meeting the requirements of section 110(a)(2), so long as the State submitted before September 16, 1986, a detailed schedule for the studying and plan development. See 51 FR 25716 col. 2, 25718 col. 2.

4. Comments

EPA received only one comment on this proposal, a letter dated August 14, 1986, from the Natural Resources Defense Council (NRDC). NRDC supported the proposal to deny the request for an extension. But it opposed the proposal to approve the plan because of (1) the plan's failure to demonstrate attainment, (2) its lack of specificity on the schedule for further studying and plan development, and (3) the variance provisions. NRDC argued that, in view of the longstanding failure of the state to submit an approvable plan and the four-fold violations of the NAAQS near ILCO, EPA should promulgate its own measures to fill the gaps in the state's submission, rather than consume even more time waiting for the state to fill those gaps.

5. Subsequent Developments

Since the close of the comment period, the state has submitted a detailed schedule for further studying and plan development. This schedule was adopted by the Jefferson County Board of Health as a binding appendix (Appendix C) to Regulation 6.11. It directs ILCO to perform the following tasks by March 1, 1987:

a. *Operations and maintenance (O/M) study:* Investigate the performance of existing control equipment; correlate operational conditions with monitoring and other air qualify data to identify which conditions are contributing to the problem; write an O/M manual.

b. *Engineering study:* Determine through a formal engineering study the best way to further reduce emissions from the furnaces and kettles, including enclosure of the building and venting through a baghouse.

c. *Meteorological data:* Establish an onsite meteorological monitoring station to collect data; obtain approval by the Jefferson County Board of Health for the equipment and methods.

d. *Fugitive dust study:* Study extent to which process areas, roads, and parking areas within the plant contribute to dust emissions and identify ways to minimize those emissions.

e. *Material balance:* Conduct material balances around sources, including measuring actual air flows, temperature and velocities to all control devices, and fugitive emissions and fugitive dust.

f. *Inventory:* Establish a complete listing of all sources of lead emissions within the plant.

Appendix C also directs the Jefferson County Board of Health to perform the following tasks by the indicated dates:

a. *Modeling analysis (June 1, 1987):* Using the data generated by ILCO, perform a modeling analysis to determine what levels of emissions reduction will produce attainment.

b. *Control requirements (July 1, 1987):* Using the results of the modeling, formulate the necessary additional regulations, if any.

c. *Public participation (August 15, 1987):* Solicit and take comment on the regulations.

d. *Adoption and submittal (October 1, 1987):* Adopt and submit the regulations to EPA for approval, with an attainment demonstration.

Finally, Appendix C sets in advance a schedule (denominated "Phase III") for compliance by ILCO with whatever additional requirements the Jefferson County Board of Health adopts to assure timely attainment. Specifically, it requires ILCO to meet those requirements ultimately by October 1, 1989, and to accomplish certain intermediate tasks, such as the design, purchase, and installation of control equipment, by certain intermediate deadlines.

In addition to receiving this schedule, EPA learned that the monitor which recorded a concentration of 6.0 micrograms per cubic meter for the last quarter of 1985 recorded a level of 4.5 micrograms for the second quarter of 1986. This decrease occurred during a drought period when concentrations would be expected to have increased. The decrease appears to have resulted from initial compliance by ILCO with some of the RACT measures, in particular, plant surface washing to control fugitive dust.

B. Final Action and Rationale

The State, by its submission of Appendix C, appears to have withdrawn its request for an extension of the attainment deadline under section 110(e). But, in case the State did not intend to withdraw that request, EPA hereby denies it for the reasons given in the proposal.

EPA also approves Regulation 6.11. The effect of this approval is to render the regulation fully enforceable by the Federal government. EPA, however, does not intend to approve in advance any variance the Health Officer might make in the facial requirements of the regulation pursuant to the several discretionary provisions in it. Those requirements remain the operative elements of the State implementation plan until such time as the State submits and EPA approves any variance. EPA announced in its proposal that it would treat the discretionary provisions in this manner. The State, however, did not raise any objection during the comment period. EPA, therefore, assumes that this approach is not inconsistent with the intentions of the State. In response to the comments on this issue, EPA has added language to the relevant portions of 40 CFR Part 52 to clarify this point.

EPA also approves all of Appendix C, thereby rendering all of it federally enforceable. EPA, however, approves Phase III of the appendix only to the extent that it sets an outer boundary on compliance with whatever additional requirements that the county board may adopt and, hence, an attainment deadline. This deadline is acceptable inasmuch as it falls within a period of three years from the approval actions EPA is announcing in this notice and, hence, is consistent with section 110(a)(2)(A). EPA, however, withholds approval of Phase III on the question of whether it is necessary to assure attainment and, if so, whether it assures attainment as expeditiously as practicable. Without knowing what the additional requirements will be, it is not possible to say that compliance could not occur more quickly than Phase III requires. When the state submits those additional measures, it should provide either some support for Phase III or else such tightenings in the schedule as may be appropriate. NRDC commented that the schedule the state submitted originally was too vague. This comment, while apt, has been mooted by the submission of Appendix C.

Finally, in response to NRDC's comments, EPA has decided to conditionally approve the plan. NRDC argued, first, that EPA may not approve a plan fully in the absence of an adequate attainment demonstration and, second, that EPA's only alternative to approval is disapproval and federal promulgation. EPA agrees with the first point as a general principle. See, e.g., 40 CFR 51.112, 51 FR 40656, 40666 col. 1 (November 7, 1986). Hence, it is not fully approving the plan. On the other hand, EPA does not agree that it must disapprove the plan. The Act empowers EPA to approve or disapprove state plans, but it nowhere bars EPA from taking other intermediate actions, such as a conditional approval, in appropriate circumstances. Indeed, it seems highly unlikely that Congress would have intended to give EPA solely the device of disapproval as the only possible response to an incomplete state plan. A disapproval of an original plan, such as Alabama has submitted here, automatically triggers a duty on EPA's part to promulgate a substitute plan. Often, however, the deficiencies in a plan can be cured more quickly or effectively by the state than by EPA. Hence, where there is a good reason to believe that the state will cure the deficiencies as quickly as possible, there is no point in federal intervention and, hence, no point in a disapproval. Such unnecessary intervention, moreover,

would offend one of the central tenets of the Act, that the states are to have the primary role in controlling air pollution. That EPA has the power to approve conditionally—with the effect of putting off any duty on EPA's part to promulgate—is now well recognized by the courts. See, e.g., *City of Seabrook* v. *EPA*, 659 F.2d 1349, 1353–57 (5th Cir. 1981), cert. denied sub. nom., *Vavra* v. *EPA*, 459 U.S. 822 (1982); *Connecticut Fund for the Environment, Inc.* v. *EPA*, 672 F.2d 998, 1010–11 (2d Cir. 1982) cert. denied sub. nom., *Manchester Environmental Coalition* v. *EPA*, 459 U.S. 1035 (1982).

EPA's actions on the Alabama plan are further guided by the course of litigation presently before the district court for the District of Columbia to determine a schedule for EPA's actions on the implementation plan for Alabama (along with the plans for several other states and territories). *Natural Resources Defense Council, Inc.* v. *Thomas*, No. 82–2137 (D.D.C. filed July 30, 1982); see Plaintiff's Motion to Enforce the Court Order (August 20, 1986) and subsequent filings. By order dated July 26, 1983, the district court placed EPA on a schedule for approving or promulgating a lead implementation plan for Alabama (along with plans for other states and territories). By motion dated August 20, 1986 (after publication of the notice of proposed rulemaking for the Alabama plan), as amended by filings dated December 11, 1986, NRDC petitioned to enforce the court decree by requiring EPA forthwith to approve or disapprove the Alabama plan (among other state plans) and, in the event of disapproval, expeditiously to promulgate a federal plan. EPA responded with a motion to revise the schedule of EPA's actions with respect to Alabama to conform with the actions being taken today, i.e., conditional approval of the Alabama plan in its present form, to be followed by further state submissions by October 1, 1987 and subsequent EPA actions thereon. The matter is presently pending before the district court.

In the context of this pending litigation, in which the district court ultimately will determine the schedule for further state and federal actions on the Alabama plan, EPA believes that conditional approval, and thus deferral of federal promulgation, is the best way to proceed. Conditional approval has the significant advantage of rendering federally enforceable the measures taken to date by the state. Regulation 6.11 is reasonably stringent. This is especially the case for the primary exhaust stack, inasmuch as the applicable emission limitation is numerically about one-half of the standard of performance under section 111 of the Act applicable to new or modified secondary lead smelters. See 40 CFR 60.120(a)(1) (1986). It is comprehensive, in that it applies to the full range of sources within the ILCO plant, from furnaces to roads and lots. And it may produce attainment by itself. Indeed, the recent substantial decrease in monitored concentrations appears to be due to partial compliance by ILCO.

Beyond that, the state has committed itself, as well as ILCO, to an intensive program of studying and plan development that is to end in October 1987, less than a year away. EPA could not move any more quickly or effectively under the unusual impediments to rational formulation of a plan that are presented by the topography of the area and the close proximity of the plant to a ridge. There are many options for further control, ranging from further dust suppression to complete enclosure of the smelting processes. But it is not at all clear whether further control is necessary or, if it is, which option is the most appropriate. The state, in addition, faces the technically difficult task of preparing a demonstration that the measures it ultimately selects will produce timely attainment and maintenance. As a result, it is entirely appropriate here for EPA to defer federal promulgation temporarily. Federal promulgation would be pointless, and it would interfere with the state's perogatives to create its own plan.

Consequently, EPA conditionally approves the Jefferson County lead plan on the condition that the State submit an attainment demonstration and any required additional control measures by October 1, 1987.

C. Miscellaneous

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

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

List of Subjects in 40 CFR Part 52

Air pollution, Lead, Intergovernmental relations, Incorporation by reference.

Incorporation by reference of the state implementation plan for the State of Alabama was approved by the Director of the **Federal Register** on July 1, 1982.

Dated: January 29, 1987.

Lee M. Thomas,

Administrator.

PART 52—[AMENDED]

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

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

Authority: 42 U.S.C. 7401–7642.

§ 52.50 [Amended]

2. Section 52.50 is amended by adding paragraph (c)(45) as follows:

* * * * *

(c) * * *

(45) State implementation plan for attainment and maintenance of lead standards in Jefferson County, submitted on October 7, 1985, by the Alabama Department of Environmental Management, and on November 13, 1986, by the Jefferson County Health Department.

(i) Incorporation by reference.

(A) Jefferson County Department of Health Regulation 611, Secondary Lead Smelters (excluding paragraphs 6.11.2(a) and 6.11.2(b)) which was adopted on September 11, 1985.

(B) November 13, 1986, letter to EPA from the Jefferson County Department of Health, and Appendix C of the Alabama Lead SIP for Jefferson County (Revised Schedule for the RACT-plus study) which was adopted on November 12, 1986.

(ii) Other material.

(A) Narrative SIP, entitled "State Implementation Plan for the Attainment of the National Ambient Air Quality Standard for Lead in Jefferson County" dated September 1984.

§ 52.54 [Amended]

3. The table in § 52.54 is amended by adding the notation "j" in the "Lead" column for Jefferson County and by adding a corresponding line to the legend of the table as follows: "j [March 13, 1990"]."

4. Section 52.58 is amended by adding the following sentences to the end of that section:

§ 52.58 Control Strategy: Lead.

* * * The lead plan submitted by the State on October 7, 1985, and November 13, 1986, for Jefferson County is conditionally approved on the condition that the State by October 1, 1987, determine what additional control measures may be necessary, if any, to assure attainment and maintenance as

expeditiously as practicable but no later than the applicable attainment deadline and submit those measures to EPA for approval, together with an appropriate demonstration of attainment. The provisions in the regulation submitted on October 7, 1985, that give the Jefferson County Health Officer discretion to vary the requirements of the regulation are approved as limits on that discretion, but any variances that may result from those provisions are not approved in advance and hence change the applicable implementation plan only when approved by EPA on a case-by-case basis.

[FR Doc. 87-2421 Filed 2-10-87; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-4-FRL-3154-2]

Approval and Promulgation of Air Quality Implementation Plans; Alabama; Extension of Notification Period on Bubble for Union Camp's Prattville Mill

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of extension of notification period.

SUMMARY: On January 25, 1984 (49 FR 3096), EPA proposed to approve an Alabama State Implementation Plan (SIP) revision involving an emissions trading action (bubble) at Union Camp's kraft pulp mill in Prattville, Alabama. The pollutant involved was total suspended particulate (TSP). EPA received no comments on the package during the 30-day public comment period. However, the State did submit supplemental information on January 20, 1984, March 9, 1984, and October 9, 1985, in response to EPA concern. EPA wished to provide the public an opportunity to comment on the supplemental information (e.g., Level II modeling analysis). However, since the new information was viewed by EPA as noncontroversial, EPA on December 24, 1986 (51 FR 46655), announced final approval of Alabama's revision without prior proposal of the new facts. The notice provided that the revisions would be effective on February 23, 1987 (60 days from date of publication), unless notification was received by EPA within 30 days of publication (by January 24, 1987) that someone wished to submit adverse or critical comments on this package.

On January 23, 1987, a representative of the Natural Resources Defense Council requested that EPA grant an extension of 30 days to the deadline for giving notice of intent to submit adverse or critical comments. EPA, after review of the request, is now granting the extension.

DATES: The final approval of the Union Camp TSP bubble will now be effective on March 25, 1987, unless notice is received by February 23, 1987, that someone wishes to submit adverse or critical comments on the package.

FOR FURTHER INFORMATION CONTACT: Roger O. Pfaff, Environmental Protection Agency, Region IV Air Programs Branch, 345 Courtland Street, N.E., Atlanta, Georgia 30365, Telephone (404) 347-2864 or FTS 257-1864.

Dated: January 30, 1987.

Lee A. DeHihns, III,

Acting Regional Administrator.

[FR Doc. 87-2865 Filed 2-10-87; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 6F3316/R868; FRL-3153-4]

Pesticide Tolerances for Fenoxaprop-Ethyl

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the herbicide fenoxaprop-ethyl and its metabolites in or on the raw agricultural commodities rice grain and soybeans. This regulation, to establish maximum permissible levels of residues for the herbicide in or on the commodities, was requested in a petition submitted by the American Hoechst Corp.

EFFECTIVE DATE: Effective on February 11, 1987.

ADDRESS: Written objections, identified by the document control number [PP 6F3316/R868] may be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., NW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office of location and telephone number: Room 237, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1830).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of December 4, 1985 (50 FR 49762), which announced that American Hoechst Corp., Agricultural Division, Rte. 202-206, North Somerville, NJ 08876, had filed with EPA pesticide petition 6F3316 proposing to amend 40 CFR Part 180 by establishing tolerances for the combined residues of the herbicide fenoxaprop-ethyl [(±)-ethyl 2-[4-[(6-chloro-2-benzoxazolyl)oxy]phenoxy]propanoate] and its metabolites [2-[4-[(6-chloro-2-benzoxazolyl)oxy]phenoxy]-propanoic acid and 6-chloro-2,3-dihydrobenzoxazol-2-one], each expressed as fenoxaprop-ethyl, in or on the commodities rice grain and soybeans at 0.05 part per million (ppm).

No comments were received in response to the notice of filing.

The Agency has evaluated the data submitted in the petition and other relevant materials. The data considered in support of the tolerances include plant and animal metabolism studies; a rat oral median lethal dose (LD50) study with an LD50 of 2,357 milligrams per kilogram (mg/kg); a 90-day rat feeding study with a no-observed-effect-level (NOEL) of 20 ppm (1.0 mg/kg/day); a 90-day dog feeding study with a NOEL of 16 ppm (0.4 mg/kg/day); a 1-year dog feeding study with no toxic effects at 75 ppm (1.875 mg/kg/day), the highest tested; a rat teratology study with a teratogenicity NOEL, of 100 mg/kg/day (highest dose tested) and a NOEL of 32 mg/kg/day for developmental effects and maternal toxicity; a rabbit teratology study with a maternal toxicity NOEL of 12.5 mg/kg/day and a developmental toxicity and teratogenicity toxic effect level of 200 mg/kg/day (highest dose) with an increased incidence of rib anomalies and diaphragmatic hernias, and a NOEL of 50 mg/kg/day (Margin of Safety values are based on the teratogenic and developmental toxicity NOEL of 50/mg/kg/day); a 2-generation rat reproduction study with a NOEL of 5 ppm (0.25 mg/kg/day); a 2-year dog chronic feeding study with a NOEL of 15 ppm (0.37 mg/kg/day); a rat oncogenicity (28 months)/chronic feeding (24 months) study with no observed oncogenic potential at any dose up to 180 ppm (9.0 mg/kg/day), the highest dose tested and a NOEL for chronic toxicity at 30 ppm (1.5 mg/kg/day); a 2-year mouse oncogenicity study with no observed oncogenic potential at any dose up to 40 ppm (6 mg/kg/day), the highest dose tested; a chromosomal aberration mutagenicity study, negative; an Ames Test, negative; an Unscheduled DNA Synthesis (UDS) assay, negative; and mouse in micronucleus study, negative.

Based on a NOEL of 0.25 mg/kg/day in the 2-generation rat reproduction study and a 100-fold safety factor, the acceptable daily intake (ADI) has been

set at 0.0025 mg/kg/day with a maximum permissible intake (MPI) of 0.15 mg/kg/day for a 60-kg person. These tolerances have a theoretical maximum residue contribution (TMRC) of 0.0011 mg/day in a 1.5 kg diet and would utilize 0.73 percent of the ADI.

There are no regulatory actions pending against the registration of this pesticide. The nature of the residue of the pesticide is adequately understood for use or rice and soybeans, and an adequate analytical method, gas chromatography with electron capture detector, is available for enforcement purposes. There is no expectation of secondary residues in meat, milk, poultry or eggs.

Because of the long lead-time from establishing these tolerances to publication of the enforcement methodology in the Pesticide Analytical Manual II, the analytical methodology is being made available in the interim to anyone interested in pesticide enforcement when requested from:

By mail: William Grosse, Chief, Information Service Branch (TS–767C), Program Management and Support Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Room 223, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–2613).

Based on the information and data considered, the Agency concludes that the tolerances will protect the public health. Therefore, the tolerances are established as set forth below.

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

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 610–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number or small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24650).

List of Subjects in 40 CFR Part 180

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

Dated: January 30, 1987.

Douglas D. Campt,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR Part 180 is amended as follows:

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

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

2. Section 180.430 is added to read as follows:

§ 180.430 Fenoxaprop-ethyl; tolerances for residues.

Tolerances are established for the combined residues of the herbicide fenoxaprop-ethyl [(±)-ethyl 2-[4-[(6-chloro-2-benzoxazolyl)oxy]phenoxy]propanoate] and its metabolites [2-[4-](6-chloro-2-benzoxazolyl)oxy]phenoxy]propanoic acid and 6-chloro-2,3-dihydrobenzoxazol-2-one], each expressed as fenoxaprop-ethyl, in or on the following raw agricultural commodities:

Commodities	Parts per million
Rice grain	0.05
Soybeans	0.05

[FR Doc. 87–2631 Filed 2–10–87; 8:45 am]

BILLING CODE 6560–50–M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101–17

[FPMR Temp. Reg. D–73]

Quality Workplace Environment Program

AGENCY: Public Buildings Service, General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This regulation institutes the Quality Workplace Environment Program. Additionally, it provides procedures for the development and maintenance of planning, information and reporting systems to ensure the efficient utilization of Federal work space and related furnishings. It also implements Executive Order 12411, signed by the President on March 29, 1983. The General Services Administration's authority for issuing this regulation is contained in Executive Order 12411 and in the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(c)).

DATES: Effective date: February 11, 1987.

Expiration date: February 11, 1989.

Comments due by: To ensure their consideration in drafting additional regulations and bulletins regarding workplace environment, comments should be received by GSA no later than April 13, 1987.

ADDRESS: Comments should be submitted to the General Services Administration, (PG), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Judy Kraft, Governmentwide Policy Division (202–566–0507).

SUPPLEMENTARY INFORMATION: GSA's authority for issuing this temporary regulation is contained in the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(c)) and in Executive Order 12411.

The purpose of this regulation is to implement the Quality Workplace Environment Program. In addition, it further refines the work space management reform program and reflects the policies of the Balanced Budget and Emergency Deficit Control Act of 1985, as well as the President's deficit reduction and budget priorities.

With this regulation, a program is effected to enhance the quality of the working environment for Federal employees which will improve the Government's efficiency and productivity. This will be accomplished by modernizing existing space; making health and safety improvements; consolidating agencies; purchasing and leasing high quality, efficient buildings; and encouraging the use of furniture systems where cost effective.

Additionally, this regulation retains the Federal work space management reform program which reflects the President's announced goal to strengthen the management and improve the efficiency of the Federal Government. The program emphasizes the improvement in the utilization of Government work space and resultant cost savings. The regulation implements the Executive Order 12411 provisions that make agency heads responsible for achieving the goal of reducing Federal work space used or held, to that amount which is essential to known agency missions.

Prior Comments

The comments received in conjunction with FPMR Temporary Regulation D–71 have been considered and reconciled with this document.

GSA has determined that this rule is not a major rule for the purpose of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. Therefore, a Regulatory Impact Analysis has not been prepared. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

Before issuing a final rule, GSA will make all necessary evaluations of economic effects, major costs to consumers or others, and significant adverse effects.

List of Subjects in 41 CFR Part 101–17

Administrative practices and procedures, Federal buildings and facilities, Government property management.

Authority: Sec. 205(c), 63 Stat. 390 40 U.S.C. 486(c).

In 41 CFR Chapter 101, the following temporary regulation is added to the appendix at the end of Subchapter D to read as follows:

Federal Property Management Regulations, Temporary Regulation D–73

January 8, 1987.

To: Heads of Federal Agencies.

Subject: Quality Workplace Environment

1. *Philosophy.* These regulations establish a program through which the quality of Federal office space is improved and productivity is enhanced, while the total amount of space is reduced. The ultimate goal of the program is to accomplish cost-effective space reductions which will result in long-term monetary savings to the Federal Government. However, the regulations recognize that space costs for most agencies represent less than 2 percent of their operational costs and GSA's efforts must focus primarily on the quality of the work environment. In fact, recent experiences have shown that well designed space using modern technologies can both substantially increase productivity and reduce total space costs. These goals will be accomplished by placing greater emphasis on modernizing existing space; making health and safety improvements; consolidating agencies; purchasing and leasing high quality, efficient buildings; and encouraging the use of furniture systems where cost-effective. These regulations are an important part of the total effort. Through this program, GSA will help make the Federal Government operate more efficiently and economically, and make it a better place to work for its employees.

2. *Purpose.* This regulation supersedes FPMR Temporary Regulation D–71 and reflects the policies of the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1038), the President's deficit reduction and budget priorities, and implements the Quality Workplace Environment Program. Additionally, even though many sections of this temporary regulation are unchanged from Temporary Regulation D–71, it has been superseded rather than amended in order to provide a complete document for convenient reference.

3. *Effective date.* This regulation is effective February 11, 1987.

4. *Expiration date.* This regulation expires February 11, 1989.

5. *Background.* Executive Order 12411, Government Work Space Management Reforms, was signed by the President on March 29, 1983. The Order recognizes the importance of reducing the amount and cost of Federal work space while ensuring that work space is effectively used to support agency missions. Executive Order 12512, Federal Real Property Management, signed by the President on April 29, 1985, reinforces the accountability and responsibility of agency heads for managing real property assets. These Executive Orders authorize the Administrator of General Services to provide Governmentwide policy oversight and guidance for managing Federal real property and to establish procedures, guidelines, and regulations to guide agencies in managing real property assets. The Balanced Budget and Emergency Deficit Control Act of 1985 recognizes the importance of reducing deficits and achieving a balanced budget through reduced Government spending. FPMR Temporary Regulation D–71 has been replaced in order to implement the priorities and goals of this Act, as well as the requirements of Executive Orders 12411 and 12512.

6. *Summary of revisions.* Attachment A contains revised regulations concerning agency-controlled space and GSA-controlled space. The significant changes incorporated in this regulation are described below:

(a) The Quality Workplace Environment Program is established to ensure that Federal agencies are housed efficiently and economically in space that fully meets their needs. Principal elements of the program include free space planning services, advanced funding for space alterations, criteria for new assignments, and acquisition of furniture systems.

(b) A utilization rate improvement program is established as a means for achieving space reduction. The goal is to ensure that agencies are housed in the most economical and efficient manner possible given their mission needs and the nature of the space they occupy. By the end of fiscal year 1990, each agency bureau shall achieve an average adjusted office utilization rate (i.e., excluding supplemental space) of 135 square feet or less in both agency-controlled and GSA-controlled space.

(c) Criteria for new assignments are established for space reduction and utilization rate improvements in GSA-controlled space. These criteria apply to all new assignments whether or not the agency bureau has achieved its 1990 goal. The new criteria require that all new assignments in GSA-controlled space be made at an adjusted office utilization rate of less than or, in rare instances, equal to 135 square feet per workstation. The 135 square feet is a maximum not to be exceeded. Supplemental space requirements for a given assignment are also a maximum not to be exceeded. Most new space actions will require less than these maximum amounts. The following limits will govern all new assignments made by GSA regional offices in GSA-controlled space:

(1) An average of 135 square feet per workstation (excluding supplemental space) is a maximum not to be exceeded.

(2) Supplemental space factors are to be applied as a maximum not to be exceeded except in the most unusual situations which will be addressed on a case by case basis.

(3) Examples of space assignments which are expected to average less than 135 square feet per workstation are listed below. These include:

(i) *Assignments in newly acquired or constructed Government-owned space.* Regional officials should make assignments in new Government-owned space at an average of 135 square feet or less per workstation, *including* supplemental space requirements. New Government-owned space will be designed to accommodate more efficient use of space and an average 135 square feet, including supplemental space requirements, is the goal.

(ii) *Assignments in existing space altered to provide efficient utilization.* Assignments in altered space should average 135 square feet per workstation, *including* supplemental space requirements. Building configuration and onsite conditions may vary in unusual cases and make it difficult to achieve the 135 square foot average. In such rare instances, a maximum of 135 square feet, plus a maximum of the supplemental space factors, shall be the upper limit.

(iii) *Assignments in newly acquired leased space.* The assignments shall be made at the most efficient utilization rate the space will allow. The goal shall be an average of 135 square feet per workstation, *including* supplemental space, when first class leased space is acquired.

(iv) *Assignments in space with furniture systems.* These assignments should be made at a utilization rate ranging from 122 to 135 square feet per workstation, *including* supplemental space requirements. In the case of newly acquired Government-owned or leased space where furniture systems are used, the goal shall be an average of 122 square feet or less per workstation, *including* supplemental space requirements. In the case of altered existing Government-owned space, the goal shall be an average of 135 square feet or less per workstation, *including* supplemental space requirements.

(v) *Assignments in space which has been redesigned using professional space*

planning/programming techniques. The goal for these assignments will be an average of 135 square feet or less per workstation, *including* supplemental space. Criteria for new and newly altered Government-owned space, new leased space, and space where furniture systems are used shall apply as appropriate.

(d) GSA regional offices will provide technical assistance to agencies in complying with these criteria. Each GSA regional office is given authority for determining on a case by case basis the appropriate amount of space for each new assignment within the specified limitations.

(e) Agencies shall identify their quality workplace environment and space reduction goals, to be accomplished by each agency bureau by the end of fiscal year 1990, in annual work space management plans to be submitted to GSA for review and approval and to OMB as part of the agencies' annual budget submissions. These plans must meet the requirements of this regulation and must explain how the agency intends to meet the utilization rate criteria.

(f) The supplemental space policy is retained to assist agencies and GSA in planning space assignments which meet the new assignment criteria. The supplemental space factors established for agencies' operational units are maximums, and most space assignments will be made with less than the maximum amount.

(g) Location of space shall continue to be determined by agency mission needs, provisions of the Rural Development Act of 1972 and relevant Federal policies. GSA shall survey agencies and develop community specific location policies and plans based on agency mission, housing, and location requirements in a community. These community plans shall call for the location of agencies in leased and other federally controlled space at the most economical cost to the Government consistent with the agencies' mission.

7. *Comments.* Comments concerning the effect or impact of this regulation may be submitted to the General Services Administration, Office of Governmentwide Real Property Policy and Oversight (PG), Washington, DC 20405. Comments should be submitted within 60 days of publication of this regulation.

8. *Effect on other directives.* The provisions of Federal Property Management Regulations (FPMR) Temporary Regulation D–71 and Supplements 1 and 2 to D–71 are superseded by this regulation.

T.C. Golden,

Administrator of General Services.

PART 101–17—QUALITY WORKPLACE ENVIRONMENT

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§ 101–17.000 Scope of part.

This part prescribes policies and procedures for implementing a Quality Workplace Environment Program. The procedures of this part apply to all Federal work space.

§ 101–17.001 Authority.

This Part 101–17 implements Executive Order 12411 of March 29, 1983, 48 FR 13391; Executive Order 12512 of April 29, 1985, 50 FR 18453; and applicable provisions of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended

§ 101–17.002 Basic policy.

(a) This regulation implements the Quality Workplace Environment Program. The goal of this program is to increase efficiency and provide a quality working environment while reducing the amount and cost of Federal work space. A quality workplace environment will contribute to increased productivity and enhanced delivery of Government programs. This goal also reflects the requirements of the Balanced Budget and Emergency Deficit Control Act of 1985; the requirements of Executive Order 12411, Government Work Space Management Reforms; and the overall need to reduce Government operating costs. Together these efforts will assist in improving employee productivity, reducing deficits, and achieving balanced budgets.

(b) The General Services Administration (GSA) developed the Quality Workplace Environment Program to assist agencies occupying GSA space to reduce their space while creating a fully responsive workplace environment. These same concepts should be applied in agency-controlled space. Important elements of this program include professional space programming and planning; agency consolidations to promote efficiency; criteria for new space assignments; advanced funding for space-saving alterations to existing assignments; procurement of furniture systems by purchase or lease; reuse of vacant space; and sensitivity to the human element in providing space.

(c) GSA shall provide details of the Quality Workplace Environment Program to Federal agency officials through the Commissioner, Public Buildings Service. This information should be used in developing plans and programs for reducing agency-controlled and GSA-controlled space, and for developing and implementing Quality Workplace Environment Programs for agency-controlled space.

(d) It is the responsibility of the head of each Federal agency to ensure that the provisions of Executive Order 12411 and this regulation are implemented expeditiously and effectively for both GSA and agency-controlled space. To accomplish this, Federal agencies shall maintain plans and programs to reduce the amount of work space used or held, to that amount which is the essential minimum for known agency missions. Work space shall be acquired by GSA or by the agencies only when such space

is essential to existing or known and planned programs, and existing Government-controlled space held by other Federal agencies is not suitable to satisfy the need. GSA will issue guidance to aid agencies in developing goals for a Quality Workplace Environment Program including space reduction. Agencies will be responsible for complying with plans and programs and meeting goals for a quality workplace environment and space reduction.

(e) Agency heads will continue to dispose of real property as currently provided by law and regulation. Generally, this requires reporting excess property to the Administrator of General Services under FPMR 101–47. Agency heads shall notify the Administrator of all vacant work space that may be made available for the temporary use of other Federal agencies to the extent consistent with cost-effectiveness and with national defense requirements.

(f) An adjusted office utilization rate (i.e., excluding supplemental space) of 135 square feet or less per workstation for both agency-controlled and GSA-controlled office space shall be achieved by each agency bureau by the end of fiscal year 1990.

(g) Each agency head shall ensure that requests for space are consistent with quality workplace environment goals, and that the amount of office space is held to the minimum necessary to accomplish the tasks which must be performed. The following limits will govern all new assignments made by GSA regional offices in GSA-controlled space:

(1) An average of 135 square feet per workstation (excluding supplemental space) is a maximum not to be exceeded.

(2) Supplemental space factors are to be applied as a maximum not to be exceeded except in the most unusual situations which will be addressed on a case by case basis.

(3) Examples of space assignments which are expected to average less than 135 square feet per workstation are listed below. These include:

(i) *Assignments in newly acquired or constructed Government-owned space.* Regional officials should make assignments in new Government-owned space at an average of 135 square feet or less per workstation, *including* supplemental space requirements. New Government-owned space will be designed to accommodate more efficient use of space and an average 135 square feet, including supplemental space requirements, is the goal.

(ii) *Assignments in existing space altered to provide efficient utilization.* Assignments in altered space should average 135 square feet per workstation, *including* supplemental space requirements. Building configuration and onsite conditions may vary in unusual cases and make it difficult to achieve the 135 square foot average. In such rare instances, a maximum of 135 square feet, plus a maximum of the supplemental space factors, shall be the upper limit.

(iii) *Assignments in newly acquired leased space.* The assignments shall be made at the most efficient utilization rate the space will allow. The goal shall be an average of 135 square feet per workstation, *including* supplemental space, when first class leased space is acquired.

(iv) *Assignments in space with furniture systems.* These assignments should be made at a utilization rate ranging from 122 to 135 square feet per workstation, *including* supplemental space requirements. In the case of newly acquired Government-owned or leased space where furniture systems are used, the goal shall be an average of 122 square feet or less per workstation, *including* supplemental space requirements. In the case of altered existing Government-owned space, the goal shall be an average of 135 square feet or less per workstation, *including* supplemental space requirements.

(v) *Assignments in space which has been redesigned using professional space planning/programming techniques.* The goal for these assignments will be an average of 135 square feet or less per workstation, *including* supplemental space. Criteria for new and newly altered Government-owned space, new leased space, and space where furniture systems are used shall apply as appropriate.

(h) Each head of a Federal agency shall:

(1) Establish and implement an agency-wide Quality Workplace Environment Program, as well as prepare a work space management plan in accordance with § 101–17.007, Work space management plan. This program must meet the utilization criteria and objectives established by this regulation.

(2) Institute agency Quality Workplace Environment Programs in compliance with Executive Order 12411 and with this regulation.

(3) Ensure that standards and criteria for the use of furniture and related furnishings reflect a judicious use of public monies.

(4) Annually report the agency's total inventory of Government-wide work space, whether owned, leased, or otherwise controlled, to the Administrator of General Services, in order that the Administrator may publish a detailed listing of real property owned, leased, and otherwise controlled by all Federal agencies in accordance with FPMR 101–3.

(5) Maintain internal inventory records on furnishings related to work space in accordance with GAO thresholds.

(i) The Administrator of General Services shall:

(1) Establish procedures, guidelines and regulations to be followed by the agencies in developing the work space planning, information and reporting systems required by Executive Order 12411, and in developing Quality Workplace Environment Programs pursuant to this regulation.

(2) In accordance with § 101–17.007, receive, analyze, and approve the annual work space management plans developed by all Federal agencies and communicate his findings to OMB for their use in establishing agency budgets.

(3) Conduct surveys, space inspections and space utilization studies as prescribed by existing laws and regulations. These shall include surveys to identify under-utilized real property in accordance with FPMR 101–47.802 and Executive Order 12411.

§ 101–17.003 Definition of terms.

(a) "Acquisition of work space" means the process of obtaining work space by purchase, lease, donation, exchange eminent domain, construction, or by any other means permissible by law.

(b) "Agency-controlled space" means federally owned, leased, or controlled space acquired or used by Federal agencies under any authority other than the Federal Property and Administrative Services Act of 1949, as amended. It also includes space for which authorities for acquisition, use, or disposal have been delegated to other agencies by GSA. It includes any space for which an agency does not pay GSA directly.

(c) "Consistent with national defense requirements" means conforming with security considerations, as determined by the head of each Federal agency in consultation with the Administrator of General Services.

(d) "Conversion" is a technique for agencies to convert space under their control from "gross square feet" or "net square feet" to "occupiable square feet". Agency-controlled work space measured in terms of gross square feet will be converted to occupiable square feet by subtracting a factor of up to 25 percent. Agency-controlled work space measured in terms of net square feet

will be converted to occupiable square feet by subtracting a factor of up to 10 percent.

(e) "Conversion factor" is the percentage determined by the agencies to convert space under their control from gross and net square footage to occupiable square feet. For offices space, see § 101–17.004, Utilization standards for work space.

(f) "Cost-effective" means justified by an economic analysis which evaluates alternatives in terms of expenses incurred by the Government. These analyses should reflect costs using present value calculations.

(g) "Excess holdings" means any work space or related furnishings which are not essential to a Federal agency's existing or planned programs.

(h) "Federal agency" means any department, agency, or independent establishment in the Government, including any wholly-owned corporation.

(i) "Federally owned, leased, or controlled work space";

(1) "Federally owned" means work space, the title to which is vested, or will become vested pursuant to existing agreement, in the United States Government.

(2) "Federally leased" means work space for which the United States Government has a right of occupancy by virture of having acquired a leasehold interest.

(3) "Federal controlled" means work space for which the United States Government has a right of occupancy by ownership, by lease, or by any other means, such as by contract, barter, license, easement, permit, requisition, or condemnation, whether or not paid for. This does not include space owned or leased by private sector entities performing work on Government contracts. In reporting to GSA in accordance with FPMR 101–3.2, on real property owned by or leased to the Federal Government, some federally controlled properties, such as those under permit, are excluded from that reporting requirement.

(j) "GSA-controlled space" means space assigned to the agency by GSA by authority of the Federal Property and Administrative Services Act of 1949, as amended, or by authority of any other statute. It includes any space for which an agency pays GSA directly.

(k) "Inventory" means a summary, survey, or itemized list of the space, assets, or materials under the control of a Federal agency.

(l) "Measurement of space":

(1) "Gross square footage" means all floor area (including all openings in floor slabs) measured to the outer surfaces of exterior or enclosing walls, and includes all floors, mezzanines, halls, vestibules, stairwells, service and equipment rooms, penthouses, enclosed passages and walks, finished usable space with sloping ceilings (such as attic space) having 5 feet or more headroom, and appended covered shipping or receiving platforms as truck or railroad car height. Also included in gross floor area, but calculated on one-half of actual floor area, are covered open porches, passages and walks, with appended uncovered receiving and shipping platforms at truck or railroad car height. For the purposes of reporting under this regulation, this definition applies to agency-controlled space only.

(2) "Net square footage" means that area defined as gross square footage less space occupied by outside walls; interior partitions; stair towers; elevator shafts and machinery; toilets; basement and attic space unsuitable for use; permanent hallways and corridors; and rooms housing machinery or equipment for heating or ventilating and for furnishing light, power, and water suply for the building. For the purposes of reporting under this regulation, this definition applies to agency-controlled space only.

(3) "Occupiable area" means that portion of the gross area which is available for use by an occupant's personnel or furnishings, including space which is available jointly to the various occupants of the buildings, such as auditoriums, health units, and snack bars. Occupiable area does not include space in the building which is devoted to its operations and maintenance, including craft shops, gear rooms, and building supply storage and issue rooms. Ceiling-high corridors solely serving a single space assignment are "occupiable." Occupiable area is computed by measuring from the occupant's side of ceiling-high corridor partitions or partitions enclosing mechanical, toilet, and/or custodial space to the inside finish of permanent exterior building walls ro the face of the convector if the convector occupies at least 50 percent of the length of the exterior wall. When computing occupiable area separated by partitions, measurements are taken from the center line of the partitions.

(m) "Office utilization rate" is an indicator of the efficiency with which office space is used. It is calculated by dividing the total occupiable office square footage by the total number of workstations occupying that space. Since total office space includes supplemental space which is not used for office purposes, it is necessary to adjust the average office utilization rate by subtracting the supplemental space factor for purposes of measuring agency progress against the 135 square feet per workstation goal. See § 101–17.003(t) for the definition of "supplemental space factor" and § 101–17.003(y) for the definition of "workstation."

(n) "Personnel" means that peak number of persons to be housed, regardless of how many workstations are provided for them. In addition to permanent employees of the agency, personnel includes temporaries, part-time, seasonal, and contractual employees and budgeted vacancies. Employees of other agencies and organizatons who are housed in the space assignment are also included in the personnel total.

(o) "Related furnishings" means items in work space which do not become fixed and part of the building, including such items as furniture (furniture systems), equipment, computers, telephones, etc.

(p) "Space" means space in buildings, and land incidental to the use thereof, which is under the custody and control of a Federal agency.

(q) "Space survey" means the process of employing recognized professional techniques to determined how efficiently and agency is utilizing its work space, and to verify that space is being used in accordance with this regulation. The term "survey" also refers to space inspections. (See § 101–17.103(k).)

(r) "Special purpose space" means work space which is predominantly utilized for the special purpose of an agency and is not generally suitable for the use of other agencies. This includes, but is not limited to, schools, hospitals, mints, embassies, and consulates.

(s) "Supplemental space" means specific and discrete areas constructed as office space but used to meet needs outside the agency's ordinary office requirements, such as public-oriented or centralized reception, hearing or meeting facilities, service, inspection, distribution, storage or processing activities. Such space is most cost-effectively collocated with normal office space. Illustrations are contained in § 101–17.600.

(t) "Supplemental space factor" is the average amount of supplemental space per workstation. It is computed by dividing the square foot area of supplemental space by the total number of workstations. It is expressed as the number of square feet per workstation, not a percentage. This factor will be subtracted from an agency bureau's average office utilization rate to develop an adjusted office utilization rate to

determine the bureau's progress in achieving the 135 square foot or less per workstation goal by the end of fiscal year 1990.

(u) "Used or held by a Federal agency" means space occupied or used by that agency in the performance of its missions, whether or not paid for, regardless of whether such occupancy or use is obtained as a result of an assignment from GSA, as a result of a permit or other right-of-use obtained from another agency, or as a result of the agency's exercise of its own acquisition authority, whether granted by statute or obtained by delegation from GSA.

(v) "Vacant space available for temporary use" means work space which is:

(1) Not currently occupied or utilized to perform an agency's mission, but which is retained for future use, and

(2) In a condition presently suitable for occupancy, or capable of being made suitable at minimal expense, and

(3) Of a character and in a geographical location such that it would be suitable for use by a Federal agency other than the agency which presently controls it.

(w) "Work space" means federally-controlled space in buildings and structures (permanent, semipermanent, or temporary) which provides an acceptable environment for the performance of agency mission requirements by employees or by other persons occupying it. It is further classified as "office space", "storage space", or "special space".

(1) "Office space" means space which provides an environment suitable in its present state for an office operation.

(2) "Storage space" means space generally consisting of concrete, wood block, or unfinished floors; bare block or brick interior walls; unfinished ceilings; and similar construction containing minimal lighting and heating. It includes attics, basements, sheds, parking structures and other unimproved building areas.

(3) "Special space" means space which has unique architectural features, requires the installation of special equipment or requires varying sums to construct, maintain and/or operate as compared to office and storage space.

(x) "Work space management plan" means an annual plan prepared and submitted to GSA in accordance with § 101–17.007.

(y) "Workstation" means a location within an office space assignment that provides a working area for one or more persons during a single 8-hour shift. The number of workstations in an office space assignment is the number of such locations that must be provided to support the maximum number of personnel housed in that office space during any 8-hour shift. In general, the number of workstations in an office space assignment should not exceed the number of personnel housed in that assignment. Agencies that require more workstations than office personnel must attach a justification for this requirement to their work space management plans.

§ 101–17.004 Utilization standards for work space.

(a) The objective of the Quality Workplace Environment Program is to improve the quality of Federal office space and enhance productivity while reducing the total amount of space occupied by the Federal Government. It has been demonstrated that well-designed space using modern technologies can effect increases in productivity while allowing space reductions. The utilization rate target of 135 square feet or less per person, plus supplemental space, is merely one of the means to the objective of reducing the total amount of space used by the Federal Government while ensuring its quality. This target must be met by each agency bureau by the end of fiscal year 1990. In addition, it is necessary that each agency pursue the most efficient space utilization possible not only on a national average basis, but also on an assignment by assignment basis. Therefore, agencies that have met the nationwide average target utilization rates must continue to examine their space usage in order to identify opportunities for better efficiency. In this regard, GSA will work with agencies on each new assignment in order to achieve the optimal space efficiency possible for that particular assignment. The criteria will apply to all new assignments whether or not the agency bureau has met its 1990 goal. In addition, agencies should establish total space reduction targets each year in recognition of additional efficiencies that can be achieved.

(b) The following limits will govern new assignments made by GSA regional offices in GSA-controlled space:

(1) An average of 135 square feet per workstation (excluding supplemental space) is a maximum not to be exceeded.

(2) Supplemental space factors are to be applied as a maximum not to be exceeded except in the most unusual situations which will be addressed on a case by case basis.

(3) Examples of space assignments which are expected to average less than 135 square feet per workstation are listed below. These include:

(i) *Assignments in newly acquired or constructed Government-owned space.* Regional officials should make assignments in new Government-owned space at an average of 135 square feet or less per workstation, *including* supplemental space requirements. New Government-owned space will be designed to accommodate more efficient use of space and an average 135 square feet, including supplemental space requirements, is the goal.

(ii) *Assignments in existing space altered to provide efficient utilization.* Assignments in altered space should average 135 square feet per workstation, *including* supplemental space requirements. Building configuration and onsite conditions may vary in unusual cases and make it difficult to achieve the 135 square foot average. In such rare instances, a maximum of 135 square feet, plus a maximum of the supplemental space factors, shall be the upper limit.

(iii) *Assignments in newly acquired leased space.* The assignments shall be made at the most efficient utilization rate the space will allow. The goal shall be an average of 135 square feet per workstation, *including* supplemental space, when first class leased space is acquired.

(iv) *Assignments in space with furniture systems.* These assignments should be made at a utilization rate ranging from 122 to 135 square feet per workstation, *including* supplemental space requirements. In the case of newly acquired Government-owned or leased space where furniture systems are used, the goal shall be an average of 122 square feet or less per workstation, *including* supplemental space requirements. In the case of altered existing Government-owned space, the goal shall be an average of 135 square feet or less per workstation, *including* supplemental space requirements.

(v) *Assignments in space which has been redesigned using professional space planning/programming techniques.* The goal for these assignments will be an average of 135 square feet or less per workstation, *including* supplemental space. Criteria for new and newly altered Government-owned space, new leased space, and space where furniture systems are used shall apply as appropriate.

(c) All agencies must report to GSA their adjusted office utilization rates in GSA-controlled work space in their annual work space management plans. However, only agencies that classify their agency-controlled work space by

actual use, i.e., by assignment, will be able to report the office utilization rates in that space. Agencies that classify their agency-controlled work space by predominant use, i.e., by building, will not be able to identify their actual office space or the corresponding office utilization rates. These agencies are required to report only their total occupiable work space, which is converted from gross or net square footage estimates according to § 101–17.003(d). Agencies that classify their agency-controlled space by predominant use should report the conversion factors used in an attachment to their plans.

Note.—It is the responsibility of all heads of agencies to ensure that standards and criteria for the use of related furnishings reflect a judicious use of public monies.

§ 101–17.005 Excess work space and related furnishings.

(a) The identification of unneeded work space held by Federal agencies will continue to be accomplished in accordance with the guidelines set forth in § 101–47.8. Transfers of excess property between Government agencies will generally be effected in accordance with FPMR 101–47.2. Disposal of work space will be made in strict accordance with FPMR 101–47.3.

(b) Federal agencies with authority to identify, transfer, and dispose of work space, whether the authority is delegated to them by the Administrator of General Services or statute, may continue to exercise these authorities. Section 1(e) of Executive Order 12411 states that heads of all Federal executive agencies shall "consider, in making decisions concerning the use, acquisition or disposal of work space and related furnishings, the effects of its actions on costs incurred by other Federal agencies."

(c) All transfers and disposals, however done, will be reflected in agencies' reports and work space management plans to GSA.

(d) Excess related furnishings shall be identified in accordance with standards, criteria and procedures established by heads of Federal agencies. Excess related furnishings shall be reported to the Administrator in accordance with FPMR 101–43 and other applicable laws and regulations.

(e) Vacant work space in facilities held in the custody and control of Federal agencies other than GSA shall be reported to the Administrator by those agency heads in accordance with the provisions of FPMR 101–3 and of this Part 101–17. Notification of the space which will become available for temporary use will be made to the Administrator 120 days before the projected date of availability. Notification will include a description of the property, the amount of space, the dates of availability and an agency contact. Alternatively, consistent with cost-effectiveness and with national defense requirements, agency heads may determine that vacant space is not suitable for temporary use by other Federal agencies. Agencies should attach to their work space management plan, a list of vacant space which is available for use by other agencies as of the end of the prior year shown on the Work Space Management Plan and Justification, GSA Form 3530. (See § 101–17.007, Work space management plans.)

(f) Agency heads shall ensure that vacant space available for temporary use is included in the space reported in Section 1 of their work space management plans.

(g) In addition to reporting agency-controlled vacant space available for temporary use, agency heads may identify other potential agency users and may assign such vacant space to them in accordance with applicable laws and regulations.

(h) The holding agency may determine that the space in question can be made available to potential users other than Federal agencies.

(i) To facilitate Federal agencies' cost-effective planning and utilization of work space, the Administrator shall maintain listings of vacant GSA and agency-controlled space available for temporary use. These listings will enable agencies requiring additional work space to identify space which is available for their use within the Federal inventory. Available Federal space should be used rather than additional space being acquired by a Federal agency. It is the responsibility of all agency heads to determine, before acquiring work space, that existing vacant space used or held by other agencies is not available to satisfy the need.

§ 101–17.006 Inventories.

(a) Procedures and forms for use by executive agencies in preparing and submitting annual reports necessary for maintaining and publishing Annual Real Property Inventories are contained in FPMR 101–3. Inventory reports shall cover those categories of property specified in FPMR 101–3. Reports shall be submitted by the agency responsible for the maintenance of real property records and accounts as prescribed in FPMR 101–3. Interagency report control number 0315–GSA–QU is assigned to this reporting requirement.

(b) It is the responsibility of the head of each executive agency to ensure that data submitted in accordance with FPMR 101–3 is consistent with the data required by § 101–17.007.

(c) The Administrator of General Services shall consult with the heads of other agencies before issuing additional reporting requirements in order to ensure that such reports do not impose excessive cost burdens not contemplated by Executive Order 12411.

§ 101–17.007 Work space management plan.

(a) The head of each Federal agency shall prepare an annual work space management plan to establish square footage targets, to report progress and plans for achieving the Government's work space management goals, and to support the annual budget request to OMB. An agency plan should be organized to support the agency's budget justification. Each agency plan will provide estimates of office utilization rates, personnel and workstations, work space, and rent and related obligation amounts for the fiscal years covered by the corresponding budget cycle.

(b) Agency plans will be submitted on GSA Form 3530, Work Space Management Plan and Budget Justification, and completed according to the instructions which accompany that form. (See § 101–17.4902–3530, GSA forms.) All references in this regulation to the "work space management plan" or "plan" mean this form. This report has been cleared in accordance with FIRMR 201–45.6 and has the same control number, 0323–GSA–XX, as the previous Work Space Management Plan. In addition, this report supersedes 0307–GSA–AN, Annual Space Reduction Plan and 0308–GSA–AN, Work Space Management Plan.

(c) Agencies shall report all work space owned or paid for, whether GSA-controlled or agency controlled, wherever located. Agency estimates of GSA-controlled work space should only include work space assigned to the agency. Space leased by an agency under a lease acquisition delegation from GSA will be considered agency-controlled space in the plan. Agencies should contact GSA to resolve any major differences (+/−5% in any category) between their estimates and GSA's and should submit an explanation of these differences with their plans.

(d) Each plan will show separately the agency's estimates of FTE, personnel, and workstations that are housed in the work space reported on the plan.

Agencies that require more workstations than the number of personnel housed in the corresponding work space must attach a justification for this requirement to their plans. Agencies which show a reduction in FTE are expected to show a reduction in square footage sufficient to ensure compliance with the utilization rate requirements of this regulation. A narrative statement should be attached to the plan indicating when and where the reductions will be made.

(e) Agencies must estimate their average office utilization rates for each year reported in their plans. Agencies must only use supplemental space factors approved by GSA in computing adjusted office utilization rates. The plans will also indicate the respective years in which the end of fiscal year 1990 goal of 135 square feet or less per workstation, excluding supplemental space, is expected to be achieved in GSA-controlled and agency-controlled work space by each agency bureau.

(f) Agencies' estimates of rent and related obligation amounts will be based on the work space estimates reported in their plans. The rent and related obligation estimates will be developed according to the guidance provided in OMB Circular No. A–11.

(g) Agencies will submit copies of their plans to both GSA and OMB to coincide with their budget submissions. In addition, agencies will update their plans to reflect final budget decisions and submit copies of their updated plans to both GSA and OMB by the March 1 following the publication of the President's Budget.

(h) Each plan shall guide agencies in determining the amounts and type of work space to be acquired under direct or delegated authority or requested from GSA. Any such space acquired under authority delegated by GSA or requested from GSA must be in accordance with the criteria for new assignments prescribed in § 101–17.104. Agencies are responsible for ensuring compliance with their plans in the acquisition of work space. If major acquisitions (through purchase, construction, or leasing), renovations, or consolidations are required to implement an agency's plan, the agency must submit with its plan a list of such actions, their timing, the amounts of work space involved, and the cost.

(i) GSA shall, upon agency request, provide technical assistance in the development and implementation of plans.

§ 101–17.008 Review and approval of work space management plans.

(a) GSA shall review agency plans for accuracy and technical feasibility in conformity with Executive Order 12411; the provisions of this regulation including the 135 square feet or less goal, excluding supplemental space, by the end of fiscal year 1990; and other relevant factors. GSA will complete its review and notify the agencies of its findings within 60 days of plan submission. GSA shall also report agencies' progress in improving the management of work space.

(b) As part of its review, GSA will evaluate the projected end-of-year square footages of GSA-controlled space projected by each agency. These targets will be analyzed for compliance with the provisions of this regulation.

Subpart 101–17.1—Assignment and Utilization of GSA-Controlled Space

§ 101–17.100 Scope of part.

This part prescribes the policies and procedures for the assignment, utilization, and planning of space in buildings under the custody or control of GSA. The term "United States", as used in this subchapter, means the 50 States of the United States, the District of Columbia, and the Commonwealths, territories and possessions of the United States.

§ 101–17.101 Authority.

This part implements the applicable provisions of the Federal Property and Administrative Services Act of 1949, (63 Stat. 377), as amended; the Act of July 1, 1898 (40 U.S.C. 285); the Act of April 28, 1902 (40 U.S.C. 19); the Act of August 27, 1935 (40 U.S.C. 304c); the Public Buildings Act of 1959, as amended (40 U.S.C. 601 et seq.); the Rural Development Act of 1972 (86 Stat. 674); Reorganization Plan No. 18 of 1950 (40 U.S.C. 490, note); the Federal Urban Land Use Act (40 U.S.C. 531–535); Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601); the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321); Executive Order 12072 of August 16, 1978 (43 FR 36869); Executive Order 12411 of March 29, 1983 (48 FR 13391); and Executive Order 12512 of April 29, 1985 (50 FR 18453).

§ 101–17.102 Basic policy.

(a) GSA and other Federal agencies shall take all necessary measures to provide a quality workplace environment for all Federal activities and to reduce the amount and cost of Federal work space to the essential minimum required for known agency missions. This reflects the requirements of the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1038), Executive Order 12411, and Executive Order 12512.

(b) A Quality Workplace Environment Program is implemented as a means for assisting agencies in achieving space reduction and improved utilization in GSA and agency-controlled office space while improving the quality of Federal offices and enhancing productivity. The goal for each agency bureau is to achieve as soon as practicable, but no later than the end of fiscal year 1990, an adjusted office utilization rate (i.e., excluding supplemental space) of 135 square feet or less per workstation.

(c) New assignments will be made at an average office utilization rate less than or, in rare instances, equal to an average 135 square feet per workstation, plus supplemental space less than or equal to the factor. The 135 square feet is a maximum not to be exceeded. Most assignments will average less than 135 square feet. Established supplemental space factors are also a maximum not to be exceeded except in the most unusual situations when GSA determines that additional supplemental space is essential. Most new space assignments will be less than these maximums. The criteria for new assignments will apply to assignment actions of 10 workstations or more. New assignment actions for fewer than 10 workstations will be processed on a case by case basis and housed as efficiently as possible. It is GSA's desire to develop and issue at a later date criteria for typical assignments for fewer than 10 workstations. (See § 101–17.104 for the specific criteria.)

(d) GSA regional offices will provide technical assistance to agencies in complying with criteria for new assignments. The responsibility for meeting the criteria rests with agency heads. However, each GSA regional office shall be responsible for determining the appropriate amount of space for each new assignment within the specified limitations.

(e) Agencies shall identify their space reduction goals in the annual work space management plans prepared in accordance with § 101–17.007. These plans shall guide GSA and agencies in the acquisition of space, including requests for space from GSA, and in making the most cost-effective decisions regarding assignment and reassignment of space.

(f) Agencies shall request the essential minimum amount of space required to support known agency missions.

(g) Each agency shall determine the appropriate geographical area for its

facilities. The agency shall define the broadest possible area compatible with its mission, employment considerations impacting productivity, recruitment and retention, and functional requirements to ensure the maximum competitive area for space procurement. Based on the geographical areas determined by agencies, GSA's regional offices will establish delineated areas for use in solicitations for offers to lease space. Agencies shall comply with all applicable statutes and Executive Orders, including those cited in § 101–17.101. GSA shall develop community-specific location policies and plans based on a survey of agency mission, housing, location requirements, and employment considerations impacting productivity, recruitment and retention as defined by the agency. Locational policies shall be developed in accordance with § 101–17.205, Location of space. These plans shall also consider social, economic, environmental, historic preservation, and cultural effects upon communities, and shall support local development and revitalization objectives wherever feasible in meeting agency space needs.

(h) GSA may require agencies to relinquish all or a portion of assigned space if this action is in the best interests of the Government and would not unreasonably interfere with the agency's performance of its mission. (See § 101–17.103(c).) GSA will be responsible for all expenses, including moving and alterations, as well as any above-standard alterations that were approved and provided for the agency in the existing space, for which a continuing need is justified, when an agency requests justifiable contiguous expansion space and GSA cannot provide it at the present location. However, when an agency is moved (displaced) because of another agency's expansion, GSA will only fund for the cost of the initial space alterations (ISA's). The expanding agency should, in the space being provided for the displaced agency, fund for moving and telephone relocation costs, and for all above-standard ISA's required to make the displaced agency's new space comparable to the previous assignment. GSA funds only standard ISA's in the agency's expansion space.

(i) GSA recognizes the benefits of Space Allocation Standards to client agencies and to GSA. The principle benefit is the efficiency of negotiating a standard with GSA's Central Office which will be followed by all regional offices in the satisfaction of space requests. GSA wishes to establish Space Allocation Standards with those agencies who believe it would be helpful, particularly for agencies who have similar space requirements at many locations. In the interim, the provisions of Space Allocation Standards concerning quantities of space to be provided for those agencies having such agreements with GSA are hereby superseded. The portions of the agreements describing features to be provided will remain in effect. All new space assignments will be made in accordance with the provisions of this temporary regulation. If the agencies so request, portions of existing space allocation standards pertaining to square footages may be renegotiated in accordance with the provisions of this regulation.

§ 101–17.103 Definition of terms.

In addition to definitions included in § 101–17.003, the following definitions apply to space assignments, utilization and planning in GSA-controlled space.

(a) "Acceptance of space" means a certification from an agency that GSA may award a lease, make a commitment for initial alterations, and/or establish a date of occupancy.

(b) "Delineated area" means the specific boundaries, as determined by GSA, within which space will be obtained to satisfy an agency space requirement. It is based upon the agency's geographic service area and mission, employment considerations, the amount of available Government-owned space, and the potential for competitive offers from the marketplace.

(c) "Forced relocation" means any GSA-directed action, not initiated by agency request, that forces an agency to move from its present space assignment in whole or in part.

(d) "General purpose space" means space which is determined by GSA to be suitable for the general use of agencies. General purpose space is categorized as office, storage or special. The physical characteristics are the basis for determining the proper space category.

(e) "Initial space layout" means the specific placement of workstations, furniture and equipment for new space assignments. These initial services are provided by GSA at no cost to the agencies, upon agency request.

(f) "Joint-use space" means occupiable space, such as cafeterias, conference rooms, credit unions, snack bars, and certain physical fitness and day care centers, which is available for common use by personnel of any Federal agency.

(g) "Non-Federal organizations" means organizations such as credit unions, concessions operated by the blind and handicapped, and organizations under the direct sponsorship of a Federal agency such as grantees and contractors.

(h) "Request for space" or "space request" means a written document upon which an agency provides GSA with the information necessary to assign space. A request for space shall be submitted on Standard Form 81 and Standard Form 81–A. (See §§ 101–17.4901–81 and 101–17.4901–81A, Standard forms.) The request shall, at a minimum, contain descriptions of the amount of space, personnel to be housed, geographic area, time period required and funding availability.

(i) "Space assigned by GSA" means space in buildings, and land incidental to its use, which is under the custody and control of GSA; space made available by the U.S. Postal Service; or space for which a permit for use has been issued to GSA by another agency. Examples of types of space assigned by GSA are listed in § 101–17.601.

(j) "Space assignment" means an administrative action by GSA which authorizes the occupancy and use of space by a Federal agency or other eligible entity.

(k) "Space inspection" is a form of space utilization survey as defined in § 101–17.003(q) and means a reconnaissance type evaluation of the manner in which assignments are being utilized to determine whether immediate or scheduled corrective action is warranted.

(l) "Space planning" means the process of using recognized professional techniques of space programming, planning, layout and interior design to determine the best location and the most efficient configuration for agency facilities.

(m) "Space requirements program" means the statement of an agency's space needs as expressed on Standard Form 81–A, Space Requirements Worksheet, and additional supporting documentation such as adjacency diagrams, and summarized on Standard Form 81, Request for Space. (See §§ 101–17.4901–81 and 101–17.490181A, Standard forms.)

(n) "Unique agency space" means any general purpose space which either consists of more than 50 percent special-type space not likely to be needed by another agency, or space of any type located in an area where it would be impractical to house another agency.

§ 101–17.104 Criteria for new space assignments.

(a) It is the Federal Government's policy to provide a quality workplace environment for all Federal activities

and to reduce work space to the essential minimum required for known agency missions. Utilization rate improvement is a means for achieving this goal. This Quality Workplace Environment Program requires all Federal agency bureaus to achieve a bureau-wide adjusted office utilization rate of 135 square feet or less per workstation, excluding supplemental space, by the end of fiscal year 1990.

(b) In order to house Federal activities in the most efficient manner, all new assignments will be made at a workstation utilization rate less than or, in rare instances, equal to an average 135 square feet per workstation, plus supplemental space less than or equal to the factor. These criteria will assist agencies in achieving their office space and inventory reduction goals, and they apply whether or not the agency bureau has achieved its 1990 goal.

(c) The following limits will govern new assignments made by GSA regional offices in GSA-controlled space:

(1) An average 135 square feet per workstation (excluding supplemental space) is a maximum not to be exceeded.

(2) Supplemental space factors are to be applied as a maximum not to be exceeded except in the most unusual situations which will be addressed on a case by case basis.

(3) Examples of space assignments which are expected to average less than 135 square feet per workstation are listed below. These include:

(i) *Assignments in newly acquired or constructed Government-owned space.* Regional officials should make assignments in new Government-owned space at an average of 135 square feet or less per workstation, *including* supplemental space requirements. New Government-owned space will be designed to accommodate more efficient use of space and an average 135 square feet, including supplemental space requirements, is the goal.

(ii) *Assignments in existing space altered to provide efficient utilization.* Assignments in altered space should average 135 square feet per workstation, *including* supplemental space requirements. Building configuration and onsite conditions may vary in unusual cases and make it difficult to achieve the 135 square foot average. In such rare instances, a maximum of 135 square feet, plus a maximum of the supplemental space factors, shall be the upper limit.

(iii) *Assignments in newly acquired leased space.* The assignments shall be made at the most efficient utilization rate the space will allow. The goal shall be an average of 135 square feet per workstation, *including* supplemental space, when first class leased space is acquired.

(iv) *Assignments in space with furniture systems.* These assignments should be made at a utilization rate ranging from 122 to 135 square feet per workstation, *including* supplemental space requirements. In the case of newly acquired Government-owned or leased space where furniture systems are used, the goal shall be an average of 122 square feet or less per workstation, *including* supplemental space requirements. In the case of altered existing Government-owned space, the goal shall be an average of 135 square feet or less per workstation, *including* supplemental space requirements.

(v) *Assignments in space which has been redesigned using professional space planning/programming techniques.* The goal for these assignments will be an average of 135 square feet or less per workstation, *including* supplemental space. Criteria for new and newly altered Government-owned space, new leased space, and space where furniture systems are used shall apply as appropriate.

(d) The final decision concerning the appropriate amount of space and utilization rate for a given space assignment shall be made by the GSA regional office which has the responsibility for making the assignment.

(e) Consideration must be given to the provision of handicapped accessibility consistent with Federal standards.

(f) Agency heads shall issue necessary instructions and procedures to ensure that all space requests to GSA are consistent with the new assignment criteria.

(g) "Space assignment" means an administrative action by GSA which authorizes the occupancy and use of space by a Federal agency or other eligible entity. Any space assignment which provides an opportunity for utilization rate improvement is subject to the assignment criteria contained in this section. Such assignments include, but are not limited to, those resulting from an initial request for space and relocations from one building to another or within a building, initiated either by the agency or GSA. Relocations can result from agency requests for expansion or reduction to existing assignments; expansion by other agencies within a building; new construction or major renovation; building purchase or lease acquisition.

(h) In most cases, assignments will be made effective on the date the space is ready for occupancy by the agency. However, in leased space, if, under the terms of the contract, GSA begins paying rent for the space on an earlier date, the assignment should be made effective on that earlier date.

§ 101-17.105 Supplemental space policy.

§ 101-17.105-1 Policy overview.

This policy is designed to identify and take into account those areas not used for typical office work in calculating adjusted office utilization rates. Supplemental space will continue to be classified, measured, and billed to agencies as office space.

§ 101-17.105-2 Supplemental space factors.

Supplemental space factors will be developed and approved by GSA for agency functions which are:

(a) Housed in office space and accommodate non-workstation activities such as public reception areas, public inspection rooms, bid rooms, areas which accommodate files which by law must be maintained for public use, centralized mail, copy and storage operations and the like (see § 101-17.600 for examples of supplemental areas);

(b) Housed in space used more than 50 percent of the time for that purpose; and

(c) Housed in distinct and identifiable areas.

§ 101-17.105-3 Supplemental space factors procedures.

(a) Each agency is responsible, on behalf of its bureaus, for submitting to GSA narrative descriptions for each allowance type. This narrative must explain what the function is and why it qualifies. One concise paragraph should suffice to explain each request.

(b) The description must contain the quantity of space nationwide and a certification from the agency head of the validity of the data and compliance with supplemental space criteria.

(c) GSA will develop with each agency and approve the supplemental space factors for its bureaus or operational units as appropriate. For example, GSA and the Department of Transportation will develop supplemental space factors for the Federal Railroad Administration, the Urban Mass Transportation Administration, etc. However, in cases where there is an operationally-distinct component of a bureau which requires its own supplemental space factor, a separate factor will be developed. For example, an agency with regional offices, district offices and field offices, all under one bureau but with distinctly different operating characteristics, would require separate factors. Each

supplemental space factor will remain in effect until: (1) An agency mission change dictates that a new factor be developed; or (2) GSA determines that the factor must be modified to more accurately reflect actual requirements.

(d) The supplemental space factor will indicate the types of supplemental space required for an operational unit, as well as the maximum amount of supplemental space required in relation to workstation space for all new assignments in that operational unit.

Subpart 101–17.2—Assignment of Space

§ 101–17.200 Requests for space.

(a) Federal agencies shall document their space needs by submitting Standard Form 81, Request for Space; Standard Form 81–A, Space Requirements Worksheet (see §§ 101–17.4901–81 and 101–17.4901–81A, Standard forms); and all other appropriate information, to the GSA regional office responsible for the geographic area in which the space is required. These requests must conform to the assignment criteria in § 101–17.104. GSA will advise agencies when space requested has been determined to be unique agency space.

(b) When appropriate, GSA will request agencies to submit GSA Form 144, Net Space Requirements for Future Federal Building Construction. (See § 101–17.4902–144, GSA forms.)

(c) The need for space requested, the number of workstations housed, and the availability of funds for reimbursement to GSA shall be certified by an authorized official of the requesting agency on Standard Form 81.

(d) Space requests for the U.S. Postal Service will be processed in accordance with the "Agreement Between GSA and the U.S. Postal Service Covering Real Property Relationships."

(e) GSA has the responsibility to assign space in an efficient manner using professional space management techniques. In making its determination of the amount of space assigned, each GSA regional office will consider the prudent and judicious use of Government funds and resources and will base its decision on local market conditions, available vacant space, restrictions imposed by furniture and equipment, professional space management principles, agency mission needs, and the criteria for new assignments. Whenever possible, GSA will satisfy new space requests through the reassignment of vacant available space in the inventory.

(f) Each agency has the responsibility to request no more than the minimum amount of space required to perform known agency mission and no more than the allowances provided by the new assignment criteria.

§ 101–17.201 Delegation of authority.

(a) Upon written request from an agency head, the Administrator may delegate authority to acquire space by lease when, in GSA's sole opinion, the delegation is in the best interests of the requesting agency and the Government. GSA will specify the terms and conditions of any delegation in writing at the time the delegation is made. Space proposed for acquisition by an agency under authority delegated by GSA must comply with the criteria for new assignments found in § 101–17.104.

Note.—An authorization to procure parking is not a delegation of leasing authority but rather an authorization for an agency to use its own procurement authority to acquire parking by service contract. This determination can be made at the regional level and does not require the authorization of the Administrator of General Services.

(b) Agencies acting under delegations shall make every reasonable effort to utilize existing Government-controlled facilities before acquiring new space. Agencies shall make inquiries to GSA regional offices regarding the availability of Government-controlled space, and the agencies shall document their lease files if such space is not available. This documentation shall include the date of contact and the name and position of the GSA individual contacted.

(c) Agencies acting under delegation from GSA are required to comply with all relevant sections of this part 101–17.

§ 101–17.202 Action when existing space is not available.

(a) If no suitable federally–controlled space is available, GSA will advise the requesting agency by returning a signed copy of the Standard Form 81, showing the action to be taken.

(b) When the agency has acquisition authority or has been delegated such authority by GSA, it may proceed to acquire the requested space consistent with existing laws and regulations. The signed copy of the Standard Form 81, if required, shall be attached to the leasing or related instrument made available to the General Accounting Office.

(c) At the agency's option, GSA may take necessary action to acquire space for agencies having acquisition authority when the latter so requests.

§ 101–17.203 Space for short-term use.

Agencies having a need for facilities for short-term use (such as conferences and meetings, judicial proceedings, and emergency situations) shall utilize available Government-owned or -leased facilities. Agencies shall make inquiries regarding availability to GSA regional offices and document such inquiries as outlined in § 101–17.201(b). If no suitable Government-controlled facilities are available, an agency may arrange for the use of privately owned facilities for a period not to exceed 180 days, provided that the agency has authority to contract for such facilities and that any extensions beyond 180 days are approved by GSA.

§ 101–17.204 Space requirements for ADP, office automation and telecommunications equipment.

Agencies requiring space for the installation of specialized equipment shall provide information as described in Subpart 101–17.602. This information should be forwarded to GSA at least six months in advance of equipment delivery so that space can be provided in a timely and efficient manner.

§ 101–17.205 Location of space.

(a) In locating facilities, GSA shall survey agency mission, housing, and location requirements in a community and develop community specific location policies and plans. These plans shall call for the location of leased space and other interests in real property including purchase at the most economical cost possible to the Government consistent with the agency's requirements. When permitted by agencies' missions, consideration will be given to locating agencies in quality space outside of central business areas. This will aid in employee recruitment and retention by housing agencies near employee residences, public transportation and support services such as day care centers.

(b) Policies and plans will be developed to ensure that space requirements are met in a manner that is economically feasible and prudent and will improve the management and administration of Government activities. Whenever practicable and cost-effective, GSA will consolidate elements of the same agency or multiple agencies in order to achieve the economic and programmatic benefits of consolidation. In the policy and plan development process, first consideration shall be given to rural areas, central business areas and other redevelopment areas if the location is contained within an agency's geographical requirements. Plans shall comply with all applicable statutes and Executive Orders, including those cited in § 101–17.101.

(c) GSA will consult with appropriate Federal, State, regional and local Government officials and consider their recommendations for, and review of, general areas of possible space or site acquisition. GSA will advise local officials of the availability of data on GSA plans and programs, and will agree upon the exchange of planning information with local officials.

(d) The presence of the Federal Government in the National Capital Region (NCR) is such that the distribution of Federal installations will continue to be a major influence in the extent and character of development. These policies shall be applied in the GSA National Capital Region on the most cost-effective basis, in conjunction with regional policies established by the National Capital Planning Commission and consistent with the general purposes of the National Capital Planning Act of 1959 (66 Stat. 781), as amended. These policies shall guide the development of strategic plans for the housing of Federal agencies within the National Capital Region.

(e) Consistent with the policies cited in paragraphs (a), (b), (c) and (d) above, the use of buildings of historic, architectural, or cultural significance within the meaning of Section 105 of the Public Buildings Cooperative Use Act of 1976 (90 Stat. 2507) will be considered as alternative sources for meeting Federal space needs.

§ 101-17.206 Application of socioeconomic considerations.

When actions are proposed to accomplish the reassignment or utilization of space through the relocation of an existing major workforce, the impact on employees with low and moderate incomes and minority employees shall be considered. Under these circumstances, the requesting agency shall consult the Department of Housing and Urban Development in accordance with the memorandum of understanding between the Department of Housing and Urban Development and the General Services Administration.

§ 101-17.207 Reviews and appeals of space assignment actions.

§ 101-17.207-1 Formal review.

A request for a formal review of a space assignment or space acquisition action shall initially be submitted to the appropriate GSA regional office by the agency official authorized to sign the Standard Form 81, Request for Space. A request for a formal review shall be in writing and shall include all pertinent information and supporting documentation. The GSA Real Estate Division will verify the data, perform additional investigations, as necessary, and issue a decision.

§ 101-17.207-2 Initial appeal.

(a) Within 15 calendar days after receiving the decision, the regional agency head or his/her designee may submit an appeal of the decision to the Regional Administrator, GSA. In the appeal, the agency official shall state, in writing, the basis for the original request for formal review. Only information provided with that request will be considered. Any new or additional information introduced at this level will require that the appeal undergo another formal review.

(b) Within 15 calendar days, the Regional Administrator, GSA, will notify the agency of his/her decision. In cases requiring more detailed analysis than can be accomplished in 15 days, the Regional Administrator will notify the agency and establish a date on which his/her decision will be rendered.

§ 101-17.207-3 Final appeal.

Within 15 calendar days after the agency has been notified of the Regional Administrator's decision, a final appeal may be filed by the agency head with the Administrator of General Services. The Administrator will render the agency's final decision within 30 calendar days of receipt of the appeal whenever possible; if additional time is required, the Administrator shall notify the agency of the date a decision will be made.

Subpart 101-17.3—Utilization of Space

§ 101-17.300 Responsibility of GSA.

(a) GSA shall conduct space utilization surveys to promote and ensure efficient utilization, recapturing for release or reassignment any space the agencies do not justify as being required. The agency will be provided with a written summary of significant findings and recommendations, together with data concerning improvements which are planned by the agency, and those which are planned by GSA.

(b) As part of the Quality Workplace Environment Program, GSA will place greater emphasis on the use of vacant space in its inventory. All new requests for space will be carefully screened against vacant available space. GSA, in consultation with the requesting agency, will determine whether the request will be satisfied through the reassignment of suitable vacant space before action is taken to acquire new space.

§ 101-17.301 Responsibility of agencies.

Agencies shall cooperate with GSA in the assignment and utilization of space. Agencies shall:

(a) Furnish information regarding the use of assigned space;

(b) Furnish data on personnel consistent with budget submissions to the Office of Management and Budget and with existing appropriations;

(c) Continually study and survey space occupied to ensure efficient and economical utilization of office space consistent with the minimum amount required to perform the agency mission; and

(d) Promptly report to GSA any space which is excess to their needs for assignment to other agencies.

§ 101-17.302 Procedures for agency-initiated relinquishment of space.

(a) An agency occupying GSA-controlled space shall notify the appropriate GSA regional office as soon as possible, but at least 120 calendar days before vacating, whenever space is no longer needed. Notification shall be in writing, giving a description of the space and the estimated date of release.

(b) When a portion of space is relinquished, that space shall be consolidated, accessible, and readily assignable or marketable. Expenses required to alter the space to these conditions shall be borne by the agency. Agencies should contact the GSA regional office to determine alteration requirements prior to initiating such alterations under their own authority.

(c) The agency shall be responsible for space charges until the date of release specified in the notification, or until the date space is actually vacated, whichever occurs later. When an agency has not made timely notification to GSA, that agency shall be responsible for space charges for a period of 120 calendar days following the date of notification or until the space has been reassigned, whichever occurs first.

(d) When the space relinquished is unique agency space, the agency shall also be responsible for space charges for a period of 120 days following notification. Further, beyond 120 days the agency shall be responsible for actual expenses incurred by GSA until:

(1) The space is assigned or otherwise disposed of by GSA, or

(2) The expiration of the term specified on the most recent Standard Form 81 applicable to the area in question, or

(3) Notification by the Office of Management and Budget that agency responsibility is no longer required.

(e) Agencies who commit to occupy space but never occupy that space are responsible for space charges for 120 days from the day they notify GSA that the space is not required. If the space is unique agency space, the provisions of § 10117.302(d) shall apply.

(f) When an agency is reponsible for the operation, maintenance, and protection of Government-owned space assigned by GSA, and the agency determines that this space is no longer needed, the agency shall so notify GSA at least six months before relinquishing the space. The operation, maintenance, and protection of the space shall continue to be the responsibility of the agency until the beginning of the next fiscal quarter following the end of the 6-month period.

Subpart 101-17.4—Space Programming, Planning, Layout and Design Services

§ 101-17.400 Initial layout services.

(a) Upon agency request, GSA will be responsible for providing space layouts for an initial space assignment or a forced relocation at no cost to the agency. The agency shall be responsible for preparation of a space requirements program, which shall be used as the basis for developing layouts. Wherever possible, the space program shall be prepared by professionally-trained agency staff. All requests shall be made to the appropriate GSA regional office.

(b) Agencies may also request other services in conjunction with initial layouts, such as space programming, master planning, macro-level programming and interior design. GSA will consult with the agency to determine the scope of assistance required. Such services will be provided on a reimbursable basis. Agencies must certify funding before performance of services.

(c) As part of the Quality Workplace Environment program, GSA will offer free space programming and planning services for a limited time. This offer applies to the reconfiguration of existing assignments which meet GSA's criteria for utilization improvement.

§ 101-17.401 Other services.

(a) Agencies may request space programming, planning, layout and interior design services for space actions other than initial layouts, such as reconfigurations, alterations, reductions, consolidations, relocations, as-built drawings and use of specialized furniture or equipment. Such services will be provided on a reimbursable basis except as noted in (b) below. Agencies must certify funding before performance of services.

(b) In order to provide an incentive for agencies to implement cost effective design and layout of space in fiscal year 1987, subject to the availability of funds, GSA will provide free space planning and Programming services for agency initiated space moves which will reduce the adjusted office utilization rate to 135 square feet or less per workstation for a given assignment or project and which show a utilization rate improvement of at least 20 square feet per workstation.

§ 101-17.402 Provision of services.

(a) No Federal agency occupying GSA-controlled space shall contract for these services without first consulting GSA. GSA may provide requested services through use of in-house professional staff or contracted professional space planning firms. If necessary to meet contractual commitments, avoid duplicated services and/or ensure cost-effectiveness, GSA may require agencies to use existing GSA space planning contracts or new contracts awarded by GSA.

(b) In the event that GSA is unable to provide requested services, either in-house or by contract, agencies may request a project waiver from the provisions of paragraph (a) above to procure such services on their own authority. The request should be made to the GSA regional Public Buildings Service and should document the unavailability of GSA-provided services, the basic scope of service required, and the name, location, and size of the Project. If the request is approved by the regional office, the agency may consult with GSA on contract scope, tasks, and deliverables.

(c) Regardless of the method used to provide these services, work performed on an agency's behalf in GSA-controlled space will be reviewed by GSA to ensure that no adverse impacts on technical sufficiency, mechanical or utility systems, structural integrity, fire and safety requirements, or assignment management considerations would result.

(d) Requests for services which apply across GSA regional boundaries, such as nationwide bureau-level space standards, shall be made to the GSA Central Office, Assignment and Utilization Policy Division.

(e) GSA will provide services on a reimbursable basis and on request for agency-controlled space as resources permit; however, priority must be given to requests from agencies occupying GSA-controlled space.

Subpart 101-17.5 Workstation Census

Note.—GSA will conduct an annual workstation census to determine space efficiency. A computer printout will be distributed for each agency assignment by the GSA regional office. Verification of the data requires a local agency representative to provide the peak number of workstations to be housed during the fiscal year. This printout is to be returned to the appropriate GSA regional office within 30 days of receipt.

Subpart 101-17.6 Exhibits

§ 101-17.600 Illustrations of support space and supplemental space.

The following lists describe types of workstation-related support space which are included in the calculation of adjusted office space utilization rates, and types of supplemental space which are excluded from the calculation of adjusted office utilization rates. These lists are provided as guides and, regardless of specific language used here, supplemental space factors must satisfy basic policy criteria stated in this regulation.

Support space	Workstation-related support space; include in adjusted office utilization rate if:	Supplemental space; do not include in adjusted office utilization rate if:
Type A: Reception, Waiting Areas.	Waiting area with a few chairs or sofas, typically expected to be found outside private offices or within executive suites.	Consistently used for people outside of operational unit; usually for a significant volume of walk-in patron/clientele traffic which is there to be served by the agency AND/OR
	For occasional outside visitors or routine staff.	Associated with conference areas, must be waiting for scheduled meetings or appointments; events must occur more than 50% of the time that area is required.
Type B: Conference, Hearing, Meeting, Interview Areas.	Meeting areas within or immediately adjacent to an office or work area.	More than 50% of the time people external to the operational unit site must use the area, AND
	Occasional meeting area for 5 or 6 people.	Room use is scheduled in advance and log of hours and users is maintained AND
	Larger meeting areas used primarily by members of the operational unit without outside people attending.	Room is used primarily for outside consultants, contractor, public liaison groups, task forces, etc., for purposes external to the work of the group housed.

Support space	Workstation-related support space; include in adjusted office utilization rate if:	Supplemental space; do not include in adjusted office utilization rate if:
Type C: File Areas.	Ordinary clusters of file cabinets in active use. Files housing internal materials or routine case papers accessible by internal staff in daily operations.	Centralized files of material primarily from outside the operational unit (e.g., job applications, mortgage applications, etc.); official personnel files maintained by a central personnel office. All such files must be housed in a distinct area separated from other files.
Type D: Central Storage Areas.	Supply areas for routine administrative supplies, materials, etc.	Must be separate; may be physically secured, with restricted access; centrally-stored supplies distributed by staff assigned to that function; may serve a large field work force; not more than one such space per operational unit site.
Type E: Processing Areas.	Space dedicated to personnel needs.	In general, space dedicated to a machine or process.
—Copier Areas, reproduction and printing.	Self-service copier areas for occasional use by all staff.	Physically delineated area with staff dedicated to operate equipment.
—Mail Rooms.	Small mail sorting areas for routine internal mail.	Secured area where outside mail enters and exits the building (maximum of one per operational unit site); includes area for sorting, wrapping, carts, postage, and other major tasks.
Equipment-Dominated Area	An occasional microfiche machine, word processing areas; computer terminal used or assigned to employees as a routine part of their work.	Must be of a type where people support equipment, not vice-versa. Microfiche areas; Computer terminal areas (if used by undedicated staff from outside one's own working group). Dry lab areas—i.e., no plumbing.
Type F: Reference/ Study Areas:		
—Libraries.	Occasional alcove or wall in meeting room used for storage of small collections of books or magazines.	Physically secured area dedicated to functions normally associated with libraries; libraries necessary to performance of official functions.
—Public Reference Rooms.	Use by public is incidental to use by staff.	Dedicated exclusively or more than 50% to use by visitors, outside contractors, press, etc.; preferably a use mandated by law or statute.

§ 101–17.601 Supplemental definitions.

This section contains information to supplement the definitions of office, storage, and special space in § 101–17.003(w).

(a) The following are representative of uses of office space:

(1) General purpose office space,

(2) Private corridors,

(3) Conference rooms (without special equipment and additional heating, ventilation, and air-conditioning (HVAC)),

(4) Training rooms (without special equipment and HVAC),

(5) Libraries (without extensive built-in stacks and special floor loading),

(6) Dry laboratories,

(7) Storage in office space,

(8) Credit unions (without fixed equipment),

(9) Lounges (other than toilet areas),

(10) Reception areas,

(11) Hearing rooms (without special equipment and HVAC),

(12) Telephone switchboard rooms,

(13) Mail rooms,

(14) Health rooms (without special equipment), and

(15) Table areas in cafeterias.

(b) All storage space will be classified under subsets of general storage area, inside parking area, or warehouse areas, as follows:

(1) General storage areas (storage in general purpose buildings) including:

(i) Basements,

(ii) Attics,

(iii) Closets (not finished to office standards),

(iv) Supply rooms (not finished to office standards);

(v) Storerooms (not finished to office standards), and

(vi) File rooms (not finished to office standards).

(2) Inside parking areas (garage space located in either a federally owned or leased building which is utilized for the parking of motor vehicles) including:

(i) Garages,

(ii) Parking areas, and

(iii) Motor pool parking.

(3) Warehouse areas (entire buildings with warehouse features, including minor amounts of supporting office space).

(c) Special space is further defined as follows:

(1) Laboratory and clinic areas (space containing built-in equipment and utilities required for the qualitative or quantitative analysis of matter, experimentation, the processing of materials, and/or the physical welfare of employees or the public) including:

(i) Wet laboratories,

(ii) Clean laboratories,

(iii) Photographic laboratories,

(iv) Clinics,

(v) Health units and rooms (with special equipment), and

(vi) Private toilets.

(2) Food service areas (space in buildings devoted to the preparation and dispensing of foodstuffs) including:

(i) Cafeterias (kitchens, related storage and service areas),

(ii) Snack bars,

(iii) Mechanical vending areas, and

(iv) Private kitchens.

(3) Structurally changed areas (areas having architectural features differing from normal office or storage areas, such as sloped floors, high ceilings, and increased floor loading) including:

(i) Auditoriums,

(ii) Gymnasiums,

(iii) Libraries (with special stacks and floor loading),

(iv) Target ranges,

(v) Security vaults,

(vi) Courtrooms, and

(vii) U.S. Postal Service workrooms.

(4) Automatic data processing areas (areas having special features such as humidity and temperature control, raised flooring, and special wiring) including:

(i) Computer rooms, telecommunication and office automation facilities;

(ii) Support areas (with special flooring and wiring); and

(iii) Tape vaults.

Note.—See § 101–17.602.

(5) Conference and training areas (areas used for conferences, training, and hearings with special equipment and supplemental HVAC) including:

(i) Conference rooms,

(ii) Hearing rooms,

(iii) Training rooms,

(iv) Exhibit areas, and

(v) Small courtrooms (no structural changes).

(6) Light industrial areas including:

(i) Records storage (with humidity control);

(ii) Storage type space (with air-conditioning);

(iii) Printing plants;

(iv) Product classifying laboratories;

(v) Motor pool service areas;

(vi) Postal workrooms, swingrooms, locker rooms, mailing vestibules and platforms, and lock box lobbies;

(vii) Shops (other than PBS);

(viii) Loading docks and shipping platforms;

(ix) Canopy areas; and

(x) Vertical improved mail system areas.

(7) Quarters and residential housing areas (housing and quarters that do not logically fall in the other categories).

§ 101-17.602 Space for data processing, office automation and telecommunications equipment.

This section contains the information required on space requests for these specialized functions.

(a) Agencies requiring space for the installation of such equipment must provide the following information in addition to the requirements of § 101-17.204;

(1) Type of equipment (including make, model number, manufacturer, and number of units of each);

(2) Space and environmental requirements, including:

(i) Floor weight (lbs.);

(ii) Machine dimensions (width, depth, and height in inches);

(iii) Service clearance (front, rear, right and left sides);

(iv) Power in voltage and kv.-a, (starting loads and operating loads);

(v) Heat dissipation in B.T.U./hr. and air flow (c.f.m.); and

(vi) Need for raised floor, acoustic ceiling, and air-conditioning.

(3) Related requirements, such as storage space for supplies, tapes, and disks; work space, including desk and aisle space; and future expansion needs;

(4) Agency responsibility for funding; and

(5) Required occupancy date.

(b) The above information should be provided as separate supplemental data to Standard Form 81, Request for Space, and forwarded to the GSA regional office. The space requirements indicated on Standard Form 81 must include the space requirements for all components of Automated Data Processing, Office Automation and Telecommunications Equipment. The supplier should be consulted prior to establishing space needs in order to ascertain any specific or peculiar space requirements of the equipment involved.

(c) It is essential that this information regarding the requirement for such space be transmitted to GSA as far as possible in advance of delivery of equipment so that space can be provided in a timely and economical manner.

Subpart 101-17.49—Forms

§ 101-17.4900 Scope of subpart.

This subpart contains information on forms that pertain to the assignment and utilization of space and instructions in their use.

§ 101-17.4901 Standard forms.

(a) Forms referenced to this § 101-17.4901 are Government standard forms. The subsection numbers in this section correspond with the standard form numbers.

(b) Supplies of standard forms can be obtained from the nearest GSA supply distribution facility.

§ 101-17.4902 GSA forms.

(a) Forms referenced to this § 101-17.4902 are GSA forms. The subsection numbers in this section correspond to the GSA form number.

(b) Agencies may obtain their initial supply of GSA forms from GSA National Forms and Publications Center, Box 17550, 819 Taylor Street, Fort Worth, TX 76102-0550. Agency field offices should submit all future requirements to their Washington headquarters office which will forward consolidated annual requirements to the General Services Administration (CAR), Washington, DC 20405.

BILLING CODE 6820-23-M

101-17.4901-81 Standard Form 81. Request for Space

FPMR Temp. Reg. D-73
Attachment A

REQUEST FOR SPACE *(See Instructions on back)*

1. DATE	2. AGENCY REQUEST NUMBER	3. SPACE REQUESTED IS FOR	4. SPACE REQUIRED AT
		☐ INITIAL REQUEST ☐ SUPPLEMENTAL REQUEST ☐ REPLACEMENT OF EXISTING SPACE	City & State ▶

5. TO	6. FROM	7. SPACE TO BE OCCUPIED BY (Bureau, Division, Branch, etc.)
General Services Administration Public Buildings Service No., street ▶ City, State & ZIP code ▶	Agency ▶ No., street ▶ City, State & ZIP code ▶	

8. OFFICE TO BE BILLED (Address only)	9. OFFICE TO RECEIVE SPACE ASSIGNMENT RECORD (Address only)	10. TERM OF OCCUPANCY		
		FROM	TO	NO. YEARS FIRM LEASE
No., street ▶ City, State & ZIP code ▶	No., street ▶ City, State & ZIP code ▶	Mo. & Year	Mo. & Year	

11. SPACE REQUIREMENTS

TYPE	LINE	CATEGORY		WORK STATION ALLOWANCE (a) BY GRADE	WORK STATION ALLOWANCE (a) BY JOB TITLE	ON BOARD PERSONNEL (b)	NUMBER OF BUDGETED PERSONNEL TO BE HOUSED IN SPACE REQUESTED (c)	TOTAL SQUARE FEET (a) x (c) (d)	FOR GSA USE ONLY (e)
OFFICE-TYPE SPACE	1	GS 1–6	Supvr & Nonsupvr	60					
	2	GS 7	Nonsupervisory (Add 25 sq. ft. for supervisory positions)	75					
	3	GS 8		75					
	4	GS 9		75					
	5	GS 10		75					
	6	GS 11		75					
	7	GS 12–13	Supervisory	150					
	8		Nonsupervisory	100					
	9	GS 14–15	Supervisory	225					
	10		Nonsupervisory	150					
	11	GS 16, 17, 18		300					
	12	Other (Explain in item 14)							
	13	**SUBTOTAL (Lines 1 through 12)**							
STORAGE	14	General storage							
	15	Inside parking (No. of spaces _____ X 300 sq. ft.)							
	16	Warehouse area							
	17	**SUBTOTAL (Lines 14 through 16)**							
SPECIAL	18	Laboratory and clinic area							
	19	Food service area							
	20	Structurally changed area							
	21	Automatic data processing area							
	22	Conference-training area							
	23	Light industrial area							
	24	Quarters and residential housing area							
	25	**SUBTOTAL (Lines 18 through 24)**							
	26	**TOTAL (Lines 13, 17, and 25)**							
	27	Outside parking (Number of spaces ____)							
	28	Open land (Acres)							

81-106

12. ARE FUNDS AVAILABLE FOR REIMBURSEMENT OF RENT AND OTHER ASSOCIATED COSTS? ☐ YES ☐ NO *If yes, show appropriation symbol* ▶

13. EXTENDED OPERATIONAL REQUIREMENTS (*See instruction 3 and explain in item 14.*)

14. SPECIAL REQUIREMENTS (*Furnish details*) AND/OR REMARKS

(Continue on reverse)

15. CERTIFICATION BY AUTHORIZED REQUESTING OFFICIAL

I certify to the validity of the data presented herein and that the space requested is necessary for the proper functioning of the above named activity. Also, that request is in compliance with FPMR 101–17.103, 101–18.107, 101–19.101.

SIGNATURE	DATE
TYPED NAME AND TITLE	TELEPHONE NO.

FOR GSA USE ONLY

16. ACTION BY AUTHORIZED GSA OFFICIAL

☐ Government controlled space to be assigned.
☐ No government controlled space available and leasing action will be required.
☐ Agency authorized to acquire space under its authority.

SIGNATURE AND ORGANIZATION OFFICE SYMBOL		DATE
PBS CONTROL NUMBER	REGION NO.	DATE REQUEST RECEIVED

STANDARD FORM 81 (Rev. 5–74)
Prescribed by GSA, FPMR (41 CFR) 101–17.101

INSTRUCTIONS

1. Submission of Requests for Space.
   a. This form should be submitted in triplicate to the General Services Administration Regional Office having jurisdiction for the geographical area in which the space requested (item 4) is located.
   b. Agency field components requesting space should submit this form only if the field component has been delegated authority to do so and to obligate funds for reimbursement to GSA for costs of rental, moving, alterations, outlets, etc Otherwise, the request must be coordinated with and approval obtained from the proper agency office having such authority.
   c. Approximately 180 days will be required to complete transactions and have space ready for occupancy if leased space is to be acquired.
2. Official Vehicle Parking.
   When parking is required for assigned official vehicles, indicate in item 14 the type and number of vehicles for which space must be provided.
3. Extended Operational Requirements.
   If there is a requirement for access to and/or for services in the space requested during evening hours or over weekends, it should be noted and fully explained in item 14. An estimate of the number of hours per day and days per month that access and services will be required should be included.
4. Specific Location.
   If a particular location within the community indicated in item 4 is critical to agency operations, it should be noted and fully explained in item 14.
5. Work Station Allowance.
   Under column 11(a), Job Title enter square feet allowed for grade in Occupancy Guide or in other GSA Standards. Indicate in item 14 the percent of male to female personnel.
6. For futher classification of office, storage and special space, see FPMR 101–17.003–2a.

SPACE ALLOWANCE FOR COMMON FUNCTIONS

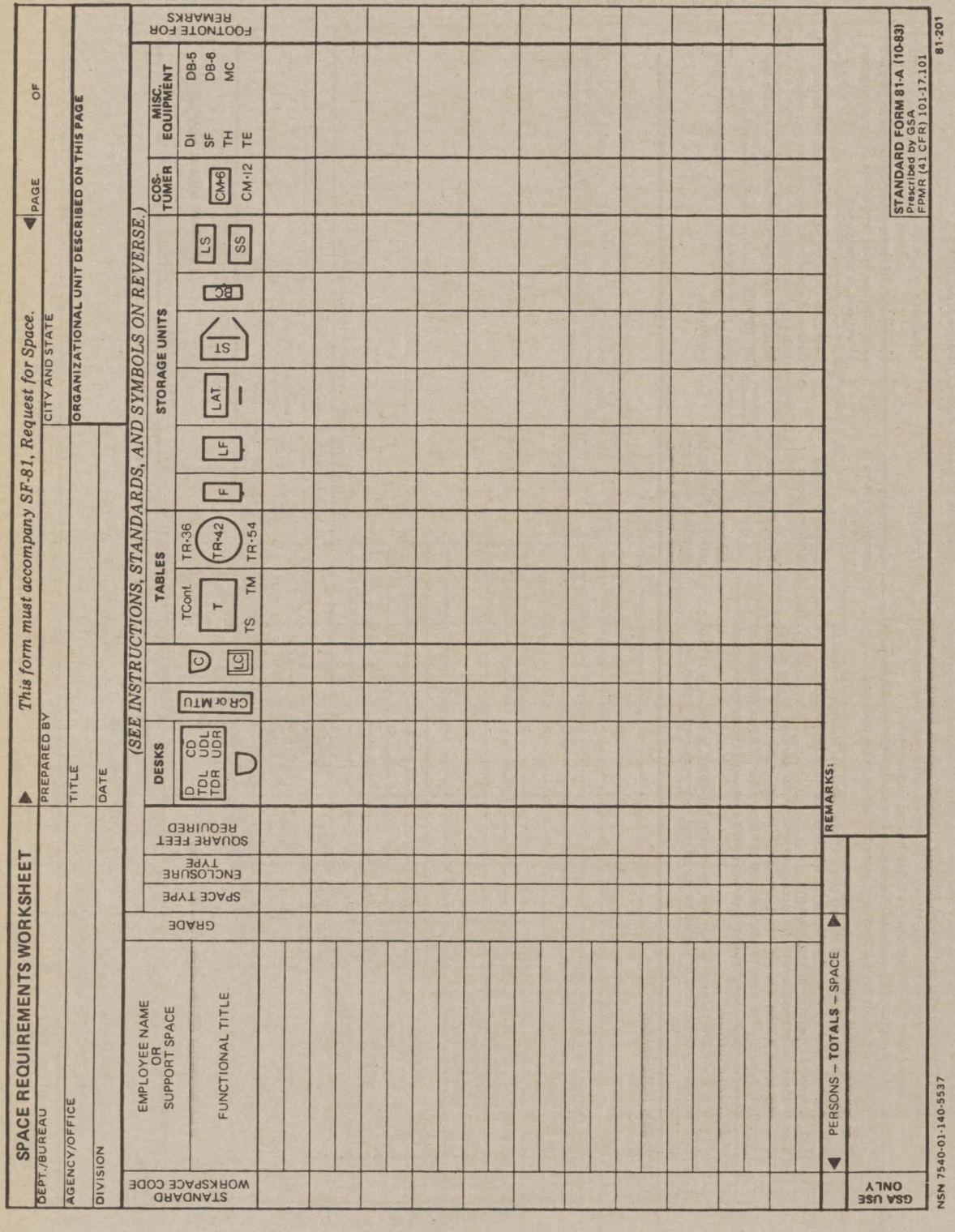
Function	*Allowance*
Conference and meeting rooms	Twenty square feet per person based on 50 percent time/use basis and on the average number of persons in attendance.
Classrooms and training rooms	Desk/arm chair at 10 square feet per person. Desk and chair at 40 square feet per person.
Reception areas	Based on average visitor load at 10 square feet per person.
Exhibit areas, internal duplicating, libraries, mail rooms, and supply rooms.	Actual measurement of equipment plus circulation.

Item 14, continued:

☆ U.S. GOVERNMENT PRINTING OFFICE: 1980—311-153/5365

FPMR Temp. Reg. D-73
Attachment A

101-17.4901-81A Standard Form 81A. Space Requirements Worksheet



FPMR Temp. Reg. D-73
Attachment A

Page 2 of Standard Form 81A

SECTION 1 INSTRUCTIONS, STANDARDS AND SYMBOLS

DESKS

D	Standard Desk 60x30
TDL or TDR	Typist Desk 60x34 w/Left or Right Typing Bed
UDL or UDR	Unitized Desk 60x30 w/Left or Right L-unit Return 36x18
CD	Conference Desk 72x36

STORAGE UNITS

F	File, Letter 15x28 (7)
LF	File, Legal 18x28 (8)
LAT	Lateral File 36x18 (9)
BC	Bookcase 34x14 (6)

TABLES

TConf.	Table, Conference 72x36
T	Standard Table 60x34
TM	Table, Medium 45x34
TS	Table, Small 36x24
MTU	Modular Table Unit 66x18
TR-54	Table, Round 54"
TR-42	Table, Round 42"
TR-36	Table, Round 36"
TH	Table, Host 42x18
TE	Table, End 18x24

DIVAN

DI	Divan or Sofa 72x40

CHAIR

C LC	Guest Chair Lounge Chair

MISCELLANEOUS

ST	Storage Cabinet 2-Door 36x18 (12)
SS	Steel Shelving 36x18 (10)
LS	Library Shelving 36x15
DB-6 (S)	Drawing Boards DB-5 60x40 DB-6 72x45 S= Stool
MC	Map Cabinet 54x42
CM-12	Costumer 12-Hanger 51x20 (14)
CM-6	Costumer 6-Hanger 30x20 (8)
CR	Credenza 66x18

SPACE TYPE SYMBOLS:	
O	Open Area
P	Private Area
SP	Semi-Private Area

ENCLOSURE TYPE SYMBOLS:	
CH	Ceiling-High Partition
PS	Privacy Screen
O	Open

SECTION 2 PROGRAMMING INSTRUCTIONS

(1) Organize the data supporting your request by functional work groups. When one work group has been described begin the next work group on a new page.

(2) The requesting agency is responsible for describing the following workspace elements of the *Space Requirements Program*.

- **Workstations** are indicated by employee name, functional title and grade for each *authorized and budgeted* position. *If the authorized position is vacant, so indicate.* Square feet required are determined by layout design on SF-81A, Part 2.
- **Common Function** spaces are indicated by the appropriate name of the workspace (conference, reception, etc.) and the symbol C/F in the grade column. Square feet required are determine by layout design on SF-81A, Part 2.
- **Administrative Support** spaces are either *centralized files* or miscellaneous equipment (i.e., costumers, an extra bookcase) not appropriately contained within other workspaces. Indicate A/S in the grade column. Square feet required may be determined by multiples of the allowance indicated in ( ) in Section 1 above.

(3) Develop the space requirements program in the following manner:

Step 1: List all workspace elements described in (2) above in an order determined by adjacency relationships.

Step 2: As necessary, prepare a standard workspace design on SF-81A, Part 2 for each workstation or common function workspace element. Indicate the dimensions of the workspace and calculate the square feet required.

Step 3: Use the symbols shown within the illustrations above in Section 1 to itemize furnishings and equipment on SF-81A. DO NOT LIST EXCESS. Itemized listings need not be shown for line items previously standardized. Simply code the line entry appropriately.

Step 4: Complete the line item entry by indicating space and enclosure type, square feet required and workspace code No.

(4) Describe, in *Remarks*, all special needs such as: weight of heavy items, special utilities, service access requirements, supplemental HVAC, etc. Develop a separate specification sheet if necessary.

(5) The information provided on these worksheets is to be summarized on SF-81, Request for Space, and submitted attached thereto.

☆ GPO: 1984—429-909

STANDARD FORM 81-A (10-83) BACK

FPMR Temp. Reg. D-73
Attachment A

101-17.4902-3530 GSA Form 3530. Work Space Management Plan and Budget Justification

WORK SPACE MANAGEMENT PLAN AND BUDGET JUSTIFICATION

INTERAGENCY REPORT CONTROL NO. 0323-GSA-XX

AGENCY

BUREAU

ACCOUNT TITLE

ACCOUNT ID CODE

SECTION I – WORK SPACE MANAGEMENT PLAN

				PRIOR YEAR 19__	CURRENT YEAR 19__	BUDGET YEAR 19__
A. OFFICE UTILIZATION RATE ESTIMATES *(NOTE: Only agencies, that classify their rented or owned office space according to actual use rather than predominant use will be able to complete items 2, 3, and 4.*	1. GSA CONTROLLED SPACE	AVERAGE OFFICE UTILIZATION RATE				
		SUPPLEMENTAL SPACE FACTOR				
		ADJUSTED OFFICE UTILIZATION RATE				
	2. AGENCY-RENTED SPACE	AVERAGE OFFICE UTILIZATION RATE				
		SUPPLEMENTAL SPACE FACTOR				
		ADJUSTED OFFICE UTILIZATION RATE				
	3. AGENCY-OWNED SPACE	AVERAGE OFFICE UTILIZATION RATE				
		SUPPLEMENTAL SPACE FACTOR				
		ADJUSTED OFFICE UTILIZATION RATE				
	4. TOTAL SPACE	AVERAGE OFFICE UTILIZATION RATE				
		SUPPLEMENTAL SPACE FACTOR				
		ADJUSTED OFFICE UTILIZATION RATE				
	5. FY UTILIZATION RATE OF 135 WILL BE ACHIEVED	GSA CONTROLLED SPACE	AGENCY-CONTROLLED SPACE			
B. PERSONNEL AND WORK-STATION ESTIMATES *(Applies only to space reported on this form.)* *NOTE: Only agencies that classify their rented or owned office space according to actual use rather than predominant use will be able to complete items 3b, 3c, and 3d.*	1. TOTAL AGENCY FTE					
	2. PERSONNEL	a. GSA CONTROLLED SPACE	PERMANENT			
			PEAK PT AND CYCLICAL			
			NON-AGENCY			
			TOTAL GSA SPACE			
		b. AGENCY-RENTED SPACE	PERMANENT			
			PEAK PT AND CYCLICAL			
			NON-AGENCY			
			TOTAL AGENCY-RENTED SP.			
		c. AGENCY-OWNED SPACE	PERMANENT			
			PEAK PT AND CYCLICAL			
			NON-AGENCY			
			TOTAL AGENCY-OWNED SP.			
	3. WORK-STATIONS	a. GSA-CONTROLLED SPACE				
		b. AGENCY-RENTED SPACE				
		c. AGENCY-OWNED SPACE				
		d. TOTAL WORKSTATIONS				
C. WORK SPACE ESTIMATES *(SQ. FT. 000)* *(Use end of year estiments, except where noted.)* *NOTE: Item 2 must include all space obtained from non-Federal sources, whether or not the agency pays for it. Items 2, 3, and 4: Agencies that classify their rented or owned space according to actual use must report all categories. Agencies that classify their rented or owned space by predominant use should convert their total gross or net space to occupiable as prescribed in Sect. 101-17.003(d) of FPMR Temp. Reg. D-73.*	1. GSA CONTROLLED SPACE	a. MARCH 15, PY BASE *(Agency estimates)*	OFFICE SPACE			
			NON-OFFICE SPACE *(Ex. park.)*			
			PARKING-INSIDE			
			PARKING-OUTSIDE			
			TOTAL			
		b. REQUIRED	OFFICE SPACE			
			NON-OFFICE SPACE *(Ex. park.)*			
			PARKING-INSIDE			
			PARKING-OUTSIDE			
			TOTAL			
	2. AGENCY-RENTED SPACE		OFFICE SPACE			
			NON-OFFICE SPACE *(Ex. park.)*			
			PARKING			
			TOTAL			
	3. AGENCY-OWNED SPACE		OFFICE SPACE			
			TOTAL			
	4. TOTAL SPACE *NOTE: This total is the sum of 1b, 2, and 3.*		OFFICE SPACE			
			PARKING *(1b and 2 only)*			
			TOTAL			

NAME AND TITLE OF PREPARER | TELEPHONE NO. | DATE

GENERAL SERVICES ADMINISTRATION

GSA FORM 3530 (REV. 1-87)

FPMR Temp. Reg. D-73
Attachment A

Page 2 of GSA Form 3530

WORK SPACE MANAGEMENT PLAN AND BUDGET JUSTIFICATION				INTERAGENCY REPORT CONTROL NO. 0323-GSA-XX		
AGENCY			ACCOUNT TITLE			
BUREAU			ACCOUNT ID CODE			
SECTION II – RENT AND RELATED OBLIGATION ESTIMATES				PRIOR YEAR 19__	CURRENT YEAR 19__	BUDGET YEAR 19__
A. GSA CONTROLLED SPACE	1. AVERAGE RATES PER SQUARE FOOT (S/Sq. Ft.)	a. FROM GSA RENT BILLS OR BUDGET ESTIMATES	OFFICE SPACE			
			NON-OFFICE SPACE			
			TOTAL			
		b. AGENCY EST. (Explain difference over +/−5% in "REMARKS")	OFFICE SPACE			
			NON-OFFICE SPACE			
			TOTAL			
	2. AVERAGE WORK SPACE ESTIMATES (Sq. Ft. 000) (To compute annual GSA rental amounts)		OFFICE SPACE			
			NON-OFFICE SPACE			
			TOTAL			
	3. ANNUAL GSA RENTAL AMOUNTS ($000)		OFFICE SPACE			
			NON-OFFICE SPACE			
			TOTAL			
	4. ADJUSTMENTS ($000)		− CONGRESSIONAL LIMITATIONS			
			+ JOINT USE SPACE			
			+/− OTHER (Explain in "REMARKS")			
	5. TOTAL RENTAL PAYMENTS TO GSA ($000) (Object Class 23.1)					
	6. FUNDING SOURCES ($000)		a. DIRECT APPROPRIATION			
			b. OTHER (List separately in "REMARKS")			
	7. OTHER PAYMENTS ($000) (Object Class 25.0)		a. EXTRA SERVICES (Above level provided by basic GSA rent)			
			b. SUB-LEASES OF GSA CONTROLLED SPACE			
B. AGENCY-RENTED SPACE AND LAND	1. RENTAL PAYMENTS BY TYPE ($000)		OFFICE SPACE			
			NON-OFFICE SPACE (Ex. parking)			
			PARKING			
			OTHER LAND			
			OTHER RENTALS			
	2. TOTAL RENTAL PAYMENTS TO OTHERS ($000) (Object Class 23.2)					
	3. OTHER PAYMENTS ($000) (Object Class 25.0)		a. EXTRA SERVICES (Above level provided by basic rent)			
			b. SUB-LEASES OF NON-GSA CONTROLLED SPACE			

REMARKS (If additional space necessary, attach separate sheets and key answers to item numbers)

NAME AND TITLE OF PREPARER	TELEPHONE NO.	DATE

GSA FORM 3530 BACK (REV. 1-87)

FPMR Temp. Reg. D-73
Attachment A

Page 3 of GSA Form 3530 (Instructions for Completing GSA Form 3530)

INSTRUCTIONS FOR COMPLETING GSA FORM 3530

GENERAL

Authority. FPMR Temporary Regulation D-73, Quality Workplace Environment, requires the head of each Federal agency to prepare an annual work space management plan. Both this regulation and OMB Circular No. A-11, Preparation and Submission of Budget Estimates, require that agencies submit to GSA and OMB copies of their work space management plans and related rent and obligation estimates as part of their annual budget submissions.

Organization of Agency Submissions. Each agency's submission must be organized to support its budget request. This means that, for most large agencies, the agency's submission will consist of: (1) separate plans prepared by each bureau, operating entity, or other subordinate organization that makes rental payments or owns property; and (2) an agency-wide summary of the bureau plans. Agencies whose real property is held and/or paid for centrally will only have to submit a single agency-wide plan.

Fiscal Years Covered by Plans. Each plan will provide estimates for the fiscal years covered by the corresponding budget cycle. For example, for the 1989 budget cycle, the "prior year" is 1987, the "current year" is 1988, and the "budget year" is 1989.

Timing of Submissions. Plans are to be submitted to GSA and OMB with the agency's initial budget submission according to the schedule established by OMB. Agencies must also submit updated plans which reflect any changes based on OMB budget guidance for the budget year, Congressional action for the current year, and final end-of-year actual numbers for the prior year. The updated plans are due by March 1.

Agencies are encouraged to submit their plans in a computer-readable format. Those agencies wishing to do so should contact GSA for the proper record format.

SECTION I: WORK SPACE MANAGEMENT PLAN

Part A — Office Utilization Rate Estimates

Item 1. GSA-controlled space. Compute the average office utilization rate by dividing the square feet of GSA-controlled office space, including supplemental space, by the number of workstations in GSA-controlled space. Compute the adjusted office utilization rate by subtracting the supplemental space factor from the average office utilization rate. Only use supplemental space factors that have been approved by GSA. If the agency and GSA have not reached agreement on the supplemental space factors, leave these fields blank. An example for computing the adjusted office utilization rate follows:

> If the average office utilization rate, including supplemental space, is 135 square feet per workstation and the supplemental space factor is 15 square feet per workstation, compute the adjusted office utilization as:
>
> Adj. office util. rate = 135 — 15
> = 120 square feet per workstation

Items 2 and 3. Agency-rented space and agency-owned space. Compute the average and adjusted office utilization rates in the same manner as the corresponding rates for GSA-controlled space. Note that only agencies that classify their rented or owned office space according to actual use (by assignment) rather than predominant use (by building) will be able to compute rates for such space.

Item 4. Total space. Compute the agency's total average office utilization rates in the same manner as the corresponding rates for GSA-controlled space. Compute the supplemental space factor for the total agency based on the total supplemental space and workstations throughout the agency.

Note that only agencies that complete Items 2 and 3 will be able to compute office utilization rates for their total space.

Item 5. FY utilization rate of 135 will be achieved. Show separately for both GSA-controlled and agency-controlled space the fiscal years in which the agency plans to achieve the 135 square feet per workstation adjusted office utilization rate goal.

Part B — Personnel and Workstation Estimates

Item 1. Total Agency FTE. Note that these estimates only apply to work space reported on the form. For example, bureau-level plans should only report that portion of the agency's total FTE ceiling that applies to the bureau.

Item 2. Personnel. Estimate and report all personnel housed in all types of work space in the following categories: full-time permanent personnel, part-time, cyclical or temporary employees of the agency, and non-agency personnel (i.e., contractors or other agencies' staff).

Item 3. Workstations. Develop workstation estimates only for personnel housed in office space. Note that agencies that are not able to estimate separately their office space for agency-rented or agency-owned space will not be able to estimate the number of workstations in that space. However, all agencies are required to estimate the number of workstations in their GSA-controlled space. If the agency requires more workstations in its office space than the number of personnel housed there, attach a justification for this requirement.

Part C — Work Space Estimates

Item 1. GSA-controlled space. Present all estimates of GSA-controlled work space levels according to the categories shown on the form. Except for the "March 15, PY Base" estimates, all work space estimates should be end-of-year square footage levels. All estimates must only include work space assigned to the agency and must not include any joint-use space that is shown on the GSA rent bills but is not assigned to the agency. Obtain the "March 15, PY Base" data from agency records of GSA-controlled work space rather than from the information reported by GSA in its annual rent budget estimates. Attach an explanation of any major differences (i.e., +/—5% in any category) between agency and GSA estimates and the actions taken to resolve them.

If major acquisition, renovation, or consolidation projects are required to implement an agency's plan, full details must be attached in accordance with Section 101-17.007(h) of FPMR Temporary Regulation D-73.

Items 2 and 3. Agency-rented and agency-owned space. Estimate and report separately the total occupiable work space leased directly from **non-Federal sources** (i.e., agency-rented space) and occupiable work space owned (i.e., agency-owned space). Non-Federal sources include commercial landlords, other governments, private individuals, universities, and other institutions. If the agency classifies its rented or owned work space according to actual use rather than predominant use, provide separate estimates of agency-rented office, non-office, and parking space and agency-owned office space. If the agency classifies its rented or owned space by predominant use, convert total gross or net square feet estimates to occupiable square feet as prescribed in Section 101-17.003(d) of FPMR Temporary Regulation D-73. Conversion factors used by agencies should be attached to the plan. Do not include in the estimates of agency-rented space any work space leased, subleased, or otherwise obtained from other Federal entities. Such work space is reported in the plans of those entities. Space leased by the agency under a lease acquisition delegation from GSA will be considered agency-rented space. Space available for temporary use by other agencies should be listed in an attachment to the plan in accordance with Section 101-17.005(e) of FPMR Temporary Regulation D-73.

Item 4. Total space. Report the total end-of-year estimates for all work space owned or paid for. Note that only those agencies that report their rented and owned office space and parking will be able to provide subtotals of their total work space in these categories. The total office space should be the sum of only the office space shown in items 1b, 2 and 3. The total line in item 4 will reflect non-office space and should be the sum of the totals shown in items 1b, 2 and 3.

SECTION II: RENT AND RELATED OBLIGATION ESTIMATES

Agencies that wish to do so may use this section to report to OMB the budget information that it requires to justify estimated rental payments for space and land. Otherwise, agencies are required to submit to OMB Section I of this form and a separate report in the format of Exhibit 24D in the OMB budget circular. The following instructions for completing Section II of this form are consistent with OMB guidance.

Part A — GSA-Controlled Space

Item 1. Average rates per square foot. Report the average GSA rental rates for each year based on the most recent GSA rent bills or budget estimates for that year. Then, show the average rental rate estimates used by the agency to compute its annual GSA rental amounts. If the agency's estimates differ from the corresponding GSA-published rates by more than 5%, attach an explanation of those differences.

Item 2. Average work space estimates. Compute and report average work space estimates for each fiscal year that are weighted to reflect the size and timing of planned increases and decreases from the end of year square footage estimates shown in Section I. Do not include any joint-use space in the average work space estimates.

Item 3. Annual GSA rental amounts. Compute the estimated total annual GSA rental amounts for each fiscal year by multiplying the average work space estimates for the year by the corresponding average rental rates.

(Continued on reverse)

FPMR Temp. Reg. D-73
Attachment A

Page 4 of GSA Form 3530 (Instructions for Completing GSA Form 3530)

Item 4. Adjustments. Estimate and report separately any adjustments that must be made to the estimated annual GSA rental amounts to determine the final obligation estimates for rental payments to GSA. Guidance on these adjustments is given in Section 24.4 of the OMB budget circular.

Item 5. Total rental payments to GSA. Compute the final obligation estimates for total rental payments to GSA for each year as the sum of the total annual GSA rental payment plus or minus the indicated rent adjustments. Verify that these estimates equal the corresponding amounts reported to OMB under object class 23.1 in the object classification schedule.

Item 6. Funding sources. Indicate the amount of the estimated obligations funded out of direct appropriations to the agency and the amounts funded from other sources (e.g. revolving funds or reimbursements).

Item 7. Other payments. Estimate and report any payments for extra services (e.g., cleaning, security, etc.) in GSA-controlled space beyond those services provided by the basic GSA rental rate. Also estimate and report any reimbursements to be made to other agencies or bureaus for GSA-controlled space subleased by the agency but for which the other agencies or bureaus actually pay GSA. Such space and the rental payments associated with it are reported by the agency or bureau that pays GSA. Include both types of estimates in the amount reported to OMB under object class 25.0 in the object classification schedule.

Part B — Agency-Rented Space and Land

Item 1. Rental payments by type. For space, other structures and facilities, and land rented by the agency from non-Federal sources (e.g., commercial landords, other governments, private owners, etc.), estimate and report separately the annual rental payments for office space, non-office space (excluding parking if identified separately), parking, other land, and other rentals (e.g., other structures and facilities).

Item 2. Total rental payments to others. Compute and report the total rental payments to others (i.e., to non-Federal sources) for each year as the sum of the rental payments by type for that year. Verify that these totals equal the corresponding amounts reported to OMB under object class 23.2 in the object classification schedule.

Item 3. Other payments. Estimate any payments for extra services (e.g., cleaning, security, etc.) in space obtained from non-Federal sources beyond those services provided by the basic rental rate. Also estimate any reimbursements to other agencies or bureaus for any non-GSA space which the other agencies own or for which those agencies pay non-Federal sources. Such space and any rental payments associated with it are reported by the agency or bureau that owns the space or pays the rent bills. Include both types of estimates in the amounts reported to OMB under object class 25.0 in the object classification schedule.

SUMMARY OF POTENTIAL ATTACHMENTS:

(NOTE: Please refer to the following attachment numbers when combining separate attachments on a single sheet of paper.)

1. Justification for number of workstations exceeding number of personnel in office space.
2. Explanation of differences of 5% or more between GSA and agency estimates of "March 15, PY Base" square footage.
3. List of major acquisitions, renovations, or consolidations required to implement agency plan. This list must also include timing, amount of work space, and cost of each action.
4. Conversion factors used by agencies that classify their owned or rented work space by predominate rather than actual use in converting gross or net square footage estimates to occupiable square footage.
5. Explanation of differences of 5% or more between GSA and agency average rates per square foot used to compute annual GSA rental amounts.
6. Explanation of unusual adjustments to annual GSA rental amounts to determine annual obligations estimates.
7. List of vacant, agency-controlled space available for use by other Federal agencies.

FPMR Temp. Reg. D-73
Attachment A

101-17.4902-144 GSA Form 144. Net Space Requirements for Future Federal Building Construction

GENERAL SERVICES ADMINISTRATION
PUBLIC BUILDINGS SERVICE

NET SPACE REQUIREMENTS FOR FUTURE FEDERAL BUILDING CONSTRUCTION

CITY AND STATE	CONTEMPLATED BUILDING TITLE

PART I — NET SPACE NOW OCCUPIED

A. IN GOVERNMENT-OWNED BUILDINGS

BUILDING NAME	(1)		(2)		(3)	
TYPE OF SPACE	AREA (SQ. FT.)	NO. OF PERSONNEL	AREA (SQ. FT.)	NO. OF PERSONNEL	AREA (SQ. FT.)	NO. OF PERSONNEL
OFFICE						
FILE						
STORAGE						
OTHER						
TOTALS						

B. IN LEASED BUILDINGS

BUILDING NAME	(1)		(2)		(3)	
ADDRESS						
TYPE OF SPACE	AREA (SQ. FT.)	NO. OF PERSONNEL	AREA (SQ. FT.)	NO. OF PERSONNEL	AREA (SQ. FT.)	NO. OF PERSONNEL
OFFICE						
FILE						
STORAGE						
OTHER						
TOTALS						
ANNUAL RENTAL						
LEASE EXPIRES						
NOTICE TO CANCEL						
PROBABLE OCCUPANCY						

PART II — NET SPACE REQUIREMENTS (Including A and B of PART I)

PROPOSED USE OF ROOMS *(List according to plan arrangement and continuity desired)*	NUMBER OF ROOMS	AREA OF EACH ROOM	TOTAL SPACE REQUIRED	PERSONNEL		SQ. FT. PER PERSON	THIS COLUMN FOR GSA USE
				MALE	FEMALE		
TOTALS							

DEPARTMENT OR AGENCY	BUREAU OR DIVISION	
APPROVED BY	TITLE	DATE
(Signature)		

(See Instructions on reverse)

GSA FORM FEB 85 144

FPMR Temp. Reg. D-73
Attachment A

Page 2 of GSA Form 144

INSTRUCTIONS

This report is to provide information as a basis for the design of the Federal building specified on the face of this form.

Additional copies of the form, or attachments on plain paper with appropriate headings, should be used if necessary to furnish complete information. If space is not desired in the proposed building, enter a statement to that effect at the bottom of Part II of this form.

PART I

A and B: NET SPACE NOW OCCUPIED. Enter complete information for each kind of occupancy. Use a separate column for each building. Enter the building name in the space provided, and give the aggregate of each kind of space occupied in the building. The dimensions for computing net space are taken from the inside faces of exterior walls to the faces of corridor walls, and from center to center of cross partitions (or the faces of partitions separating net assignable areas from other areas).

PART II

NET SPACE REQUIREMENTS. The entries here should indicate the net space requirements based on staffing permitted by current appropriations or authorizations. Space allowances for additional staffing based on future programs will be allowed by GSA only if such programs have Bureau of the Budget approval. Space ultimately will be assigned in accordance with GSA Reg. 2-II, with due regard to the allowances set forth in section 502.00 of that Chapter. Agencies should be guided accordingly in stating estimated net space requirements. Exclude estimated space requirements for temporary or emergency expansion.

PROPOSED USE OF ROOMS: List the types of occupants such as "Executives", "Junior Executives", "Secretaries", and "Clerks" in the order of planning arrangement, or in the order of preferred arrangement if no plan has been made. If any of the following types of rooms or facilities are needed, give the additional information required for each:

Conference or meeting room	- Number of persons to be seated.
Counters	- Length and location.
File Room	- Number and type (letter, legal or special) of file cases.
Laboratory	- Quantity and dimensions of fixed equipment.
Library	- Number of volumes and readers.
Service platform and yard	- Number and size of vehicles and extent of shipping activities.
Storage and supply room	- Quantity and type of material stored and extent of activity.
Vaults	- Size and purpose.

A special justification is required, explaining the need in detail, for any unusual requests for space.

Complete and accurate data must be entered in Part II; the size and cost of the contemplated building will depend upon these data.

GSA FORM FEB 85 144 (BACK)

[FR Doc. 87-2702 Filed 2-10-87; 8:45 am]
BILLING CODE 6820-23-C

DEPARTMENT OF DEFENSE

48 CFR Parts 204 and 252

Department of Defense Federal Acquisition Regulation Supplement; Very High Speed Integrated Circuits Safeguards

AGENCY: Department of Defense (DOD).

ACTION: Interim rule and request for comments.

SUMMARY: The Defense Acquisition Regulatory Council has approved temporary revisions to the Defense Federal Acquisition Regulation Supplement (DFARS) which address requirements specified within DoDI 5230.26, entitled "Very High Speed Integrated Circuits (VHSIC) Technology Security Program," dated 17 March 1986. The DFARS revisions prescribed a contract clause for uniform use in all contracts involving VHSIC, which clause incorporates Enclosure (4) to DoDI 5230.26 by reference. Unless sooner rescinded or extended this coverage expires 31 January 1988, which period will allow sufficient time for conversion of the VHSIC safeguards within Enclosure (4) to DoDI 5230.26 to an appropriate military specification, military standard, or manual.

DATES: *Effective date:* The interim rule is effective February 4, 1987, and expires on 31 January 1988 unless sooner rescinded.

Comments: Interested parties are invited to submit written comments on or before April 13, 1987 to the Executive Secretary, DAR Council, at the address below. Please cite DAR Case *86–134* in all correspondence relating to this subject. Comments received will be considered in revising the interim rule which will be implemented by Departmental guidance. A Defense Acquisition Circular will not be issued in view of the temporary nature of the rule.

ADDRESS: Interested parties should submit written comments to: Defense Acquisition Regulatory Council, ATTN: Mr. Charles W. Lloyd, Executive Secretary, DAR Council, ODASD (P) DARS, c/o OASD (A&L) (M&RS) Room 3C841, The Pentagon, Washington, DC 20301–3062.

FOR FURTHER INFORMATION CONTACT: Mr. Charles W. Lloyd, Executive Secretary, (202) 697–7266.

SUPPLEMENTARY INFORMATION:

A. Background

The DFARS revisions approved by the DAR Council include a contract clause which incorporates Enclosure (4) to DoDI 5230.26 and includes in part (1) the requirement that contractors allow representatives of the Defense Investigative Service (DIS) access to facilities at reasonable times for compliance reviews, and (2) the requirement that subcontractors must also comply with Enclosure (4) to DoDI 5230.26 where subcontracts involve VHSIC. Pending conversion to a military specification, standard, or manual, contracting officers are directed by the revisions to provide a copy of Enclosure (4) to DoDI 5230.26 to contractors/offerors upon request.

B. Determination to Issue an Interim Rule

It is the desire of DoD to increase the use of VHSIC-sensitive information and/or program products within the Defense industry as quickly as possible. Disclosure of VHSIC–sensitive information and/or program products to potential adversaries has reduced and could continue to reduce the United States' technological advantage to the detriment of our national security. Contractor compliance with VHSIC safeguards is therefore essential. The DoD therfore concludes that compelling reasons require issuance of an interim rule without prior publication for public comment.

C. Regulatory Flexibility Act

The interim rule incorporates by reference, in standard contract format, requirements which are already being applied by VHSIC contractors on a voluntary basis with the costs thereof being reimbursable under Government contracts. Also, there currently are only ten small businesses with contracts involving VHSIC. Accordingly, the Department certifies that this rule will not have a significant economic impact upon a substantial number of small entities within the meaning of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601 et seq. A regulatory flexibility analysis has therefore not been performed. Comments are invited from small entities and other interested parties.

D. Paper Reduction Act

This rule does contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501 et seq. The collection of information requirements have been submitted to OMB for review under section 3504(h) of the Act.

List of Subjects in 48 CFR Parts 204 and 252

Government procurement.

Charles W. Lloyd,

Executive Secretary, Defense Acquisition Regulatory Council.

Therefore, 48 CFR Parts 204 and 252 are amended as follows:

1. The authority citation for 48 CFR Parts 204 and 252 continues to read as follows:

Authority: 5 U.S.C. 301, 10 U.S.C. 2202, DoD Directive 5000.35, and DoD FAR Supplement 201.301.

PART 204—ADMINISTRATIVE MATTERS

2. Section 204.202 is amended by adding to paragraph (c) paragraph (6) to read as follows:

204.202 DoD Distribution Requirements.

* * * * *

(c) * * *

(6) One copy or an extract to the cognizant Defense Investigative Service (DIS) office as listed in Enclosure (5) to DoDI 5230.26 Very High Speed Integrated Circuits (VHSIC) Technology Security Program whenever the clause prescribed at 204.7204 is included in the contract.

3. Subpart 204.4, consisting of section 204.471, is added to read as follows:

Subpart 204.4—Safeguarding Classified Information Within Industry

204.471 Very High Speed Integrated Circuits (VHSIC) Safeguards.

Policies and procedures regarding protection of technologies and products developed under the VHSIC program are addressed in Subpart 204.721.

4. Subpart 204.72, consisting of sections 204.7200 through 204.7204, is added to read as follows:

Subpart 204.72—Very High Speed Integrated Circuits Safeguards

Sec.

204.7200 Scope of subpart.
204.7201 Definitions.
204.7202 General.
204.7202–1 Policy.
204.7202–2 Preaward responsibilities.
204.7203 Notification to DIS.
204.7204 Contract clause.

Subpart 204.72—Safeguarding Classified Information Within Industry

204.7200 Scope of subpart.

This subpart prescribes policy, procedures, responsibilities and requirements for establishing the Very High Speed Integrated Circuits (VHSIC) Technology Security Program for Defense contractors and subcontractors

in order to protect technology and products developed under the VHSIC program, in accordance with DoD Instruction (DoDI) 5210.75, "Very High Speed Integrated Circuits (VHSIC) Program Security Classification Guide."

204.7201 Definitions.

"VHSIC-sensitive Information and/or Program Products," as used in this subpart consist of unclassified technical information, subject to DoDI 5230.25, "Withholding of Unclassified Technical Data from Public Disclosure", that would significantly enhance the ability of a potential adversary to reduce the U.S. technological lead. Such information includes all unclassified information developed under DoD funding and listed in DoDI 5210.75 and excludes that information for which no special controls are required.

(a) *VHSIC-sensitive Information includes the following:*

(1) Internal reports dealing with technical details, particularly the solutions of problems common to VHSIC program contractors.

(2) Fabrication process data parameters and internal specification sheets.

(3) Detailed architecture and logic representations of chip and custom-macro cells, for example, hardware description language, system design language descriptions, and computer data base information unique to the VHSIC program.

(4) Recipe technology and other special technology developments.

(5) Design and layout ground rules when related to the VHSIC program.

(b) *VHSIC-Sensitive Program Products include the following:*

(1) VHSIC-sensitive chips, wafers and rejected parts created or received.

(2) Masks, reticles, pattern generation media (geometry information).

(3) Computer aided design, chip logic design, and chip integration tools unique to the VHSIC program.

(4) Special semiconductor process equipment.

(5) Modules of VHSIC hardware products.

(6) Military systems brassboards.

204.7202 General.

204.7202-1 Policy.

The VHSIC program is a technology initiative sharing roots with commercial microcircuit developments. The objective of the VHSIC program is to enhance the performance of U.S. military forces in relation to those of potential adversaries. The policy is to provide effective protection against disclosure to adversaries of the capabilities developed under the VHSIC program. This protection should neither impede the use of VHSIC products in U.S. military systems nor intrude into commercial microcircuit product design and production.

204.7202-2 Preaward responsibilities.

In accordance with applicable Department and Agency procedures implementing DoDI 5230.26, technical or requirements organizations initiating purchase requests must identify to the contracting officer, the nature and extent of VHSIC-sensitive information and/or program products involved for each purchase request and provide a copy of Enclosures (2) and (4) to DoDI 5230.26.

204.7203 Notification to DIS.

Whenever the clause prescribed at 204.7204 is included in the contract, the contracting activity shall provide an extract or a copy of the contract to the cognizant DIS office (see 204.202(c)(6)).

204.7204 Contract clause.

The contracting officer shall insert the clause at 252.204-7006 Very High Speed Integrated Circuits Technology Security Program in all solicitations and contracts involving VHSIC-sensitive information and/or program products. The contracting officer shall provide a copy of Enclosures (2) and (4) to DoDI 5230.26 to each offeror/contractor upon request.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

5. Section 252.204-7006 is added to read as follows:

252.204-7006 Very High Speed Integrated Circuits Technology Security Program.

As prescribed at 204.7204, insert the following clauses:

Very High Speed Integrated Circuits Technology Security Program (Jan 87)

(a) The Contractor shall comply with the applicable requirements of Enclosures (2) and (4) to DoDI 5230.26, entitled "Very High Speed Integrated Circuits (VHSIC) Technology Security Program," in effect on the date of award of this contract which is available from the contracting officer upon request.

(b) The Contractor shall allow representatives of the Defense Investigative Service (DIS) access, at all reasonable times, into its facilities for purposes of reviewing its compliance with the VHSIC safeguards applicable to this contract.

(c) The Contractor shall insert this clause, including this paragraph (c) with appropriate changes in the designation of the parties, in all subcontracts hereunder which involve VHSIC-sensitive Information and/or Program Products as defined in section 204.7201 of the Department of Defense Federal Acquisition Regulation Supplement.

(d) The Contractor shall provide a copy of any subcontract involving VHSIC to the cognizant DIS office within ten (10) days after issuance of the subcontract.

(End of clause)

[FR Doc. 87-2864 Filed 2-10-87; 8:45 am]
BILLING CODE 3810-01-M

DEPARTMENT OF JUSTICE

48 CFR Parts 2804, 2807 and 2812

[Justice Acquisition Circular 86-1]

Amendments to the Justice Acquisition Regulations (JAR) Regarding Advance Procurement Planning, Procurement Lead Times and Rated Orders Under the Defense Production Act of 1950

AGENCY: Justice Management Division, Office of the Procurement Executive, Justice.

ACTION: Final rule.

SUMMARY: The Justice Acquisition Regulations, Parts 2804, 2807, and 2812 are revised to implement agency requirements under DOJ order 2300.5A, Advance Procurement Planning, and to provide JAR coverage of procedures for placing rated orders. The Department's Advance Procurement Planning order contains requirements for contract file documentation. This JAR amendment will add the documentation requirements to the existing contract file checklist in JAR 2804.803-70. A requirement to provide lead times and cut-off dates for receipt of requisitions is being added as an element of the procurement planning process and to reissue in the JAR previous implementation of OFPP Policy Letter 81-1. The former implementation was contained in the DOJ Directive System. Because major organizational components in DOJ have delegated procurement authority and their own particular needs and requirements, it will be left to the Bureaus to establish the lead times and cut-off dates within the broad guidelines established in the JAR. Finally, procedures are being implemented for review and coordination of rated orders under the Defense Production Act of 1950. DOJ infrequently has requirements for rated orders, however, past experience has shown that there is a need to increase awareness of the Procurement Executive's delegated responsibility to exercise this authority on behalf of the Department. Further FAR 12.3 requires

that agencies implement procedures for obtaining rated orders.

EFFECTIVE DATE: February 11, 1987.

FOR FURTHER INFORMATION CONTACT: W.L. Vann on (202) 272–8354.

SUPPLEMENTARY INFORMATION: These revisions were not published for public comment because they do not have an effect beyond the internal operating procedures of the agency. The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1986 exempted agency procurement regulations from review under Executive Order 12291 except for selected areas. The exemption applies to this rule. The Department of Justice certifies that this document will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 60 et seq.).

List of Subjects in 48 CFR Parts 2804, 2807 and 2812

Government procurement.

Harry H. Flickinger,

Acting Assistant Attorney General for Administration.

1. The authority citation for 48 CFR Parts 2804, 2807, and 2812 continues to read as follows:

Authority: 28 U.S.C. 510; 40 U.S.C. 486 (c); 28 CFR 0.75 (j) and 0.76 (j)

PART 2804—ADMINISTRATIVE MATTERS

2804.803—70 [Amended]

2. In § 2804.803–70, in paragraphs (b)(1), (2) and (3), the entry for Tab No. 4 under "Flap B" in the IFB and RFP preaward file checklists and the entry for Tab No. 1 under "Document" in the Modifications checklist are revised to read as follows:

Tab No.	Document	In file	N/A
	Requisition with Advance Procurement Plan (APP) number.		
	Supported by a Statement of Need and APP documentation (DOJ Order 2300.5A):		
	Pertinent page from the APP (Form DOJ 528).		
	Individual Acquisition Planning Form (Form DOJ 525 or Bureau equivalent).		
	Class Acquisition Lead Time		
	Representation Statement (Form DOJ 527 or Bureau equivalent).		
	Request to postpone APP revision and FAR 6.302-2 justification and approval.		
	Written acquisition plan (Far 7.105) and supporting Major Acquisition Planning Checklist (Form DOJ 526 or Bureau equivalent).		
	Specification review by the Bureau competition advocate.		

3. In section 2804.803–70(b)(4), the Contract file award checklist is amended by adding to Flap A under "Item No." the entry "5.1 Consolidated List of Debarred, Suspended and Ineligible Contractors (FAR 9.404(c)(5))" and by adding to Flap B under "Item No." the entry "9.1 Contract Administration Approvals, e.g., approval of subcontracts, etc."

PART 2807—ACQUISITION PLANNING

4. Subpart 2807.70 is added to read as follows:

Subpart 2807.70—End-of-Year Procurements

2807.7000 Scope of subpart.

OFPP Policy Letter 81–1 requires that agencies establish lead times and firm cut-off dates for processing procurement requests that are to be obligated against expiring current year funds. The purposes of the OFPP policy are to prevent wasteful year-end spending and promote competitive contracting. The need to advise requiring activities of the lead times necessary to process a particular procurement action has become even more important with passage of the Competition in Contracting Act of 1984. This subpart provides requirements for meeting these objectives in DOJ.

2807.7001 Lead times and cut-off dates.

(a) DOJ procurement activities shall establish lead times and cut-off dates for acceptance and processing of procurement requests that require use of expiring current year funds. Procedures implemented by the procurement activities shall include:

(1) Lead times required to process procurement requests according to the method of contracting (sealed bid or competitive proposals, etc.) and type of action (new award, modification, or option). Procurement activities may further refine the lead times in accordance with their experience and types of requirements;

(2) Firm cut-off dates beyond which a procurement request will not be accepted if the requirement is to use expiring current year funds. Cut-off dates will be issued consistent with the lead times established in (a)(1) above; and

(3) A statement that failure to submit a requisition prior to the cut-off date applicable to processing a fully competitive procurement does not, in itself, establish justification for contracting by other than full and open competition.

(b) Fourth Quarter procurements.

(1) Instructions provided to Federal agencies by the Office of Management and Budget state that fourth quarter obligations should not exceed the average obligations for the first three quarters, except where seasonal requirements, essential program objectives, or lead times justify a higher level. Excessive and wasteful year-end spending can be prevented by firmly enforcing the procurement cut-off dates, the Department's Advance Procurement Planning Order, reviewing questioned procurements with procurement supervisors and appropriate program personnel and giving particular attention to fourth quarter procurement requests in areas that are particularly vulnerable to wasteful spending. In addition, chiefs of procurement activities shall ensure that their staffs are aware of OFPP Policy Letter 81–1 and the OFPP checklist for use in detecting and preventing wasteful year-end spending.

PART 2812—CONTRACT DELIVERY OR PERFORMANCE

5. Subpart 2812.3 is added to read as follows:

Subpart 2812.3—Priorities and Allocations

2812.303 Procedures

(a) The Procurement Executive, in accordance with paragraph 1.e., of the Procurement Executive Charter, issued with Attorney General Order 1085–85, is the agency official delegated authority to exercise priority authority on behalf of the Department. Any request for a priority rating on a contract or order must be submitted to the Office of the Procurement Executive in accordance with the procedures in this subpart.

(1) The requesting activity shall submit to the Procurement Executive a description of the supplies or services requiring a priority rating and a complete justification for the necessity of a rated order including the method and type of contract and the anticipated

award date. The justification must also state the level of priority rating requested and comply with the requirements of the Defense Priorities and Allocations System (OPAS) (15 CFR 350).

(2) Upon receipt the Office of the Procurement Executive shall review the request for completeness and establish appropriate liaison with the Department of Commerce (DOC), the administering agency. Depending on the nature of the requirement, the OPE may schedule a meeting with DOC officials to present the proposal. In such cases, a representative from the requiring activity may be requested to attend.

(3) DOJ activities requesting rated orders that concern classified material shall call the Procurement Executive before submitting their request to ensure appropriate transmission and handling between the requesting activity and the Office of the Procurement Executive.

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INTERSTATE COMMERCE COMMISSION

49 CFR Part 1201

[Ex Parte No. 455*]

Revision to the Uniform System of Accounts for Railroads

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Interstate Commerce Commission is revising the Uniform System of Accounts for Railroads (USOA) (49 CFR Part 1201, Subpart A). On June 13, 1984 the Commission served a Notice of Proposed Rulemaking (NPR) 49 FR 116, June 14, 1984 on this proceeding. By adopting these revisions, this Final rule presents an abbreviated (USOA) that satisfies Commission costing objectives while improving future carrier account text retrieval and overall usefulness. The revised system includes certain refinements to comply with generally accepted accounting principles (GAAP), revised instructions or account texts for clarity or to introduce new accounting approaches to improve reporting and a revised account presentation for operating expense accounts to simplify retrieving account text details.

EFFECTIVE DATE: January 1, 1987.

FOR FURTHER INFORMATION CONTACT: William F. Moss III, (202) 275-7510

*Initially assigned No. 39155.

SUPPLEMENTRY INFORMATION: The effective date of these rules shall be January 1, 1987 because the reporting year runs from January 1 thru December 31 of each calendar year.

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

This action will not significantly affect either the quality of the human environment or energy conservation. This rule will not have a significant economic impact on a substantial number of small entities.

This revision will be submitted to the Office of Management and Budget (OMB) for review under section 3504(h) of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35). Respondents may direct comments to OMB by addressing them to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Desk Officer for Interstate Commerce Commission, Washington, DC 20503.

List of Subjects in 49 CFR Part 1201

Railroads, Uniform system of accounts.

Part 1201, Subpart A of Title 49 of the Code of Federal Regulations is amended as set forth in the Appendix to this notice:

Decided: January 29, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons.

Moreta R. McGee,

Secretary.

Appendix

49 CFR Part 1201, Subpart A, is amended as follows:

PART 1201—[AMENDED]

1. The authority citations following **"Regulations Prescribed," "General Instructions"** 1-1, 1-2, 1-10, 1-15, 1-16, 2-7, 2-12, 2-18, 2-20, 2-21, 2-23, 2-24, 4-2, 4-3, and 5-7 are removed, and the authority citation for 49 CFR Part 1201, Subpart A is revised to read as follows:

Authority: 5 U.S.C. 553 and 49 U.S.C. 11166.

2. In the Table of Contents, under the list of Instructions and Accounts, amend the property account listing by adding account 59 to read as follows:

PROPERTY ACCOUNTS

* * * * *

Equipment

* * * * *

59 Computer systems and word processing equipment.

* * * * *

3. Under Regulations Prescribed, revise (ii) *Definitions* to read as follows:

1. "Abandonment" means the withdrawal from transportation service of a branch line or other track segment or facility, representing a permanent reduction in plant.

2. "Accounts" means the accounts prescribed in this system of accounts.

3. "Actually issued" as applied to funded debt securities or capital stock issued or assumed by the company, means those which have been sold to bona fide purchasers or holders for a valuable consideration (including those issued in exchange for other securities or other property) and such purchasers or holders secured them free from control by the carriers. Also securities issued as dividends on stock.

4. "Actually outstanding" as applied to funded debt securities or capital stock issued or assumed by the carrier means those which have been actually issued and are neither retired and canceled nor reacquired and held by or for the accounting company.

5. (a) "Affiliated companies" means companies or persons that directly, or indirectly through one or more intermediaries control, or are controlled by, or are under common control with, the accounting carrier.

(b) "Control" (including the terms "controlling", "controlled by", and "under common control with") means the possession directly or indirectly, of the power to direct or cause the direction of the management and policies of a company, whether such power is exercised through one or more intermediary companies, or alone, or in conjunction with, or pursuant to an agreement, and whether such power is established through a majority of minority ownership or voting of securities, common directors, officers or stockholders, voting trusts, holding trusts, associated companies, contract or any other direct or indirect means.

6. "Amortization" means the gradual extinguishment of an amount in an account by distributing such amount over a fixed period dependent on the requirements of regulatory bodies, over the life of the asset or liability to which it applies, or over the period during which it is anticipated the benefit will be realized.

7. "Carrier" as used herein and when not otherwise indicated in the context means any carrier to which this system of accounts is applicable.

8. "Consolidation" means the formation of a new company. See instruction 2–15.

9. "Commission" means the Interstate Commerce Commission.

10. "Compensating balance" means the portion of any demand deposit (or any time deposit or certificate of deposit) maintained by a carrier (or by any person on behalf of the carrier) which constitutes support for existing borrowing arrangements of the carrier with a lending institution. Such arrangements include both outstanding borrowings and the assurance of future credit availability. (The compensating balance requirement should be adjusted by the amount of float unless such adjustment would cause the compensating balance to be greater than the cash balance per carrier's books.) The float adjustment is made by subtracting the float from the compensating balance requirement if the collected bank ledger balance exceeds the cash balance per carrier's books or by adding the float to the compensating balance requirement if the collected bank ledger balance is less than the cash balance per carrier's books.

(a) "Float" means deposits and withdrawals in transit which constitute a difference between the collected bank ledger balance and the cash balance per carrier's books.

11. "Cost center" refers to an organizational subdivision for which cost data are desired and for which provision is made to accumulate costs such as a terminal, yard, or track segment. A cost center may correspond to a given area of responsibility for which costs are presently accumulated for planning and control. A cost center is the smallest segment of activity or area of responsibility for which costs are accumulated and directly traceable.

12. "Cost of renewal" means the cost of additional material applied (other than the value assigned second-hand parts remaining in the rebuilt unit) plus the cost of labor used in the rebuilding process, exclusive of the portion applicable to dismantling and repair of old parts reused.

13. "Cost of removal" means cost of demolishing, dismantling, tearing down or otherwise removing property.

14. "Debt issue cost" means all costs in connection with the issuance and sale of evidences of debt, such as fees for drafting mortgages and trust deeds; fees for issuing or recording evidences of debt; cost of engraving and printing bonds and certificates of indebtedness; fees paid trustees, specific costs of obtaining governmental authority; fees for legal services; fees and commissions paid underwriters, brokers and salespeople for marketing such evidences for debt; fees and costs of listing on exchanges; and other like costs.

15. "Discount" as applied to funded debt securities or capital stock issued or assumed by the carrier, means the excess of the par or face value of the securities plus interest or dividends accrued at the date of the sale over the cash value of the consideration received from their sale.

16. "Equity security" encompasses any instrument representing ownership shares (e.g., common, preferred and other capital stock), or the right to acquire (e.g., warrants, rights, and call options) or dispose of (e.g., put options) ownership shares in an enterprise at fixed or determinable prices. The term does not encompass preferred stock that by its terms either must be redeemed by the issuing enterprise or is redeemable at the option of the investor, nor does it include treasury stock or convertible bonds.

(a) "Marketable," as applied to an equity security, means an equity security as to which sales prices or bid and ask prices are currently available on a national securities exchange (i.e., those registered with the Securities and Exchange Commission) or in the over-the-counter market. In the over-the-counter market, an equity security shall be considered marketable when a quotation is publicly reported by the National Association of Securities Dealers Automatic Quotations System or by the National Quotations Bureau, Inc. (provided, in the latter case, that quotations are available from at least three dealers). Equity securities traded in foreign markets shall be considered marketable when such markets are of a breadth and scope comparable to those referred to above. This definition is not met by restricted stock (securities for which sale is restricted by a governmental or contractual requirement except where such requirement terminates within one year or where the holder has the power to cause the requirement to be met within one year). Any portion of the stock which can reasonably be expected to qualify for sale within one year, such as may be the case under Rule 144 or similar rules of the Securities and Exchange Commission, is not considered restricted.

(b) "Market value" refers to the aggregate of the market price of a single share or unit times the number of shares or units of each marketable equity security in the portfolio. When an equity has taken positions involving short sales, sales of calls, and purchases of puts for marketable equity securities and the same securities are included in the portfolio, those contracts shall be taken into consideration in the determination of market value of the marketable equity securities.

(c) "Cost," as applied to a marketable equity security, refers to the original cost unless a new cost basis has been assigned based on recognition of an impairment of value that was deemed other than temporary or as the result of a transfer between current and noncurrent classifications. In such cases, the new cost basis assigned shall be considered cost.

17. (a) "Income taxes" means taxes based on income determined under provisions of the United States Internal Revenue Code and foreign, state and other taxes (including franchise taxes) based on income.

(b) "Income tax expense" means the amount of income taxes (whether or not currently payable or refundable) allocable to a period in the determination of net income.

(c) "Pretax accounting income" means income or loss for a period, exclusive of related income tax expense.

(d) "Taxable income" means the excess of revenues over deductions or the excess of deductions over revenue to be reported for income tax purposes for a period.

(e) "Timing differences" means differences between the periods in which transactions affect taxable income and the periods in which they enter into the determination of pretax accounting income. Timing differences originate in one period and reverse or "turn around" in one or more subsequent periods. Some timing differences reduce income taxes that would otherwise be payable currently; others increase income taxes that would otherwise be payable currently.

(f) "Permanent differences" means differences between taxable income and pretax accounting income arising from transactions that, under applicable tax laws and regulations, will not be offset by corresponding differences or "turn around" in other periods.

(g) "Tax effects" means differentials in income taxes of a period attributable to (1) revenue or expense transactions which enter into the determination of pretax accounting income in one period and into the determination of taxable income in another period, (2) deductions or credits that may be carried backward or forward for income tax purposes and (3) adjustments of prior periods and direct entries to other stockholders' equity accounts which enter into the determination of taxable income in a period but which do not enter into the

determination of pretax accounting income of that period. A permanent difference does not result in a "tax effect" as that term is used in this definition.

(h) "Deferred taxes" means tax effects which are deferred for allocation to income tax expense of future periods.

(i) "Interperiod tax allocation" means the process of apportioning income taxes among periods.

(j) "Tax allocation within a period" means the process of apportioning income tax expenses applicable to a given period between income before extraordinary items and extraordinary items, and of associating the income tax effects of adjustments of prior periods and direct entries to other stockholders' equity accounts with these items.

18. (a) "Investor" means a business entity that holds an investment in voting stock of another company.

(b) "Investee" means a corporation that issued voting stock held by an investor.

(c) "Corporate joint venture" is a company owned and operated as a separate and specific business or project for the mutual benefit of the members of the group. Joint facilities for purposes of this system of accounts are not considered corporate joint ventures.

(d) "Dividends" when applied to distributions received from investees unless otherwise specified, means dividends received or receivable in cash, other assets, or another class of stock and does not include stock dividends or stock splits.

(e) "Earnings or losses of an investee" and "financial position of an investee" refer to net income (or net loss) and financial position of an investee determined in accordance with generally accepted accounting principles.

(f) "Undistributed earnings of an investee" means net income less dividends declared whether received or not.

(9) "Date of acquisition" is the date on which the investor assumes the rights of ownership. Ordinarily, this is the date assets are received and other assets are given or securities issued.

19. "Joint facility" means any owned or leased carrier operating property occupied or operated jointly by the carrier and one or more other carriers, under an arrangement whereby the cost and income are apportioned to the parties to the joint agreement. Portions of a structure or other property used exclusively by each of two or more carriers are not joint facilities.

20. "Ledger value" of an account means the undepreciated or unamortized cost of acquisition of the item to the carrier, recorded in the general ledger. In case the cost of any item of property is not shown separately in the ledger, the ledger value of that item shall be its proportionate share of the value of the entire group in which the particular property is included.

21. "Merger" means the acquisition of one company by another. See instruction 2–15.

22. "Minor items of property" means the associated parts or items of which units of property are composed.

23. "Net railway operating income": Operating revenue remaining after deducting operating expenses, income taxes on ordinary income, and the provision for deferred income taxes. Also, in arriving at NROI, deduct the Income from Lease of Road and Equipment and add the Rent for Leased Road and Equipment, formerly accounts 509 and 542, respectively.

24. "Net salvage value" means salvage value of property retired less the cost of removal.

25. "Nominally issued" as applied to funded debt securities or capital stock issued or assumed by the carrier, means those which have been signed, certified by trustees, or otherwise executed, and placed with the proper officer for sale and delivery, or pledged, or otherwise placed in some special fund of the accounting company, but which have not been sold or issued directly to the trustees of such fund in accordance with contractual requirements.

26. "Nominally outstanding" as applied to funded debt securities or capital stock issued or assumed by the carrier, means those which, after being actually issued, have been reacquired by or for the accounting company under such circumstances which require them to be considered as held alive and not retired and canceled.

27. "Premium" as applied to funded debt securities or capital stock issued or assumed by the carrier, means the excess of the cash value of the consideration received from their sale over the sum of their par (stated value of no par stock) or face value and interest or dividends accrued at the date of sale.

28. "Programmed track replacements" are costs incurred as part of a track replacement program or planned expenditures. Programmed track replacements are generally performed by relatively large work gangs which, on the basis of programmed and authorized work orders, use heavy mechanized equipment to replace rail, ties and other track material. For guidance on what not to capitalize, see the notes to the text of Accounts 8, 9 and 11.

29. "Property retired" means units of property which have been removed, sold, abandoned, destroyed, or which for any cause have been permanently withdrawn from service; also minor items of property not replaced.

30. "Rail Transportation Property." Rail transportation property is all property and other assets, irrespective of ownership, that comprise the entire operating unit devoted to rail transportation service. This definition comprises the following accounts:

701 Cash
703 Special deposits
704 Loans and notes receivable
705 Accounts receivable—interline and other balances
706 Accounts receivable—customers
707 Accounts receivable—other
708.5 Receivable with affiliated companies
709 Accrued accounts receivable
710 Working funds
711 Prepayments
712 Material and supplies
713 Other current assets
714 Deferred income tax charges
731 Road and equipment property
732 Improvements on leased property

31. "Salvage value" means the amount received from the sale of operating property retired less any expenses in connection with the sale or in preparing the property for sale. If the property is retained for reuse, the salvage value shall be recorded in account 712, Materials and Supplies, or other appropriate account at an amount not to exceed its recorded cost (actual or average), or current market value, whichever is lower.

32. "Segment of a business" refers to a component of an entity whose activities represent a separate major line of business or class of customer. A segment may be in the form of a subsidiary, a division, or a department, and in some cases a joint venture or other non-subsidiary investee, provided that its assets, results of operations, and activities can be clearly distinguished, physically and operationally and for financial reporting purposes, from the other assets, results of operations, and activities of the entity. The fact that the results of operations of the segment being sold or abandoned cannot be separately identified strongly suggests that the transaction should not be classified as a disposal of a segment of business.

(a) "Measurement date" means the date on which the management having authority to approve the action commits itself to a formal plan to dispose of a segment of the business, whether by abandonment or sale. The measurement date for disposals requiring Commission approval shall be the service date of the Order authorizing the disposal.

(b) "Disposal date" refers to the date of closing the sale, if the disposal is by sale or the date that operations cease if the disposal is by abandonment.

33. "Service life" means the period between the date when operating property is placed in service and the date of its retirement.

34. "Service value" means the ledger value of operating property less its salvage value (see definition 17).

35. "Track maintenance" is material and labor costs of routine track repairs such as sporadic tie replacement, repair of broken rails, tightening track bolts and track spikes. A more complete list of maintenance items are included in notes to the text of Accounts 8, 9 and 11.

36. "Work equipment" means equipment which can be coupled in a train for movement over the carrier's tracks, and which is used in the carrier's work service. See equipment listing for account 57, "Work equipment".

4. Under **General Instructions:**

a. Revise Instruction 1–2(d)(5), Accounting Changes, to read as follows:

1–2 *Classification of accounts.*

* * * * *

(d) * * *

(5) *Accounting Changes.* Errors in financial statements result from mathematical mistakes, mistakes in the application of accounting principles, or oversight or misuse of facts that existed at the time the financial statements were prepared. In contrast, a change in an accounting estimate results from new information or subsequent developments and from better insight or judgment. Correction of an error should be accomplished through a prior period adjustment [See Instruction 1–2(d)(4)]. Changes in an accounting estimate should be accounted for in the period of change (and future period if the change affects both)(See Instruction 1–7). A change in an accounting principle or accounting entity should be referred to this Commission for approval. The cumulative effect of a change in accounting principle should ordinarily be reflected in the account provided for in determining net income.

* * * * *

b. Add paragraph (9) to Instruction 1–3, Records, to read as follows:

1–3 *Records*

* * * * *

(g) Regulations and instructions governing the recording of changes in physical property for Class I railroads are detailed in Part 1262 of this chapter.

c. Revise the heading and text of Instruction 1–7, Delayed Items, to read as follows:

1–7 *Changes in accounting estimates.* Changes in accounting estimate arising during the current year which are applicable to prior years shall be included in the same account which would have been charged or credited if the item had been taken up or the adjustment made in the year to which it pertained. [See Instruction 1–2(d)(5) for Accounting Changes].

d. Revise the heading and text of Instruction 1–8, Distribution of Expenses for Material, Tools, Fuel, Lubricants, Purchased Services and General, to read:

1–8 *Accounting for computer systems and word processing costs.* (a) Capitalized costs for computer systems and word processing equipment shall be charged to property account 59, when such costs are not dedicated to a particular function (See Account 59). Related depreciation expenses for capitalized costs shall be charged to account 62–23–00, Depreciation, Other Equipment.

(b) Repair and maintenance costs related to computer systems and word processing equipment shall be charged to function 46 of the Other equipment subactivity by appropriate natural expense (labor, material, purchased services, other). Repairs performed by an outside company shall be charged to operating expense account 39–23–46.

(c) Operating costs related to computer systems and word processing equipment shall be charged to function 87, Management services and data and word processing, when the equipment benefits more than one activity. When the equipment benefits one activity only, such operating costs shall be charged to the activity/function benefited.

e. Add Instruction 1–17, Disclosure Guideline, to read as follows:

1–17 *Disclosure guideline.* In addition to the accounting policies presented in these regulations, all disclosures relating to APB Opinions and FASB Statements adopted by the Commission are required.

5. Under **Instructions for Property Accounts:**

a. Revise Instruction 2–1 to read as follows:

2–1 *Items to be charged.* (a) To the road and equipment property accounts shall be charged the cost of purchasing land, the cost of purchasing and constructing buildings, facilities and equipment, and the cost of additions and betterments to property. "Cost" means the amount of cash disbursed, or the fair value of other assets distributed, or the present value of amounts to be paid. Where the fair market value of resources given up (assets, services or items of stockholder's equity) is not clearly determinable, the cost may be determined by the fair market value of the resources acquired. The carrier shall be prepared to furnish the Commission with the particulars of its method of determining cash value when the consideration is other than monetary. The amount of liabilities incurred with suppliers in the normal course of business, which are due in customary trade terms not exceeding approximately one year, shall be recorded at the maturity value. Acquisition date is the date title passes to the carrier.

(b) The cost of road and equipment purchased under a plan involving other deferred payments (debt or capital lease) shall be recorded at the discounted present value of the payment, net of executory costs such as insurance, maintenance, and taxes. The interest rate used to discount the payments should be the prevailing market rate for similar debt instruments of issues with similar credit ratings. In any event, the rate used for valuation purposes will normally be at least equal to the rate at which the carrier can obtain financing of a similar nature from other sources at the date of the transaction (the carrier's incremental borrowing rate). In the case of a capital lease, when it is practical to ascertain the implicit rate computed by the lessor, and that rate is less than the carrier's incremental borrowing rate, the carrier should use the implicit rate. Acquisition date for a capital lease is the date the lease agreement is signed. If the property covered by the lease has yet to be constructed or has not been acquired by the lessor at the date the lease agreement or commitment is signed, the acquisition date shall be the date the property under construction is completed or the date the property not yet acquired is acquired by the lessor. (See Instruction 2–20.)

(c) Where actually incurred, interest cost is to be added to the cost of road and equipment deemed "qualifying assets" during the period of time required to get them ready for their intended use (acquisition period). "Qualifying assets" are those that are (1) either constructed or otherwise produced for a carrier's own use (including assets constructed or produced for the carrier by others for which deposits or progress payments have been made) or (2) assets intended for sale or lease that are constructed or otherwise produced as discrete projects. The amount of interest to be capitalized for qualifying assets shall be based upon the average amount of accumulated expenditures for the asset during the acquisition period at the rate used on specific new borrowings associated with

the qualifying asset. If average accumulated expenditures for the asset exceed the amount of specific new borrowings associated with the asset, the rate to be applied to such excess shall be a weighted average of the rates applicable to other borrowings of the enterprise. The total amount of interest cost capitalized in an accounting period shall not exceed the total amount of interest cost incurred by the enterprise during that period.

(d) Suitable records shall be maintained showing expenditures during the year for original road and equipment and road extensions; for merger and purchase of existing lines and reorganizations; for additions and betterments; and credits for property retirement.

(e) When the carrier exchanges road and equipment for other road and equipment with no other consideration involved, the road and equipment received shall be recorded at the ledger value of the road and equipment relinquished. Where the carrier receives a monetary consideration in the exchange, the carrier shall recognize gain on the exchange to the extent that the consideration received exceeds a proportionate share of the recorded cost of the road and equipment surrendered. The portion of the cost applicable to the realized amount shall be based on the ratio of the monetary consideration to the total consideration received (monetary consideration plus the estimate fair value of the road and equipment received) or, if more clearly evident, the fair value of the road and equipment transferred. Where the carrier pays a monetary consideration in the exchange, it shall not recognize any gain on the transaction but shall record the road and equipment received at the amount of the monetary consideration paid plus the recorded costs of the road and equipment surrendered. If a loss is indicated by the terms of an exchange transaction, the carrier shall recognize the entire loss on the exchange. Immaterial gains and losses on these exchanges shall be included in account 519, Miscellaneous Income, or 551, Miscellaneous Income Charges, as appropriate. Material amounts shall be recorded in accordance with Instruction 1–2(d).

b. Remove Instruction 2–3(b) and reserve it for future use.

c. Add paragraph (k) to Instruction 2–6 to read as follows:

2–6 *Components of construction cost.*

* * * * *

(k) *Interest cost.* [See Instruction 2–1(c)].

d. Redesignate Accounts 3, Grading through Account 58, Miscellaneous Equipment, from instruction 2–20, to follow instruction 2–19.

e. Amend instruction 2–19, List of Units of Property, by adding Account 59, to follow Account 58, to read as follows:

2–19 *List of units of property.*

* * * * *

Account 59, Computer Systems and Word Processing Equipment

A Mainframe
A Mini-computer
A Word processing system
A Printer
A Monitor
A Modem
A Storage device

f. Revise paragraph (d) of Instruction 2–20 to read as follows:

2–20 *Accounting for leases.*

* * * * *

(d) Leased assets that meet the criteria for classification as a capital lease shall be subject to depreciation over their useful lives in the same manner as assets owned. If the capital lease meets the criteria of either Instruction 2–20(a)(1) or 2–20(a)(2), the asset shall be amortized in a manner consistent with the lessee's normal depreciation policy for owned assets. If the lease does not meet either of these two criteria, the asset shall be amortized in a manner consistent with the lessee's normal depreciation policy except that the period of amortization shall be the lease term.

* * * * *

g. Revise Note A which follows paragraph (f) of Instruction 2–21 to read as follows:

2–21 *Freight train car repair costing.*

* * * * *

(f) * * *

Note A.—The following accounts and reference pertain to the freight train car repair process:

11–22–42
21–22–42
39–22–42
40–22–42
41–22–42
61–22–42

Instruction 2–12, "Units of property rebuilt or converted".

6. Under **Instructions for Maintenance Expenses:**

a. Add paragraph (d) to Instruction 3–1, Items to be Charged, to read as follows:

3–1 *Items to be charged.*

* * * * *

(d) An employee's job classification shall not govern the accounting for work performed. Charges to a particular expense function shall be based on the nature of the work performed.

7. Under **Intructions for Depreciation Accounts:**

a. Revise Instruction 4–1(c) to read as follows:

4–1 *Method.*

* * * * *

(c) For the purpose of the group plan of depreciation accounting, the following primary accounts are classed as depreciable accounts:

Road accounts:
- 3. Grading.
- 4. Other right-of-way expenditures.
- 5. Tunnels and subways.
- 6. Bridges, trestles and culverts.
- 7. Elevated structures.
- 8. Ties.
- 9. Rails and other track material.
- 11. Ballast.
- 13. Fences, snowsheds, and signs.
- 16. Station and office buildings.
- 17. Roadway buildings.
- 18. Water stations.
- 19. Fuel stations.
- 20. Shops and enginehouses.
- 22. Storage warehouses.
- 23. Wharves and docks.
- 24. Coal and ore wharves.
- 25. TOFC/COFC terminals.
- 26. Communication systems.
- 27. Signals and interlockers.
- 29. Power plants.
- 31. Power transmission systems.
- 35. Miscellaneous structures.
- 37. Roadway machines.
- 39. Public improvements-construction.
- 44. Shop machinery.
- 45. Power plant machinery.

Equipment accounts:
- 52. Locomotives.
- 53. Freight-train cars.
- 54. Passenger-train cars.
- 55. Highway revenue equipment.
- 56. Floating equipment.
- 57. Work equipment.
- 58. Miscellaneous equipment.
- 59. Computer systems and word processing equipment.

8. Under **Instructions for Income and Balance Sheet Accounts:**

a. Amend Instruction 5–3, Discounts, Expenses, and Premiums on Debt, by adding the following sentence to the end of paragraph (b):

5–3 *Discounts, expenses, and premiums on debt.* * * * (b) * * * The method of apportioning debt discount, issue costs, and premium to accounts 517 and 548 shall be the "interest method," where the effective interest rate on the date of issuance is applied to the carrying value (debt, less related discount, and issue cost, plus related premium of each specific issue to the beginning of any given period.) However, other methods of amortization may be used if the results obtained are not materially different from those

which would result from the interest method.

* * * * *

b. Revise the heading and text of Instruction 5–6, Contingent Assets and Liabilities, to read as follows:

5–6 *Contingencies.* (a) The proper accounting treatment for contingencies depends upon whether the contingency is: *Probable:* the event or events are likely to occur; *Reasonably possible:* the chance of occurrence of the future event or events is more than remote, but less than likely; or *Remote:* the chance of occurrence of the future event or events is slight.

(b) Loss contingencies must be accrued when they are probable and the amount of loss can be reasonably estimated. Where they are only reasonably possible, only footnote disclosure is required. Where they are remote, footnote disclosure is not required, but is permitted.

(c) Gain contingencies usually are not reflected in the accounts since to do so might be to recognize revenue prior to its realization. Adequate disclosure shall be made of contingencies that might result in gain, but care shall be exercised to avoid misleading implications as to the likelihood of realization.

9. Under **Property Accounts:**

a. Revise Note B of Account 9, Rails and other track material to read as follows:

9 Rails and other track material.

* * * * *

Note B.—The following activities are considered as maintenance and should be expensed accordingly.

- Rail flaw detection
- Track inspection
- Shifting of existing track
- Removing weeds in track
- Transposing rail
- Restoring chipped and battered rail ends by welding and/or by rail grinding train or other such equipment.
- Gauging track
- Loading scrap track materials
- Lubricating rail
- Tightening bolts
- Resetting spikes and rail anchors in existing track
- Any other maintenance work not involving the placement of track material

b. Remove the word "Computers" from the list of "Station and Office Structures and Details" in Account 16, Station and Office Buildings.

c. Revise Notes B and C of Account 27, Signals and interlockers to read as follows:

27 Signals and interlockers.

* * * * *

Note B.—The cost of track material, such as switches, special rail braces, special roads, special track fastenings, split rails, derails, derail stands, and frogs, used in connection with interlockers, shall be included in account 9, "Rail and other track material."

Note C.—When derails are arranged so as to be thrown from switch stands, the cost of labor expended in the installation of the connections between the switch stand and derail and the devices for throwing the derail shall be included in account 9, "Rail and other track material." The cost of the material shall be included in account 9, "Rail and other track material."

* * * * *

d. Revise Note E of Account 39, Public Improvements; Construction, to read as follows:

39 Public improvements; construction.

* * * * *

Note E.—Interest imposed for failure to pay assessments within the allocated time shall be charged to Account 547, Interest on unfunded debt. Any related penalties shall be charged to Account 551, Miscellaneous income charges.

* * * * *

e. Under the Equipment heading, after the text of account 58, Miscellaneous Equipment, add Account 59, Computer Systems and Word Processing Equipment, to read as follows:

59 Computer systems and word processing equipment.

This account shall include the cost of mainframe and mini-computers and data processing equipment as well as the cost of word processing equipment that is not dedicated to a particular function. Essentially this account consists of all computer-related equipment that remains under the control of the data processing department. This account shall also include the cost of foundations, power supply, fixtures, appurtenances and other devices to prepare this equipment for use.

Items

Mainframes, Mini-computers, Word processing systems, Printers, Monitors, Modems, Storage devices.

Note A.—The cost of micro computers, data processing equipment, and word processing equipment which are an integral part of and essential to the operation of a separate facility shall be charged to the appropriate property account for that facility.

Note B.—Carriers desiring to adopt other methods of accounting for computers and word processing equipment that are considered more suitable for their operational structure shall submit justification and supporting documents to the Commission for consideration and decision.

10. Under **Railway Operating Revenue Accounts,** amend Account 100, Transportation; Rail Line, by adding the following as the concluding sentence:

100 Transportation; rail line.

* * * The detail accounts include in this general account series are summarized in account 501, Railway Operating Revenues.

11. Remove the tables Coding Structure or Railway Operating Expense Accounts, Function Code Use—Way and Structures, Function Code Use—Equipment, Function Code Use—Transportation and Function Code Use—General and Administrative, which follow Railway Operating Revenue Accounts.

12. Revise the text of Operating Expense Account Explanations to read as follows:

OPERATING EXPENSE ACCOUNTS

Instruction

(1) The operating expense accounts use a six-digit code. The first two digits denote natural expense, the second two digits denote activity/subactivity, and the third two digits denote detailed functions. [See Table A for an overview of the coding structure and Tables B–E for detailed functions.]

(2) The operating expense account explanations use a three-tier format. Section 1 contains natural expense explanations with applicable activity/subactivity and function assignment. Section 2 details the activity/subactivity explanations. Section 3 explains the functions appropriate for each activity/subactivity. To obtain a complete explanation for a particular account, refer to section 1 to locate the natural expense and activity/subactivity (first four digits) and read the appropriate account text. Accounts that are assigned to functions are appropriately listed. For further information, refer to section 2 and section 3.

(3) All accounts listed in Table A and section 1 are for freight only. Refer to Table F for applicable passenger or common account codes. Account numbers designated with an asterisk in section 1 denote freight only accounts, while other accounts are used for both freight and passenger or common accounts.

(4) All expense assigned to common operating accounts shall be allocated to freight and passenger accounts in accordance with Part 1242 of this chapter.

TABLE. A—CODING STRUCTURE FOR RAILWAY OPERATING EXPENSE ACCOUNTS [1]

	XX-00	Way and structures XX-10			Equipment XX-20			Transportation XX-30, 40, 50					XX-60
	Control	Running	Switching	Other	Locomotive	Freight cars	Other equipment	Train	Yard	Train and yard common	Specialized SVDS	Administrative support	General and administrative
Freight [2]	XX-00	XX-11	XX-12	XX-13	XX-21	XX-22	XX-23	XX-31	XX-32	XX-33	XX-34	XX-35	XX-61
Personnel	10-00												
Salaries and wages	11-00	[3] 11-11	[3] 11-12	[3] 11-13	[3] 11-21	[3] 11-22	11-23	[3] 11-31	[3] 11-32	[3] 11-33	[3] 11-34	[3] 11-35	[3] 11-61
Fringe benefits	12-00	12-11	12-12	12-13	12-21	12-22	12-23	12-31	12-32	12-33	12-34	12-35	12-61
Materiel	20-00												
Materiel, tools, supp, fuel, lubricants	21-00	[3] 21-11	[3] 21-12	[3] 21-13	[3] 21-21	[3] 21-22	[3] 21-23	[3] 21-31	[3] 21-32	[3] 21-33	[3] 21-34	[3] 21-35	[3] 21-61
Purchased services	30-00												
Lease rentals—DR	31-00	31-11	31-12	31-13	31-21	31-22	31-23						
Lease rentals—CR	32-00	32-11	32-12	32-13	32-21	32-22	32-23						
Jt. Fac. Rent—DR	33-00	33-11	33-12	33-13	33-21	33-22	33-23						
Jt. Fac. Rent—CR	34-00	34-11	34-12	34-13	34-21	34-22	34-23						
Other rents—DR	35-00	35-11	35-12	35-13	35-21	35-22	35-23						
Other rents—CR	36-00	36-11	36-12	36-13	36-21	36-22	36-23						
Jt. facility—DR	37-00	37-11	37-12	37-13	37-21	37-22	37-23	37-31	37-32		37-34	37-35	37-61
Jt. facility—CR	38-00	38-11	38-12	38-13	38-21	38-22	38-23	38-31	38-32		38-34	38-35	38-61
Repairs billed by others—DR	39-00	[3] 39-11	[3] 39-12	[3] 39-13	[3] 39-21	[3] 39-22	[3] 39-23						
Repairs billed to others—CR	40-00	[3] 40-11	[3] 40-12	[3] 40-13	[3] 40-21	[3] 40-22	[3] 40-23						
Other purchase services	41-00	[3] 41-11	[3] 41-12	[3] 41-13	[3] 41-21	[3] 41-22	[3] 41-23	[3] 41-31	[3] 41-32	[3] 41-33	[3] 41-34	[3] 41-35	[3] 41-61
Claims and insurance	50-00												
Loss damage claims	51-00							51-31	51-32	51-33	51-34		
Other casualties	52-00	52-11	52-12	52-13	52-21	52-22	52-23	52-31	52-32		52-34	52-35	52-61
Insurance	53-00	53-11	53-12	53-13	53-21	53-22	53-23	53-31	53-32		53-34	53-35	53-61
General	60-00												
Other expenses	61-00	[3] 61-11	[3] 61-12	[3] 61-13	[3] 61-21	[3] 61-22	[3] 61-23	[3] 61-31	[3] 61-32		[3] 61-34	[3] 61-35	[3] 61-61
Depreciation	62-00	62-11	62-12	62-13	62-21	62-22	62-23						
Uncollectible account	63-00												63-61
Property taxes	64-00												64-61

[1] Each operating expense account has a six-digit code divided into three two-digit groups. The first two-digit group denotes the natural expense [see control column], the second group denotes the activity/subactivity for freight, passenger or common service [see Table F]; and the third group signifies applicable function assignment [see Tables B, C, D & E].

[2] The account numbers shown on this matrix are for freight only. The account numbers for passenger and common are derived by applying the natural expense code (first two digits) to the activity codes shown in Table F. Natural expenses are used only in the same activities as shown for freight.

[3] Expenses shall be reported by applicable functions [see account text].

Table B.—Function Code Use—Way and Structures

Code	Functions	Running			Switching			Other		
		[1] F	P	C	F	P	C	F	P	C
	ADMINISTRATION									
02	Track							X	X	X
03	Bridges and buildings							X	X	X
04	Signals							X	X	X
05	Communications							X	X	X
06	Other							X	X	X
	REPAIRS AND MAINTENANCE									
10	Roadway	X	X	X	X	X	X			
11	Tunnels and subways	X	X	X	X	X	X			
12	Bridges and culverts	X	X	X	X	X	X			
13	Ties	X	X	X	X	X	X			
14	Rails and other track material	X	X	X	X	X	X			
16	Ballast	X	X	X	X	X	X			
19	Signals and interlockers	X	X	X	X	X	X			
20	Communication systems							X	X	X
21	Power systems							X	X	X
22	Highway grade crossings	X	X	X	X	X	X			
23	Station and office buildings							X	X	X

Table B.—Function Code Use—Way and Structures—Continued

Code	Functions	Running			Switching			Other		
		[1]F	P	C	F	P	C	F	P	C
24	Shop bldgs.—Locomotives							X	X	X
25	Shop bldgs.—Freight cars							X		
26	Shop bldgs.—Other equipment							X	X	X
27	Locomotive servicing facilities							X	X	X
28	Misc. buildings and structures							X	X	X
29	Coal terminals							X		
30	Ore terminals							X		
31	TOFC/COFC terminals							X		
32	Other marine terminals							X		
33	Motor vehicle loading and distribution facilities							X		
35	Facilities—Other specialized services operations							X		
36	Roadway machines							X	X	X
37	Small tools and supplies							X	X	X
38	Snow removal							X	X	X
39	Dismantling retired property	X	X	X	X	X	X	X	X	X
48	Road property damaged	X	X	X	X	X	X	X	X	X
	OTHER									
99	Other	X	X	X	X	X	X	X	X	X

[1] F—Freight; P—Passenger; C—Common.

TABLE C.—FUNCTION CODE USE—EQUIPMENT

Code	Functions	Locomotives			Freight Cars			Other Equipment		
		[1]F	P	C	F	P	C	F	P	C
	ADMINISTRATION									
01	Administration	X	X	X	X			X	X	X
	REPAIR AND MAINTENANCE									
39	Dismantling retired property	X	X	X	X			X	X	X
41	Locomotives	X	X	X						
42	Freight cars				X					
43	Trucks, trailers, containers in revenue service							X		
44	Floating equipment in revenue service							X		
45	Passenger and other revenue equipment							X	X	X
46	Computer systems and word processing equipment							X	X	X
47	Work and other nonrevenue equipment							X	X	X
48	Equipment damaged	X	X	X	X			X	X	X
49	Shop machinery—locomotives							X	X	X
50	Shop machinery—freight cars							X	X	X
51	Shop machinery—other equipment							X	X	X
99	Other	X	X	X	X			X	X	X

[1] F—Freight: P—Passenger; C—Common.

TABLE D.—FUNCTION CODE USE—TRANSPORTATION

Code		Train			Yard			Train and yard common			Specialized services			Administrative support		
		*F	P	C	F	P	C	F	P	C	F	P	C	F	P	C
	ADMINISTRATION															
01		X	X	X	X	X	X				X			X	X	X
	OPERATIONS															
56	Engine	X	X	X												
57	Train crews	X	X	X												
58	Dispatching trains	X	X	X												
59	Operating switches, signals, interlockers, retarders, humps	X	X	X	X	X	X									
60	Operating drawbridges	X	X	X												

TABLE D.—FUNCTION CODE USE—TRANSPORTATION—Continued

Code		Train			Yard			Train and yard common			Specialized services			Administrative support		
		*F	P	C	F	P	C	F	P	C	F	P	C	F	P	C
61	Highway crossing protection	X	X	X												
62	Train inspection and lubrication	X	X	X												
63	Clearing wrecks	X	X	X	X	X	X									
64	Switch crews				X	X	X									
65	Controlling operations				X	X	X									
66	Yard and terminal clerical				X	X	X									
67	Locomotive fuel	X	X	X	X	X	X									
68	Power purchased/produced for motive power	X	X	X	X	X	X									
69	Servicing locomotives	X	X	X	X	X	X									
70	Cleaning car interior							X	X	X						
71	Adjusting, transferring loads							X								
72	Car loading devices and grain doors							X								
73	Pick up and delivery, marine haul, rail substitute service										X					
74	Loading, unloading, local marine										X					
75	Protective services										X					
76	Clerks and accounting employees													X	X	X
77	Communications systems operations													X	X	X
78	Loss and damage claims processing													X	X	X
	OTHER															
99	Other	X	X	X	X	X	X				X			X	X	X

Table E.—Functional Code Use—General and Administrative

Code	Functions	Freight	Passenger	Common
	ADMINISTRATION			
	Administration	X	X	X
	GENERAL			
86	Accounting, auditing, finance	X	X	X
87	Management services and data and word processing	X	X	X
88	Marketing	X	X	X
89	Sales	X	X	X
90	Industrial development	X		
91	Personnel, labor relations	X	X	X
92	Legal and secretarial	X	X	X
93	Public relations and advertising	X	X	X
94	Research and development	X	X	X
	OTHER			
99	Other	X	X	X

TABLE F.—ACTIVITY/SUBACTIVITY CODE USE

Activity/subactivity	Freight	Code passenger	Common
Way and structures:			
Running	11	14	17
Switching	12	15	18
Other	13	16	19
Equipment:			
Locomotives	21	24	26
Freight cars	22	N/A	N/A
Other	23	25	27
Transportation:			
Train	31	41	51
Yard	32	42	52
Train and yard common	33	43	53
Specialized services	34	N/A	N/A
Administrative support	35	45	55
General and administrative	61	62	63

OPERATING EXPENSE ACCOUNTS

*Section 1—Natural Expense Explanations**

Personnel

Control—10-00-00

This account may be used as a control account for all accounts in the **Personnel** Series: Salaries and Wages. Fringe Benefits Not Included in Compensation.

Salaries and Wages—Control 11-00-00

This account series includes the compensation payable to employees for services performed. It includes amounts payable in connection with profit sharing and stock option plans that are part of employee compensation. This account series also includes amounts of compensation payable to employees for paid time off as a fringe benefit: Vacation pay, holiday pay, sick pay, and other payments considered direct compensation for time not worked. Amounts of labor billed by contractors, other companies, and joint facilities, are not considered salaries and wages of the carrier company and are not to be included in this account group. Its components shall be distributed to the following accounts in accordance with Instruction 1-12.

Salaries and Wages—Way and Structures—Running—11-11-XX

This account includes the compensation payable to all repair and maintenance employees and others who are associated with the repair and maintenance of the carrier's roadway and track on the line of road and outside of classification yards. Compensation payable to officers and technical and clerical employees shall only be assigned to Way and Structures—Other. This account shall be subdivided by the following functions:

Repair and Maintenance:	
Roadway	11-11-10
Tunnels and Subways	11-11-11
Bridges and Culverts	11-11-12
Ties	11-11-13
Rails and Other Track Material	11-11-14
Ballast	11-11-16
Signals and Interlockers	11-11-19
Highway Grade Crossings	11-11-22
Dismantling Retired Property	11-11-39
Road Property and Equipment Damaged	11-11-48
Other—Other	11-11-99

Salaries and Wages—Way and Structures—Switching—11-12-XX

This account includes the compensation payable to all repair and maintenance employees and others who are associated with the repair and maintenance of the carrier's roadway and track within classification yards and stations. Compensation payable to officers and technical and clerical employees shall be assigned to Way and Structures—Other. This account shall be subdivided by the following functions:

Repair and Maintenance:	
Roadway	11-12-10
Tunnels and Subways	11-12-11
Bridges and Culverts	11-12-12
Ties	11-12-13
Rails and Other Track Material	11-12-14
Ballast	11-12-16
Signals and Interlockers	11-12-19
Highway Grade Crossings	11-12-22
Dismantling Retired Property	11-12-39
Road Property and Equipment Damaged	11-12-48
Other—Other	11-12-99

Salaries and Wages—Way and Structures—Other—11-13-XX

This account includes the compensation payable to all repair and maintenance employees and others who are associated with the repair and maintenance of the carrier's structures other than roadway and track. Each administration account (functions 02-06) includes the compensation payable to all officers and technical and clerical employees associated with the Way and Structures Activity. This account shall be subdivided by the following functions:

Administration:	
Track	11-13-02
Bridges and Buildings	11-13-03
Signals	11-13-04
Communications	11-13-05
Other	11-13-06
Repair and Maintenance:	
Communication Systems	11-13-20
Power Systems	11-13-21
Station and Office Buildings	11-13-23
Shop Buildings—Locomotives	11-13-24
Shop Buildings—Freight Cars	*11-13-25
Shop Buildings—Other	11-13-26
Locomotive Servicing Facilities	11-13-27
Miscellaneous Buildings and Structures	*11-13-28
Coal Terminals	*11-13-29
Ore Terminals	*11-13-30
TOFC/COFC Terminals	*11-13-31
Other Marine Terminals	*11-13-32
Motor Vehicle Loading and Distribution Facilities	*11-13-33
Facilities for Other Specialized Services Operations	*11-13-35
Roadway Machines	11-13-36
Snow Removal	11-13-38
Dismantling Retired Property	11-13-39
Road Property and Equipment Damaged	11-13-48
Other—Other	11-13-99

Salaries and Wages—Equipment—Locomotives—11-21-XX

This account includes the compensation payable to all officers and technical and clerical employees, repair and maintenance employees, and others who are associated with the repair and maintenance of locomotives, whether owned by the carrier or by others. This account shall be subdivided by the following functions:

Administration—General	11-21-01
Repair and Maintenance:	
Dismantling Retired Property	11-21-39
Locomotives	11-21-41
Road Property and Equipment Damaged	11-21-48
Other—Other	11-21-99

Salaries and Wages—Equipment—Freight Cars—11-22-XX*

This account includes the compensation payable to all officers, technical and clerical employees, repair and maintenance employees, and others, who are associated with the repair and maintenance of freight cars, whether owned by the carrier or by others. This account shall be subdivided by the following functions:

Administration—General	11-22-01
Repair and Maintenance:	
Dismantling Retired Property	11-22-39
Freight Cars	11-22-42
Road Property and Equipment Damaged	11-22-48
Other—Other	11-22-99

Salaries and Wages—Equipment—Other Equipment—11-23-XX

This account includes the compensation payable to all officers, technical and clerical employees, repair and maintenance employees, and others, who are associated with the repair and maintenance of equipment other than locomotives and freight cars, whether owned by the carrier or by others. This account shall be subdivided by the following functions:

Administration—General	11-23-01
Repair and Maintenance:	
Dismantling Retired Property	11-23-39
Trucks, Trailers, Containers in Revenue Service	*11-23-43
Floating Equipment—Revenue Service	*11-23-44
Passenger and Other Revenue Service	11-23-45
Work and Other Non-Revenue Equipment	11-23-47
Road Property and Equipment Damaged	11-23-48
Shop Machinery—Locomotives	11-23-49
Shop Machinery—Other Equipment	11-23-51
Other—Other	11-23-99

Salaries and Wages—Transportation—Train—11-31-XX

This account includes the compensation payable to all officers, technical and clerical employees, engine and train crews, and other operational employees, who are associated with the dispatching and operation of freight trains over the roadway and outside of classification yards. This account shall be subdivided by the following functions:

Administration—General	11-31-01
Operations:	
Engine Crews	11-31-56
Train Crews	11-31-57
Dispatching Trains	11-31-58
Operating Switches, Signals, Interlockers, Retarders, Humps	11-31-59
Operating Drawbridges	11-31-60
Highway Crossing Protection	11-31-61
Train Inspection and Lubrication	11-31-62
Clearing Wrecks	11-31-63
Locomotive Fuel	11-31-67
Electric Power Purchased/Produced for Motive Power	11-31-68
Servicing Locomotives	11-31-69
Other—Other	11-31-99

Salaries and Wages—Transportation—Yard—11-32-XX

This account includes the compensation payable to all officers, technical and clerical employees, engine and train crews, and other operational employees, who are associated with the movement of freight cars within classification yards and in terminal switching and transfer service. This account shall be subdivided by the following functions:

Administration—General	11-32-01
Operations:	
Operating Switches, Signals, Interlockers, Retarders, Humps	11-32-59
Clearing Wrecks	11-32-63
Switch Crews	11-32-64
Controlling Operations	11-32-65
Yard and Terminal Clerical	11-32-66
Locomotive Fuel	11-32-67
Electric Power Purchased/Produced for Motive Power	11-32-68
Servicing Locomotives	11-32-69
Other—Other	11-32-99

Salaries and Wages—Transportation—Train and Yard—Common—11-33-XX

This account includes the compensation payable to all officers, performing functions incurred on behalf of both train and yard operations. This account shall be subdivided by the following functions:

Operations:	
Cleaning Car Interiors	11-33-70
Adjusting and Transferring Loads	*11-33-71
Car Loading Devices and Grain Doors	*11-33-72

Salaries and Wages—Transportation—Specialized Services—11-34-XX*

This account includes the compensation payable to all officers, technical and clerical employees, and other operational employees who are associated with operating services which are specialized in nature and in cost characteristics. The specialized services designated by the Commission appear within the explanation of activities/subactivities. This account shall be subdivided by the following functions:

Administration—General	11-34-01
Operations:	
Pick Up and Delivery, Marine Line Haul, and Rail Substitute Service	11-34-73
Loading, Unloading, and Local Marine	11-34-74
Protective Services	11-34-75
Other—Other	11-34-99

Salaries and Wages—Transportation—Administrative Support—11-35-XX

This account includes the compensation payable to all officers, are associated with providing direct administrative support for the Transportation Activity. For further clarification refer to the explanation of the Administrative Support Operations Subactivity. Each account shall be subdivided by the following functions:

Administration—General	11-35-01
Operations:	
Clerical and Accounting Employees	11-35-76
Communication Systems Operations	11-35-77
Loss and Damage Claims Processing	11-35-78
Other—Other	11-35-99

Salaries and Wages—General and Administrative—11-61-XX

This account includes the compensation payable to all employees who are associated with overall administration or other general support for carrier operations. Overall administration includes executive, legal, financial, treasury, accounting, budgeting, taxation, corporate planning, costing, marketing, advertising, traffic, corporate secretary, public relations, real estate, insurance administration, personnel administration, pension plan administration, general purchasing, labor relations, internal auditing, industrial engineering, and regulatory reporting. For further clarification refer to the explanation of the General and Administrative Activity. This account shall be subdivided by the following functions:

Administration—General	11-61-01
General:	
Accounting, Auditing, Finance	11-61-86
Marketing	11-61-88
Sales	11-61-89
Industrial Development	*11-61-90
Personnel and Labor Relations	11-61-91
Legal and Secretarial	11-61-92
Public Relations and Advertising	11-61-93
Research and Development	11-61-94
Other—Other	11-61-99

Fringe Benefits Not Included in Compensation—Control—12-00-00

This account series includes amounts payable to others, or other costs charged to expense, for employee benefits which are not considered part of direct compensation. These benefits include the carrier portions of Railroad Retirement contributions, pension expense, unemployment taxes, dental plans, health plans, hospitalization insurance, life insurance, subsidies for employee lunchrooms, company entertainment facilities for personal use, and other benefits to employees that are not includible in direct compensation. They exclude travel expense on company business, casualties, workmen's compensation, as well as dues, memberships, and similar items when the direct beneficiary is clearly the company rather than the employee.

Fringe Benefits Not Included in Compensation—Way and Structures—Running	12-11-00

Fringe Benefits Not Included in Compensation—Way and Structures—Switching	12–12–00
Fringe Benefits Not Included in Compensation—Way and Structures—Other	12–13–00
Fringe Benefits Not Included in Compensation—Equipment Locomotives	12–21–00
Fringe Benefits Not Included in Compensation—Equipment—Freight Cars	*12–22–00
Fringe Benefits Not Included in Compensation—Equipment—Other Equipment	12–23–00
Fringe Benefits Not Included in Compensation—Transportation—Train	12–31–00
Fringe Benefits Not Included in Compensation—Transportation—Yard	12–32–00
Fringe Benefits Not Included in Compensation—Transportation—Train and Yard Common	12–33–00
Fringe Benefits Not Included in Compensation—Transportation—Specialized Services	12–34–00
Fringe Benefits Not Included in Compensation—Transportation—Administrative Support	12–35–00
Fringe Benefits Not Included in Compensation—General and Administrative	12–61–00

Materiel Control—20–00–00

This account may be used as a control account for the **Materiel** series: Materials, Tools, Supplies, Fuels, Lubricants.

Materials, Tools, Supplies, Fuels, Lubricants—Control—21–00–00

This account group includes the cost of items installed or commodities consumed which are charged to expense in connection with carrier operations. This account group includes charges to expense for all materials, small tools, supplies, fuels, lubricants, purchased standard stationery and forms, freight-in on materials and supplies, and similar items. This account group excludes purchased services such as utilities, communications, postage and other items of similar nature. Its components shall be distributed to the following accounts:

Materials, Tools, Supplies, Fuels, Lubricants—Way and Structures—Running—21–11–XX

This account includes the cost of items installed or commodities consumed which are charged to expense, where such items are consumed in the performance or support of the repair and maintenance of the carrier's roadway and track on the line of the road and outside of classification yards. Each account includes charges to expense for all materials, small tools, supplies, fuels, lubricants, purchased standard stationery and forms, freight-in on materials, and supplies, and similar items. Its components shall be distributed to the following functions in accordance with Instruction 3–2:

Repair and Maintenance:	
Roadway	21–11–10
Tunnels and Subways	21–11–11
Bridges and Culverts	21–11–12
Ties	21–11–13
Rails and Other Track Material	21–11–14
Ballast	21–11–16
Signals and Interlockers	21–11–19
Dismantling Retired Property	21–11–39
Road Property and Equipment Damaged	21–11–48
Other—Other	21–11–99

Materials, Tools, Supplies, Fuels, Lubricants—Way and Structures—Switching—21–12–XX

This account includes the cost of items installed or commodities consumed which are charged to expense, where such items are consumed in the performance or support of the repair and maintenance of the carrier's roadway and track within classification yards and stations. This account includes charges to expense for all materials, small tools, supplies, fuels, lubricants, purchased standard stationery and forms, freight-in on materials and supplies, and similar items. Its components shall be distributed to the following functions in accordance with Instruction 3–2:

Repair and Maintenance:	
Roadway	21–12–10
Tunnels and Subways	21–12–11
Bridges and Culverts	21–12–12
Ties	21–12–13
Rails and Other Track Material	21–12–14
Ballast	21–12–16
Signals and Interlockers	21–12–19
Highway Grade Crossings	21–12–22
Dismantling Retired Property	21–12–29
Road Property and Equipment Damaged	21–12–48

Materials, Tools, Supplies, Fuels, Lubricants—Way and Structures—Other—21–13–XX

This account includes the cost of items installed or commodities consumed which are charged to expense, where such items are consumed in the performance or support of the repair and maintenance of the carrier's structures not provided for in running or switching. Each account includes charges to expense for all materials, small tools, supplies, fuels, lubricants, purchased standard stationery and forms, freight-in on materials and supplies, and similar items. Its components shall be distributed to the following functions in accordance with Instruction 3–2:

Administration:	
Track	21–13–02
Bridges and Buildings	21–13–03
Signals	21–13–04
Communications	21–13–05
Other	21–13–06
Repair and Maintenance:	
Communication Systems	21–13–20
Power Systems	21–13–21
Station and Office Buildings	21–13–23
Shop Buildings—Locomotives	21–13–24
Shop Buildings—Freight Cars	*21–13–25
Shop Buildings—Other Equipment	21–13–26
Locomotive Servicing Facilities	21–13–27
Coal Terminals	*21–13–29
Ore Terminals	*21–13–30
TOFC/COFC Terminals	*21–13–31
Other Marine Terminals	*21–13–32
Motor Vehicle Loading and Distribution Facilities	*21–13–33
Facilities for Other Specialized Services Operations	*21–13–35
Roadway Machines	21–13–36
Snow Removal	21–13–38
Dismantling Retired Property	21–13–39
Road Property and Equipment Damaged	21–13–48
Other—Other	21–13–99

Materials, Tools, Supplies, Fuels, Lubricants—Equipment—Locomotives—21–21–XX

This account includes the cost of items installed or commodities consumed which are charged to expense, where such items are consumed in the performance or support of the repair and maintenance of locomotives, whether owned by the carrier or by others. This account includes charges to expense for all materials, small tools, supplies, fuels, lubricants, purchased standard stationery and forms, freight-in on materials and supplies, and similar items. Its components shall be distributed to the following functions in accordance with Instruction 3–2:

Administration—General	21–21–01
Repair and Maintenance:	
Locomotives	21–21–41
Road Property and Equipment Damaged	21–21–48
Other—Other	21–21–99

Materials, Tools, Supplies, Fuels, Lubricants—Equipment—Freight Cars—21–22–XX*

This account includes the cost of items installed or commodities consumed which are charged to expense, where such items are consumed in the performance or support of the repair and maintenance of freight-cars, whether owned by the carrier or by others. This account includes charges to expense for all materials, small tools, supplies, fuels, lubricants, purchased standard stationery and forms, freight-in on materials and supplies, and similar items. Its components

shall be distributed to the following functions in accordance with Instruction 3-2:

Administration—General	21-22-01
Repair and Maintenance:	
Dismantling Retired Property	21-22-39
Freight Cars	21-22-42
Road Property and Equipment Damaged	21-22-48
Other—Other	21-22-99

Materials, Tools, Supplies, Fuels, Lubricants—Equipment—Other Equipment—21-23-XX

This account includes the cost of items installed or commodities consumed which are charged to expense, where such items are consumed in the performance or support of the repair and maintenance of equipment by others. This account includes charges to expense for all materials, small tools, supplies, fuels, lubricants, purchased standard stationery and forms, freight-in on materials and supplies, and similar items. Its components shall be distributed to the following functions in accordance with Instruction 3-2:

Administration—General	21-23-01
Repair and Maintenance:	
Dismantling Retired Property	21-23-39
Trucks, Trailers, Containers in Revenue Service	*21-23-43
Floating Equipment—Revenue Service	*21-23-44
Passenger and Other Revenue Equipment	21-23-45
Computer Systems and Word Processing Equipment	21-23-46
Work and Other Non-Revenue Equipment	21-23-47
Road Property and Equipment Damaged	21-23-48
Shop Machinery—Locomotives	21-23-49
Shop Machinery—Freight Cars	*21-23-50
Shop Machinery—Other Equipment	21-23-51
Other—Other	21-23-99

Materials, Tools, Supplies, Fuels, Lubricants—Transportation—Train—21-31-XX

This account includes the cost of items installed or commodities consumed which are charged to expense, where such items are consumed in association with the dispatching and operation of freight trains over the charges to expense for all materials, small tools, supplies, fuels, lubricants, purchased standard stationery and forms, freight-in on materials and supplies, and similar items. Its components shall be distributed to the following functions in accordance with Instruction 3-2:

Administration—General	21-31-01
Operations:	
Engine Crews	21-31-56
Train Crews	21-31-57
Dispatching Trains	21-31-58
Operating Switches, Signals, Interlockers, Retarders, Humps	21-31-59
Operating Drawbridges	21-31-60
Highway Crossing Protection	21-31-61
Train Inspection and Lubrication	21-31-62
Clearing Wrecks	21-31-63
Locomotive Fuels	21-31-67
Electric Power Purchased/Produced for Motive Power	21-31-68
Servicing Locomotives	21-31-69
Other—Other	21-31-99

Materials, Tools, Supplies, Fuels, Lubricants—Transportation—Yard—21-32-XX

This account includes the cost of items installed or commodities consumed which are charged to expense, where such items are consumed in and in terminal switching and transfer service. This account includes charges to expense for all materials, small tools, supplies, fuels, lubricants, purchased standard stationery and forms, freight-in on materials and supplies, and similar items. Its components shall be distributed to the following functions in accordance with Instruction 3-2:

Administration—General	21-32-01
Operations:	
Operating Switches, Signals, Interlockers, Retarders, Humps	21-32-59
Clearing Wrecks	21-32-63
Switch Crews	21-32-64
Controlling Operations	21-32-65
Yard and Terminal Clerical	21-32-66
Locomotive Fuel	21-32-67
Electric Power Purchased/Produced for Motive Power	21-32-68
Servicing Locomotives	21-32-69
Other—Other	21-32-99

Materials, Tools, Supplies, Fuels, Lubricants—Transportation—Train and Yard Common—21-33-XX

This account includes the cost of items installed or commodities consumed which are charged to expense, where such items are consumed on behalf of both train and yard operations. This account includes charges to expense for all materials, small tools, supplies, fuels, lubricants, supplies, and similar items. Its components shall be distributed to the following functions in accordance with Instruction 3-2:

Operations:	
Cleaning Car Interiors	21-33-70
Adjusting, Transferring Loads.	*21-33-71
Car Loading Devices and Grain Doors.	*21-33-72

Materials, Tools, Supplies, Fuels, Lubricants—Transportation—Specialized Services—21-34-XX*

This account includes the cost of items installed or commodities consumed which are charged to expense, where such items are consumed in operating services which are specialized in nature and in cost characteristics. The specialized services designated by the Commission appear within the explanation of specialized services. This account shall be subdivided by the following functions:

Administration—General	21-34-01
Operations:	
Pick Up and Delivery, Marine Line Haul, and Rail Substitute Service	21-34-73
Loading, Unloading, and Local Marine	21-34-74
Protective Services	21-34-75
Other—Other	21-34-99

Materials, Tools, Supplies, Fuels, Lubricants—Transportation—Administrative Support—21-35-XX

This account includes the cost of items installed or commodities consumed which are charged to expense, where such items are consumed in association with providing direct administrative support for the Transportation Activity. For further clarification refer to the explanation of the Administrative Support Operations Subactivity. This account shall be subdivided by the following functions:

Administration—General	21-35-01
Operations:	
Clerks, Accounting Employees	21-35-76
Communication Systems Operations	21-35-77
Loss and Damage Claims Processing	21-35-78
Other—Other	21-35-99

Materials, Tools, Supplies, Fuels, Lubricants—General and Administrative—21-61-XX

This account includes the cost of items installed or commodities consumed which are charged to expense, where such items are consumed in providing overall administration or other general support for carrier operations. For further clarification refer to the definition of the General and Administrative Activity. This account shall be subdivided by the following functions:

Administration—General	21-61-01
General:	
Accounting, Auditing, Finance	21-61-86
Management Services and Data and Word Processing	21-61-87
Marketing	21-61-88
Sales	21-61-89
Industrial Development	*21-61-90
Legal and Secretarial	21-61-92

Public Relations and Advertising	21-61-93
Research and Development	21-61-94
Other—Other	21-61-99

Purchased Services

Control—30-00-00

This account may be used as a control account for all accounts in the **Purchased services** series:

Lease Rentals—Dr.
Lease Rentals—Cr.
Joint Facility Rent—Dr.
Joint Facility Rent—Cr.
Other Rents—Dr.
Other Rents—Cr.
Joint Facility—Dr.
Joint Facility—Cr.
Repairs Billed by Others—Dr.
Repairs Billed to Others—Cr.
Other Purchased Services

Lease Rentals—Debit—Control—31-00-00

This account series includes the rentals of road property and equipment with terms of 30 days or more. This account excludes joint facility and joint trackage rents, insurance and maintenance elements of lease payments, and all elements of capital leases as defined in FASB Statement No. 13. Capitalized leases shall be included in the applicable property account for the particular asset leased [See Instruction 2-11b]. The components of this natural expense will be distributed to the following accounts in accordance with Instruction 3-2:

Lease Rentals—Dr.—Way and Structures—Running	31-11-00
Lease Rentals—Dr.—Way and Structures—Switching	31-12-00
Lease Rentals—Dr.—Way and Structures—Other	31-13-00
Lease Rentals—Dr.—Equipment—Locomotives	31-21-00
Lease Rentals—Dr.—Equipment—Freight Cars	*31-22-00
Lease Rentals—Dr.—Equipment—Other Equipment	31-23-00

Lease Rentals—Credit—Control—32-00-00

This account group includes the rentals of owned property and equipment or subleases of leased road property and equipment with terms of from 30 days to one year. Longer term leases are indicative of a noncarrier operation and all revenues and expenses related to such property and equipment should be classified accordingly and excluded from railroad operations. This account excludes joint facilities and joint trackage, capital leases, and portions of lease receipts covering maintenance and insurance. The components of this natural expense account will be distributed to the following accounts in accordance with Instruction 3-2:

Lease Rentals—Cr.—Way and Structures—Running	32-11-00
Lease Rentals—Cr.—Way and Structures—Switching	32-12-00
Lease Rentals—Cr.—Way and Structures—Other	32-13-00
Lease Rentals—Cr.—Equipment—Locomotives	32-21-00
Lease Rentals—Cr.—Equipment—Freight Cars	*32-22-00

Joint Facility Rents—Debits—Control—33-00-00

This account group includes amounts payable accrued as rent for equipment, tracks, yards, terminals, and other facilities owned or controlled by other carriers, companies, or individuals, and in the joint use of which the accounting company participates. Amounts paid or payable by the accounting company in reimbursement for taxes on property jointly used shall be charged to this account.

The cost of maintenance, operation, or administration of joint facilities, chargeable to the accounting company, shall be charged to the various joint facility accounts (37-XX-00). When the compensation for the use of joint facilities is a fixed amount or is based upon a charge per passenger, ton, car, or other unit, it shall be fairly apportioned between this account and Joint Facility—Dr. (37-XX-00). This apportionment shall be made by the operating company and shall be followed by the accounting company.

The components of this natural expense consist of the following accounts:

Joint Facility Rents—Dr.—Way and Structures—Running	33-11-00
Joint Facility Rents—Dr.—Way and Structures—Switching	33-12-00
Joint Facility Rents—Dr.—Way and Structures—Other	33-13-00
Joint Facility Rents—Dr. Equipment—Locomotives	*33-21-00
Joint Facility Rents—Dr. Equipment—Freight Cars	*33-22-00
Joint Facility Rents—Dr. Equipment—Other Equipment	33-23-00

Joint Facility Rents—Credit—Control—34-00-00

This account series includes amounts receivable accrued for rent of equipment, tracks, yards, terminals and other facilities owned or controlled by the accounting company and used jointly with other companies or individuals. Amounts receivable from other companies in reimbursement for taxes on property jointly used shall be credited to this account.

The portion of the cost of maintenance, operation, or administration of joint facilities recoverable from others shall be credited to the various joint facility accounts (38-XX-00). When the compensation for the use of joint facilities is a fixed amount or is based upon a charge per passenger, ton, car, or other unit, it shall be fairly apportioned by the creditor between this account and Joint Facility—Cr. (38-XX-00).

The components of this account series shall be distributed to the following accounts:

Joint Facility Rents—Cr.—Way and Structures—Running	34-11-00
Joint Facility Rents—Cr.—Way and Structures—Switching	34-12-00
Joint Facility Rents—Cr.—Way and Structures—Other	34-13-00
Joint Facility Rents—Cr.—Equipment—Locomotives	*34-21-00
Joint Facility Rents—Cr.—Equipment—Freight Cars	*34-22-00
Joint Facility Rents—Cr.—Equipment—Other Equipment	34-23-00

Other Rents—Debit—Control—35-00-00

This account group includes the rents with terms of less than 30 days which are not renewed. This account includes all time and mileage payments for interchange locomotive, freight car, and other revenue equipment hire. The components of this account will be distributed to the following accounts in accordance with Instruction 3-2:

Other Rents—Dr.—Way and Structures—Running	35-11-00
Other Rents—Dr.—Way and Structures—Switching	35-12-00
Other Rents—Dr.—Way and Structures—Other	35-13-00
Other Rents—Dr.—Equipment—Locomotives	35-21-00
Other Rents—Dr.—Equipment—Freight Cars	*35-22-00
Other Rents—Dr.—Equipment—Other Equipment	35-23-00

Other Rents—Credit—Control—36-00-00

This account includes rents with terms of less than 30 days which are not renewed. This account includes all time and mileage receipts for interchanged locomotive, freight car, and other

revenue equipment hire. The components of this account will be distributed to the following accounts in accordance with Instruction 3–2:

Other Rents—Cr.—Way and Structures—Running	36–11–00
Other Rents—Cr.—Way and Structures—Switching	36–12–00
Other Rents—Cr.—Way and Structures—Other	36–13–00
Other Rents—Cr.—Equipment—Locomotives	36–21–00
Other Rents—Cr.—Equipment—Freight Cars	*36–22–00
Other Rents—Cr.—Equipment—Other Equipment	36–23–00

Joint Facility—Debit—Control— 37–00–00

This account includes joint trackage and joint facility costs, exclusive of rents, payable by the railroad to others. The components of this account will be distributed to the following accounts in accordance with Instruction 3–2:

Joint Facility—Dr.—Way and Structures—Running	37–11–00
Joint Facility—Dr.—Way and Structures—Switching	37–12–00
Joint Facility—Dr.—Way and Structures—Other	37–13–00
Joint Facility—Dr.—Equipment—Locomotives	37–21–00
Joint Facility—Dr.—Equipment—Freight Cars	*37–22–00
Joint Facility—Dr.—Equipment—Other Equipment	37–23–00
Joint Facility—Dr.—Transportation—Train	37–31–00
Joint Facility—Dr.—Transportation—Yard	37–32–00
Joint Facility—Dr.—Transportation—Specialized Services	*37–34–00
Joint Facility—Dr.—Transportation—Administrative Support	37–35–00
Joint Facility—Dr.—General and Administrative	37–61–00

Joint Facility—Credit—Control— 38–00–00

This account group includes joint trackage and joint facility costs, exclusive of rents, payable by others to the railroad. The components of this account will be distributed to the following accounts in accordance with Instruction 3–2:

Joint Facility—Cr.—Way and Structures—Running	38–11–00
Joint Facility—Cr.—Way and Structures—Switching	38–12–00
Joint Facility—Cr.—Way and Structures—Other	38–13–00
Joint Facility—Cr.—Equipment—Locomotives	38–21–00
Joint Facility—Cr.—Equipment—Freight Cars	*38–22–00
Joint Facility—Cr.—Equipment—Other Equipment	38–23–00
Joint Facility—Cr.—Transportation—Train	38–31–00
Joint Facility—Cr.—Transportation—Yard	38–32–00
Joint Facility—Cr.—Transportation—Specialized Services	*38–34–00
Joint Facility—Cr.—Transportation—Administrative Support	38–35–00
Joint Facility—Cr.—General and Administrative	38–61–00

Repairs Billed by Others—Debit—Control—39–00–00

This account group includes amounts payable by the railroad to others for repair and maintenance of the reporting railroad's property and equipment. The components of this account shall be distributed to the following accounts in accordance with Instruction 3–2:

Repairs Billed by Others—Dr.—Way and Structures—Running—39–11–XX

This account includes amounts payable by the railroad to others for repair and maintenance of the reporting railroad's property associated with the carrier's roadway and track on the line of road and outside of classification yards. This account shall be subdivided by the following functions:

Repair and Maintenance:	
Roadway	39–11–10
Tunnels and Subways	39–11–11
Bridges and Culverts	39–11–12
Ties	39–11–13
Rails and Other Track Material	39–11–14
Ballast	39–11–16
Signals and Interlockers	39–11–19
Highway Grade Crossings	39–11–22
Road Property and Equipment Damaged	39–11–48

Repairs Billed by Others—Dr.—Way and Structures—Switching—39–12–XX

This account includes amounts payable by the railroad to others for repair and maintenance of the reporting railroad's property associated with the carrier's roadway and track within classification yards and stations. This account shall be subdivided by the following functions:

Repair and Maintenance:	
Roadway	39–12–10
Tunnels and Subways	39–12–11
Bridges and Culverts	39–12–12
Ties	39–12–13
Rails and Other Track Material	39–12–14
Ballast	39–12–16
Signals and Interlockers	39–12–19
Highway Grade Crossings	39–12–22
Road Property and Equipment Damaged	39–12–48

Repairs Billed by Others—Dr.—Way and Structures—Other—39–13–XX

This account includes amounts payable by the railroad to others for repair and maintenance of the carrier's structures other than roadway and track. This account shall be subdivided by the following functions:

Repair and Maintenance:	
Communication Systems	39–13–20
Power Systems	39–13–21
Station and Office Buildings	39–13–23
Shop Buildings—Locomotives	39–13–24
Shop Buildings—Freight Cars	*39–13–25
Shop Buildings—Other Equipment	39–13–26
Locomotive Servicing Facilities	39–13–27
Miscellaneous Buildings and Structures	39–13–28
Coal Terminals	*39–13–29
Ore Terminals	*39–13–30
TOFC/COFC Terminals	*39–13–31
Other Marine Terminals	*39–13–32
Motor Vehicle Loading and Distribution Facilities	*39–13–33
Facilities for Other Specialized Services Operations	*39–13–35
Roadway Machines	39–13–36
Snow Removal	39–13–38
Road Property and Equipment Damaged	39–13–48

Repairs Billed by Others—Dr.—Equipment—Locomotives—39–21–XX

This account includes amounts payable by the railroad to others for repair and maintenance under the Locomotive subactivity. This account shall be subdivided by the following functions:

Repair and Maintenance:	
Locomotives	39–21–41
Road Property and Equipment Damaged	39–21–48

Repairs Billed by Others—Dr.—Equipment—Freight Cars—39–22–XX*

This account includes amounts payable by the railroad to others for repair and maintenance under the Freight Car subactivity. This account shall be subdivided by the following functions:

Repair and Maintenance:	
Freight Cars	39–22–42
Road Property and Equipment Damaged	39–22–48

Repairs Billed by Others—Dr.—Equipment Other Equipment—39–23–XX

This account includes amounts payable by the railroad to others for the repair and maintenance of equipment not pertaining to the Locomotive or Freight Car subactivity. This account shall be subdivided by the following functions:

Repair and Maintenance:	
Trucks, Trailers, and Containers in Revenue Service	*39–23–43
Floating Equipment—Revenue Service	*39–23–44
Passenger and Other Revenue Equipment	39–23–45
Computer Systems and Word Processing Equipment	39–23–46
Work and Other Non-Revenue Equipment	39–23–47
Road Property and Equipment Damaged	39–23–48
Shop Machinery—Locomotives	39–23–49
Shop Machinery—Freight Cars	*39–23–50
Shop Machinery—Other Equipment	39–23–51

Repairs Billed to Others—Cr.—Control 40–00–00

This account series includes amounts payable by others to the railroad for repair and maintenance of others' road property and equipment. The components of this account shall be distributed to the following accounts in accordance with Instruction 3–2:

Repairs Billed to Others—Cr.—Way and Structures— Running—40–11–XX

This account includes amounts payable by others to the railroad for repair and maintenance of other railroads' roadway and track on the line of road and outside of classification yards. This account shall be subdivided by the following functions:

Repair and Maintenance:	
Roadway	40–11–10
Tunnels and Subways	40–11–11
Bridges and Culverts	40–11–12
Ties	40–11–13
Rails and Other Track Material	40–11–14
Ballast	40–11–16
Signals and Interlockers	40–11–19
Highway Grade Crossings	40–11–22
Road Property and Equipment Damaged	40–11–48

Repairs Billed to Others—Cr.—Way and Structures Switching—40–12–XX

This account includes amounts payable by others to the railroad for repair and maintenance of other railroads' roadway and track within classification yards and stations. This account shall be subdivided by the following functions:

Repair and Maintenance:	
Roadway	40–12–10
Tunnels and Subways	40–12–11
Bridges and Culverts	40–12–12
Ties	40–12–13
Rails and Other Track Material	40–12–14
Ballast	40–12–16
Signals and Interlockers	40–12–19
Highway Grade Crossings	40–12–22
Road Property and Equipment Damaged	40–12–48

Repairs Billed to Others—Cr.—Way and Structures— Other—40–13–XX

This account includes amounts payable by others to the railroad for repair and maintenance of other railroads' structures other than roadway and track. This account shall be subdivided by the following functions:

Repair and Maintenance:	
Communication Systems	40–13–20
Power Systems	40–13–21
Station and Office Buildings	40–13–23
Shop Buildings Locomotives	40–13–24
Shop Buildings—Freight Cars	*40–13–25
Shop Buildings—Other Equipment	40–13–26
Locomotive Servicing Facilities	40–13–27
Miscellaneous Buildings and Structures	40–13–28
Coal Terminals	*40–13–29
Ore Terminals	*40–13–30
TOFC/COFC Terminals	*40–13–31
Other Marine Terminals	*40–13–32
Motor Vehicle Loading and Distribution Facilities	*40–13–33
Facilities for Other Specialized Services Operations	*40–13–35
Roadway Machines	40–13–36
Snow Removal	40–13–38
Road Property and Equipment Damaged	40–13–48

Repairs Billed to Others—Cr.—Equipment Locomotives—40–21–XX

This account includes amounts payable by others to the railroad for repair and maintenance of other railroads' locomotives. This account shall be subdivided by the following functions:

Repair and Maintenance:	
Locomotives	40–21–41
Road Property and Equipment Damaged	40–21–48

Repairs Billed to Others—Cr.—Equipment—Freight Cars—40–22–XX*

This account includes amounts payable by others to the railroad for repair and maintenance of other railroads' freight cars. This account shall be subdivided by the following functions:

Repair and Maintenance:	
Freight Cars	40–22–42
Road Property and Equipment Damaged	40–22–48

Repairs Billed to Others—Cr.—Equipment—Other Equipment—40–23–XX

This account includes amounts payable by others to the railroad for repair and maintenance of other railroads' other equipment. Each account shall be subdivided by the following functions:

Repair and Maintenance:	
Trucks, Trailers, and Containers in Revenue Service	*40–23–43
Floating Equipment—Revenue Service	*40–23–44
Passenger and Other Revenue Equipment	40–23–45
Computer Systems and Word Processing Equipment	40–23–46
Road Property and Equipment Damaged	40–23–48
Shop Machinery—Locomotives	40–23–49
Shop Machinery—Freight Cars	*40–23–50
Shop Machinery—Other Equipment	40–23–51

Other Purchased Services—Control—41–00–00

This account group includes amounts charged or credited to operating expenses for purchased advertising; purchased printing; outside professional services such as legal, accounting, audit, engineering, and consulting; payments for detour of trains; utilities, telephone, postage, subscriptions, communications, purchased electric power for train and locomotive propulsion; and other services purchased. The components of this account group shall be distributed to the following accounts in accordance with Instruction 3–2:

Other Purchased Services—Way and Structures—Running—41–11–XX

This account includes amounts charged or credited to operating expenses for other purchased services specified in control account 41–00–00. This account shall be subdivided by the following functions:

Repair and Maintenance:	
Roadway	41–11–10
Tunnels and Subways	41–11–11
Bridges and Culverts	41–11–12
Ties	41–11–13
Rails and Other Track Material	41–11–14
Ballast	41–11–16
Signals and Interlockers	41–11–19
Highway Grade Crossings	41–11–22
Dismantling Retired Property	41–11–39

Road Property and Equipment Damaged	41-11-48
Other—Other	41-11-99

Other Purchased Services—Way and Structures—Switching—41-12-XX

This account includes amounts charged or credited to operating expenses for other purchased services specified in control account 41-00-00. This account shall be subdivided by the following functions:

Repair and Maintenance:	
Roadway	41-12-10
Tunnels and Subways	41-12-11
Bridges and Culverts	41-12-12
Ties	41-12-13
Rails and Other Track Material	41-12-14
Ballast	41-12-16
Signals and Interlockers	41-12-19
Highway Grade Crossings	41-12-22
Dismantling Retired Property	41-12-39
Road Property and Equipment Damaged	41-12-48
Other—Other	41-12-99

Other Purchased Services—Way and Structures—Other—41-13-XX

This account includes amounts charged or credited to operating expenses for other purchased services specified in control account 41-00-00. This account shall be subdivided by the following functions:

Administration:	
Track	41-13-02
Bridges and Buildings	41-13-03
Signals	41-13-04
Communications	41-13-05
Other	41-13-06
Repair and Maintenance:	
Communication Systems	41-13-20
Power Systems	41-13-21
Station and Office Buildings	41-13-23
Shop Buildings—Locomotives	41-13-24
Shop Buildings—Freight Cars	*41-13-25
Shop Buildings—Other Equipment	41-13-26
Locomotive Servicing Facilities	41-13-27
Miscellaneous Buildings and Structures	41-13-28
Coal Terminals	*41-13-29
Ore Terminals	*41-13-30
TOFC/COFC Terminals	*41-13-31
Other Marine Terminals	*41-13-32
Motor Vehicle Loading and Distribution Facilities	*41-13-33
Facilities for Other Specialized Services Operations	*41-13-35
Roadway Machines	41-13-36
Snow Removal	41-13-38
Dismantling Retired Property	41-13-39
Road Property and Equipment Damaged	41-13-48
Other—Other	41-13-99

Other Purchased Services—Equipment—Locomotives—41-21-XX

This account includes amounts charged or credited to operating expenses for other purchased services specified in control account 41-00-00. This account shall be subdivided by the following functions:

Administrative—General	41-21-01
Repair and Maintenance:	
Dismantling Retired Property	41-21-39
Locomotives	41-21-41
Road Property and Equipment Damaged	41-21-48
Other—Other	41-21-99

Other Purchased Services—Equipment—Freight Cars—41-22-XX*

This account includes amounts charged or credited to operating expenses for other purchased services specified in control account 41-00-00. This account shall be subdivided by the following functions:

Administrative—General	41-22-01
Repair and Maintenance:	
Dismantling Retired Property	41-22-39
Freight Cars	41-22-42
Road Property and Equipment Damaged	41-22-48
Other—Other	41-22-99

Other Purchased Services—Equipment—Other Equipment—41-23-XX

This account includes amounts charged or credited to operating expenses for other purchased services specified in control account 41-00-00. This account shall be subdivided by the following functions:

Administrative—General	41-23-01
Repair and Maintenance:	
Dismantling Retired Property	41-23-39
Trucks, Trailers, Containers in Revenue Service	41-23-43
Floating Equipment—Revenue Service	*41-23-44
Passenger and Other Revenue Equipment	41-23-45
Computer Systems and Word Processing Equipment	41-23-46
Work and Other Non-Revenue Equipment	41-23-47
Road Property and Equipment Damaged	41-23-48
Shop Machinery—Locomotives	41-23-49
Shop Machinery—Freight Cars	*41-23-50
Shop Machinery—Other Equipment	41-23-51
Other—Other	41-23-99

Other Purchased Services—Transportation—Train—41-31-XX

This account includes amounts charged or credited to operating expenses for other purchased services specified in control account 41-00-00. This account shall be subdivided by the following functions:

Administration—General	41-31-01
Operations:	
Engine Crews	41-31-56
Train Crews	41-31-57
Dispatching Trains	41-31-58
Operating Switches, Signals, Interlockers, Retarders, Humps	41-31-59
Operating Drawbridges	41-31-60
Highway Crossing Protection	41-31-61
Train Inspection and Lubrication	41-31-62
Clearing Wrecks	41-31-63
Locomotive Fuel	41-31-67
Electric Power Purchased/Produced for Motive Power	41-31-68
Servicing Locomotives	41-31-69
Other—Other	41-31-99

Other Purchased Services—Transportation—Yard—41-32-XX

This account includes amounts charged or credited to operating expenses for other purchased services specified in control account 41-00-00. This account shall be subdivided by the following functions:

Administration—General	41-32-01
Operations:	
Operating Switches, Signals, Interlockers, Retarders, Humps	41-32-59
Clearing Wrecks	41-32-63
Switch Crews	41-32-64
Controlling Operations	41-32-65
Yard and Terminal Clerical	41-32-66
Locomotive Fuel	41-32-67
Electric Power Purchased/Produced for Motive Power	41-32-68
Servicing Locomotives	41-32-69
Other—Other	41-32-99

Other Purchased Services—Transportation—Train and Yard Common—41-33-XX

This account includes amounts charged or credited to operating expenses for other purchased services specified in control account 41-00-00. This account shall be subdivided by the following functions:

Operations:	
Cleaning Car Interiors	41-33-70
Adjusting, Transferring Loads	41-33-71
Car Loading Devices and Grain Doors	41-33-72

Other Purchased Services—Transportation—Specialized Services—41-34-XX

This account includes amounts charged or credited to operating expenses for other purchased services specified in control account 41-00-00. This account shall be subdivided by the following functions:

Administration—General	41–34–73
Operations:	
Pick Up and Delivery, Marine Line Haul, and Rail Substitute Service	41–34–73
Loading, Unloading, and Local Marine	41–34–74
Protective Services	41–34–75
Other—Other	41–34–99

Other Purchased Services—Transportation—Administrative Support—41–35–XX

This account includes amounts charged or credited to operating expenses for other purchased services specified in control account 41–00–00. This account shall be subdivided by the following functions:

Administration—General	41–35–01
Operations:	
Clerks, Accounting Employees	41–35–76
Communication Systems Operations	41–35–77
Loss and Damage Claims Processing	41–35–78
Other—Other	41–35–99

Other Purchased Services—General and Administrative—41–61–XX

This account includes amounts charged or credited to operating expenses for other purchased services specified in control account 41–00–00. This account shall be subdivided by the following functions:

Administration—General	41–61–01
General:	
Accounting, Auditing, Finance	41–61–86
Management Services and Data and Word Processing	41–61–87
Marketing	41–61–88
Sales	41–61–89
Industrial Development	*41–61–90
Personnel and Labor Relations	41–61–91
Legal and Secretarial	41–61–92
Public Relations and Advertising	41–61–93
Research and Development	41–61–94
Other—Other	41–61–99

Claims and Insurance

Control—50–00–00

This account may be used as a control account for all accounts in the **Claims and Insurance** series: Loss and Damage Claims, Other Casualties, Insurance.

Loss and Damage Claims—Control—51–00–00

This account series includes amounts payable to compensate for the loss or damage of freight or other goods carried in revenue service. Loss and damage claims should not be allocated. When specific identification of loss and damage claims is possible, the related expenses shall be directly assigned to the Train, Yard, or Specialized service Subactivity. If a solely related determination cannot be made the loss and damage claim shall be charged to the Train and Yard Subactivity. This account series excludes amounts payable to employees or other parties for injuries sustained or loss of life; for damage to real property of others or personal property not carried in revenue services; all payments for other damages of any kind; and related insurance premiums. These costs are appropriately charged to the following accounts:

Loss and Damage Claims—Transportation—Train	51–31–00
Loss and Damage Claims—Transportation—Yard	51–32–00
Loss and Damage Claims—Transportation—Train and Yard Common	51–33–00
Loss and Damage Claims—Transportation—Specialized Services	*51–34–00

Other Casualties—Control—52–00–00

This account includes amounts payable to employees or other parties for injuries sustained or loss of life in connection with the construction, maintenance, operations, and administration of railroad property and equipment; for damage to real property, property of others or personal property not carried in revenue service; all payments for other damages of any kind. This account excludes freight and other goods carried in a revenue service, and insurance premiums related to the casualties chargeable to this account.

Note.—The costs of clearing wrecks and repairing casualty-caused damage to the railroad's property and equipment are properly classified under other natural expense accounts as appropriate and further classified by relevant activities and functions. These costs are appropriately charged to the following accounts:

Other Casualties—Way and Structures—Running	52–11–00
Other Casualties—Way and Structures—Switching	52–12–00
Other Casualties—Way and Structures—Other	52–13–00
Other Casualties—Equipment—Locomotives	52–21–00
Other Casualties—Equipment—Freight Cars	*52–22–00
Other Casualties—Equipment—Other Equipment	52–34–00
Other Casualties—Transportation—Train	52–31–00
Other Casualties—Transportation—Yard	52–32–00
Other Casualties—Transportation—Specialized Services	*52–34–00
Other Casualties—Transportation—Administrative Support	52–35–00
Other Casualties—General and Administrative	52–61–00

Insurance—Control—53–00–00

This account series include premiums for insurance to cover property and equipment loss and damage, liability, business interruption, and the like. These costs are appropriately charged to the following accounts:

Insurance—Way and Structures—Running	53–11–00
Insurance—Way and Structures—Switching	53–12–00
Insurance—Way and Structures—Other	53–13–00
Insurance—Equipment—Locomotives	53–21–00
Insurance—Equipment—Freight Cars	*53–22–00
Insurance—Equipment—Other Equipment	53–23–00
Insurance—Transportation—Train	53–31–00
Insurance—Transportation—Yard	53–32–00
Insurance—Transportation—Specialized Services	*53–34–00
Insurance—Transportation—Administrative Support	53–35–00
Insurance—General and Administrative	53–61–00

General

Control—60–00–00

This account may be used as a control account for all accounts in the **General** series: Other Expenses, Depreciation, Uncollectible Accounts, Property Taxes, Other Taxes.

Other Expenses—Control—61–00–00

This account series includes amounts charged to operating expenses for items not otherwise provided for in the other natural expense accounts, including travel and other expenses of employees, road property and equipment retirement losses, and other items of a general nature.

Other Expenses—Way and Structures—Running—61–11–XX

Each account includes amounts charged to operating expenses for items not otherwise provided for in the other natural expense accounts, including travel and other expenses of employees, road property retirement losses, and other items of a general nature associated with the carrier's roadway and track on the line of road and outside of classification yards. Each account shall be subdivided by the following functions:

Repair Maintenance:	
Roadway	61-11-10
Tunnels and Subways	61-11-11
Bridges and Culverts	61-11-12
Ties	61-11-13
Rails and Other Track Material	61-11-14
Ballast	61-11-16
Signals and Interlockers	61-11-19
Highway Grade Crossings	61-11-22
Dismantling Retired Property	61-11-39
Road Property and Equipment Damaged	61-11-48
Other—Other	61-11-99

Other Expenses—Way and Structures—Switching—61-12-XX

Each account includes amount charged to operating expenses for items not otherwise provided for in the other natural expense accounts, including travel and other expenses of employees, road property retirement losses, and other items of a general nature associated with the carrier's roadway and track within classification yards and stations. Each account shall be subdivided by the following functions:

Repair and Maintenance:	
Roadway	61-12-10
Tunnels and Subways	61-12-11
Bridges and Culverts	61-12-12
Ties	61-12-13
Rails and Other Track Material	61-12-14
Ballast	61-12-16
Signals and Interlockers	61-12-19
Highway Grade Crossings	61-12-22
Dismantling Retired Property	61-12-39
Road Property and Equipment Damaged	61-12-48
Other—Other	61-12-99

Other Expenses—Way and Structures—Other—61-13-XX

This account includes amounts charged to operating expenses for items not otherwise provided for in the other natural expense accounts, including travel and other expenses of employees, road property retirement losses, and other items of a general nature associated with the carrier's structures other than roadway and track. This account shall be subdivided by the following functions:

Administration:	
Track	61-13-02
Bridges and Buildings	61-13-03
Signals	61-13-04
Communications	61-13-05
Other	61-13-06
Repair and Maintenance:	
Communication Systems	61-13-20
Power Systems	61-13-21
Station and Office Buildings	61-13-23
Shop Buildings—Locomotives	61-13-24
Shop Buildings—Freight Cars	*61-13-25
Shop Buildings—Other Equipment	61-13-26
Locomotive Servicing Facilities	61-13-27
Miscellaneous Buildings and Structures	61-13-28
Coal Terminals	*61-13-29
Ore Terminals	*61-13-30
TOFC/COFC Terminals	*61-13-31
Other Marine Terminals	*61-13-32
Motor Vehicle Loading and Distribution Facilities	*61-13-33
Facilities for Other Specialized Services Operations	*61-13-35
Roadway Machines	61-13-36
Snow Removal	61-13-38
Dismantling Retired Property	61-13-39
Road Property and Equipment Damaged	61-13-48
Other—Other	61-13-99

Other Expenses—Equipment—Locomotives 61-21-XX

This account includes amounts charged to operating expenses for items not otherwise provided for in the other natural expense accounts, including travel and other expenses of employees and equipment retirement losses, associated with the repair and maintenance of locomotives, whether owned by the carrier or by others. This account shall be subdivided by the following functions:

Administration—General	61-21-01
Repair and Maintenance:	
Dismantling Retired Property	61-21-39
Locomotives	61-21-41
Road Property and Equipment Damaged	61-21-48
Other—Other	61-21-99

Other Expenses—Equipment—Freight Cars—61-22-XX*

This account includes amounts charged to operating expenses for items not otherwise provided for in the other natural expense accounts, including travel and other expenses of employees, equipment retirement losses, associated with the repair and maintenance of freight cars, whether owned by the carrier or by others. This account shall be subdivided by the following functions:

Administration—General	61-22-01
Repair and Maintenance:	
Dismantling Retired Property	61-22-39
Freight Cars	61-22-42
Road Property and Equipment Damaged	61-22-48
Other—Other	61-22-99

Other Expenses—Equipment—Other Equipment—61-23-XX

This account includes amounts charged to operating expenses for items not otherwise provided for in the other natural expense accounts, including travel and other expenses of employees, equipment retirement losses, associated with the repair and maintenance of equipment other than locomotives and freight cars, whether owned by the carrier or by others. This account shall be subdivided by the following functions:

Administration—General	61-23-01
Repair and Maintenance:	
Dismantling Retired Property	61-23-39
Trucks, Trailers, Containers in Revenue Service	*61-23-43
Floating Equipment—Revenue Service	*61-23-44
Passenger and Other Revenue Equipment	61-23-45
Computer Systems and Word Processing Equipment	61-23-46
Work and Other Non-Revenue Equipment	61-23-47
Road Property and Equipment Damaged	61-23-48
Shop Machinery—Locomotives	61-23-49
Shop Machinery—Freight Cars	*61-23-50
Shop Machinery—Other Equipment	61-23-51
Other—Other	61-23-99

Other Expenses—Transportation—Train—61-23-XX

This account includes amounts charged to operating expenses for items not otherwise provided for in the other natural expense accounts, including travel and other expenses of employees, associated with the dispatching and operations of freight-trains over the roadway and outside of classification yards. This account shall be subdivided by the following functions:

Administration—General	61-31-01
Operations:	
Engine Crews	61-31-56
Train Crews	61-31-57
Dispatching Trains	61-31-58
Operating Switches, Signals, Interlockers, Retarders, Humps	61-31-59
Operating Drawbridges	61-31-60
Highway Crossing Protection	61-31-61
Train Inspection and Lubrication	61-31-62
Clearing Wrecks	61-31-63
Locomotive Fuel	61-31-67
Electric Power Purchased/Produced for Motive Power	61-31-68
Servicing Locomotives	61-31-69
Other—Other	61-31-99

Other Expenses—Transportation—Yard—61-32-XX

This account includes amounts charged to operating expenses for items not otherwise provided for in the other natural expense accounts, including travel and other expenses of employees, and other items of a general nature associated with the movement of freight cars within classification yards and in

terminal switching and transfer service. This account shall be subdivided by the following functions:

Administration—General	61–32–01
Operations:	
Operating Switches, Signals, Interlockers, Retarders, Humps	61–32–59
Clearing Wrecks	61–32–63
Switch Crews	61–32–64
Controlling Operations	61–32–65
Yard and Terminal Clerical	61–32–66
Locomotive Fuel	61–32–67
Electric Power Purchased/ Produced for Motive Power	61–32–68
Servicing Locomotives	61–32–69
Other—Other	61–32–99

Other Expenses—Transportation—Specialized Services—61–34–XX*

This account includes amounts charged to operating expenses for items not otherwise provided for in the other natural expense accounts, including travel and other expenses of employees, and other items of a general nature incurred in operating services which are specialized in nature and in cost characteristics. The specialized services designated by the Commission appear within the explanation of activities/ subactivities. This account shall be subdivided by the following functions:

Administration—General	61–34–01
Operations:	
Pick Up and Delivery, Marine Line Haul, and Rail Substitute Service	61–34–73
Loading, Unloading, and Local Marine	61–34–74
Protective Services	61–34–75
Other—Other	61–34–99

Other Expenses—Transportation—Administrative Support—61–35–XX

This account includes amounts charged to operating expenses for items not otherwise provided for in the other natural expense accounts, including travel and other expenses of employees, and other items of a general nature incurred in association with providing direct administrative support for the Transportation Activity. This account shall be subdivided by the following functions:

Administration—General	61–35–01
Operations:	
Clerks, Accounting Employees	61–35–76
Communication Systems Operations	61–35–77
Loss and Damage Claims Processing	61–35–78
Other—Other	61–35–99

Other Expenses—General and Administrative—61–61–XX

This account includes amounts charged to operating expenses for items not otherwise provided for in the other natural expense accounts, including travel and other expenses of employees, and other items of a general nature incurred in providing overall administration or other support for carrier operations. This account shall be subdivided by the following functions:

Administration—General	61–61–01
General:	
Accounting, Auditing, Finance	61–61–86
Management Services and Data Processing	61–61–87
Marketing	61–61–88
Sales	61–61–89
Industrial Development	*61–61–90
Personnel Labor Relations	61–61–91
Legal and Secretarial	61–61–92
Public Relations and Advertising	61–61–93
Research and Development	61–61–94
Other—Other	61–61–99

Depreciation—Control—62–00–00

This account group includes the amounts charged to operating expenses for depreciation of owned road property and equipment, and the depreciation element of road property held under capital lease in accordance with FASB Statement No. 13. These costs are appropriately charged to the following accounts:

Depreciation—Way and Structures—Running	62–11–00
Depreciation—Way and Structures—Switching	62–12–00
Depreciation—Way and Structures—Other	62–13–00
Depreciation—Equipment—Locomotives	62–21–00
Depreciation—Equipment—Freight Cars	*62–22–00
Depreciation—Equipment—Other Equipment	62–23–00

Uncollectible Accounts—Control— 63–00–00

This account includes charges to operating expenses for the writedown of accounts and notes due to the railroad, whether classified as current or long-term. This account includes any credits to allowance accounts for collectibility and total writeoff of receivables. This account does not include writedowns of property, equipment, or investments (except accounts, notes, or other receivables held as investments). Proper adjustments of incorrect receivables are not to be charged to this account. Collections of amounts previously written off or down are to be credited to this account. The total of this account shall be charged to the following account:

Uncollectible Accounts—General and Administrative	63–61–00

Property Taxes—Control—64–00–00

This account includes only taxes based on the value of real estate and personal property used in railroad operations. The total of this account shall be charged to the following account:

Property Taxes—General and Administrative	64–61–00

Other Taxes—Control—65–00–00

This account includes taxes on gross receipts, franchise fees, excise taxes, and similar items. This account excludes property taxes and taxes chargeable as employee benefits. The total of this account shall be charged to the following account:

Other Taxes—General and Administrative	65–61–00

OPERATING EXPENSE ACCOUNTS

Section 2—Activity/Subactivity Explanations

Way and Structures Activity—(XX–10–XX)

(A) "Way and Structures" activity refers to repairing, maintaining, leasing, renting, depreciating, and retiring right-of-way and trackage, structures, buildings, and facilities. It includes all natural expense object subclassifications such as salaries and wages, fringe benefits, material and supplies, lease rentals, purchased services, casualties, depreciation and retirements, where such objects are in the performance or support of the above functions. Specifically included are all natural expense objects in the performance of the above described functions on property of the type included in property accounts 2 through 45, excluding 44, whether such property is owned or leased. It includes the costs of operating work trains in support of this activity.

This activity excludes all expenses related to transportation and other equipment described in property accounts 44, 46 and 52 through 58, all of which should be charged to the Equipment activity. It also excludes

expenses in performance or support of Transportation, General and Administrative activities, property used for noncarrier operations, non-operating property, and interest or other fixed charges.

Running Subactivity—(XX–11–XX)

(1) "Running" subactivity of the Way and Structures activity refers to the functions of repairing, maintaining, leasing, renting, depreciating, and retiring right-of-way, trackage, signals and interlockers, and highway grade crossings for running tracks, passing tracks, crossovers, etc., including turn-outs from those tracks, passing clearance points. It includes all natural expense object subclassifications under the Way and Structures activity that are applicable to right-of-way and trackage as defined above. This subactivity specifically excludes expenses incurred in operating signals and interlockers and highway grade crossings, which are properly charged to the Transportation activity.

Switching Subactivity—(XX–12–XX)

(2) "Switching" subactivity of the Way and Structures activity refers to the function of repairing, maintaining, leasing, renting, depreciating, and retiring right-of-way, trackage, signals and interlockers, and highway grade crossings for yards where separate switching services are maintained, including classification, house, team, industry, and other tracks switched by yard locomotives, and for station, team, industry, and other switching tracks for which no separate switching service is maintained. It includes all natural expense object subclassifications under the Way and Structures activity that are applicable to right-of-way and trackage as defined above. This subactivity specifically excludes expenses incurred in operating signals and interlockers, and highway grade crossings, which are properly charged to the Transportation activity.

Other Subactivity—(XX–13–XX)

(3) "Other" subactivity of the Way and Structures activity refers to the function of repairing, maintaining, leasing, renting, depreciating, and retiring other roadway property structures, buildings, and facilities not provided for in the Running and Switching subactivities. It includes all natural expense object subclassifications under the Way and Structures activity that are applicable to the structures, buildings, and facilities as defined above. The specifically excludes expenses incurred in operating such structures, buildings, and facilities, which are properly charged to the Equipment, Transportation, and General and Administrative activities.

Equipment Activity—(XX–20–XX)

(B) "Equipment" activity refers to repairing, maintaining, leasing, renting, depreciating, and retiring transportation and other operating equipment. It includes all natural expense object subclassifications such as salaries and wages, fringe benefits, material and supplies, lease rentals, purchased services, casualties, depreciation, and retirements. Specifically included are all natural expense objects in the performance of the above functions on property of the type included in property accounts 44, 46 and 52 through 58, whether such property is owned or leased. The costs of operating work trains in support of the Equipment activity are to be included herein.

This activity excludes all expenses related to road property as described in property accounts 2 through 45, excluding account 44, all of which should be charged to the Way and Structures activity. It also excludes expenses in performance of, or support for Transportation, General and Administrative activities, property used for noncarrier operations, nonoperating property, and interest or other fixed charges.

Locomotives Subactivity—(XX–21–XX)

(1) "Locomotives" subactivity of the Equipment activity refers to repairing, maintaining, leasing, renting, depreciating, and retiring locomotives. It includes all natural expense object subclassifications under the Equipment activity that are applicable to locomotives. This subactivity specifically excludes expenses incurred in operating locomotives, such as locomotive fuel and lubricants, train crew wages, operating supplies, servicing (as opposed to maintaining or repairing), and cleaning which are includable in the Transportation activity, except when locomotive use is clearly in support of other activities or subactivities. When locomotives are operated in support of repairing or maintaining locomotives, the operating costs shall be charged to this subactivity.

Freight Train Cars Subactivity—(XX–22–XX)

(2) "Freight Train Cars" subactivity of the Equipment activity refers to repairing, maintaining, leasing, renting, depreciating, and retiring freight train cars. It includes all natural expense object subclassifications under the Equipment activity that are applicable to freight train cars. This subactivity pertains to all freight train cars described in property account 53, whether owned or leased, including freight cars used for hauling freight in company service and cabooses. It does not pertain to work equipment. This subactivity specifically excludes expenses incurred in running trains or operating freight cars, such as for locomotive fuel and lubricants, train crew wages, inspecting trains, operating supplies, servicing (as opposed to maintaining or repairing), and cleaning, which are includable in the Transportation activity, except where such costs are clearly in support of repairing or maintaining freight cars, other activities or subactivities. When locomotives or trains are operated in support of repairing or maintaining freight cars, the operating costs shall be charged to this subactivity.

Other Equipment Subactivity—(XX–23–XX)

(3) "Other Equipment" subactivity of the Equipment activity refers to repairing, maintaining, leasing, renting, depreciating, and retiring other equipment. It includes all natural expense object subclassifications under the Equipment activity which are applicable to other equipment. The subactivity pertains to all equipment described in property accounts 44, 46 and 54 through 58, whether such property is owned or leased. This subactivity specifically excludes expenses incurred in operating other equipment, such as for fuel and lubricants, crew wages, inspecting equipment, operating supplies, servicing (as opposed to maintaining or repairing), and cleaning, which are includible in the Transportation activity, except where such costs are clearly in support of other activities or subactivities. When locomotives, trains, or other equipment are operating in support of repairing or maintaining other equipment, the operating costs shall be charged to this subactivity.

Transportation Activity—(XX–30–XX)

(C) "Transportation" activity refers to operating, servicing, inspecting, weighing, assembling, and switching trains; operating highway revenue services; operating facilities in connection with carrier transportation operations including coal and ore terminals, intermodal terminals, terminal grain elevators, and others; operating carfloat and carferry services and related facilities; operating communications systems which primarily support train operations; and

joint facility transportation operations. It includes various administrative functions directly supporting transportation operations including those described in the Administrative Support Operations subactivity. Work train costs in support of the Way and Structures or the Equipment activities should be charged to those activities. However, shipments of company materials, handled in predominantly revenue freight trains, are appropriately included in this activity. This activity includes all natural expense object subclassifications such as salaries and wages, fringe benefits, material and supplies, purchased services, lost or damaged freight, and casualties.

Train Operations Subactivity—(XX–31–XX)

This activity excludes all expenses assignable to the Way and Structures, Equipment, and General and Administrative activities, as well as those expenses for noncarrier operations and nonoperating functions.

(1) "Train Operations" subactivity of the Transportation activity refers to operations of all trains except those performing yard functions in terminals. It includes running trains in road or way service; switching trains except where such switching is performed within yards or terminals; and making customer pick-ups and deliveries except in yards and terminals.

It also provides for dispatching, controlling, reporting, and monitoring road train movements; inspecting and lubricating trains; servicing, fueling, and cleaning (not repairing or maintaining) locomotives; purchasing or producing electric power for motive power; and operating supporting activities such as communications, signaling, crossing protection, and interlockings.

This subactivity also includes crew calling and transporting; crew lodging, meals, and other expenses; lost or damaged freight; casualties and insurance; clearing wrecks; and operating joint tracks and facilities except for yards or specialized services. It also includes salaries and wages, fringe benefits, material and supplies, fuel and lubricants, purchased services, casualty and damages, and other natural expense elements incurred in operating trains.

The Train Operations subactivity excludes the operation of specialized services, all of which should be charged to the Specialized Services Operations subactivity. However, road or way switching between trains and specialized service facilities outside of terminal areas belongs to the Train Operations subactivity.

Work and other nonrevenue train operating costs are to be charged to the appropriate supported activity. Shipments of company materials normally should be charged to this subactivity, except where the train movement is exclusively or predominantly for such nonrevenue purpose where the supported activity should bear the train operating costs.

Yard Operations Subactivity—(XX–32–XX)

(2) "Yard Operations" subactivity of the Transportation activity refers to classifying cars to make-up or break-down trains; sorting and handling waybills in connection with freight car classification and switching in yards or terminals; inspecting, servicing, fueling, and cleaning (not repairing or maintaining) locomotives and cabooses used to provide yard or terminal services; purchasing or producing electric power for motive power; diverting or holding cars; and reporting operating and car movement data related to yards and terminals. It also includes operating supporting activities in yards or terminals, such as communications, signaling, and interlockings; yard crew calling and transporting; yard crew lodging, meals, and other expenses; lost or damaged freight specifically traceable to occurrences resulting from the performance of yard operations; casualties and insurance related to yard operations; clearing wrecks which occurred in the performance of yard operations; and operating joint yards and terminals.

Within terminals, this subactivity includes pick-up or delivery of freight cars from or to customer spur tracks, team tracks, freight houses, interchange tracks, rip tracks, and specialized service facilities. It also includes salaries and wages, fringe benefits, material and supplies, fuel and lubricants, purchased services, casualty and damages, and other natural expense elements incurred in operating yards and terminals.

The Yard Operations subactivity includes the cost of switching operations within facilities for Specialized Services and switching or transfer operations between yards and the specialized service facilities. The latter is not limited or affected by definitions or restrictions contained in carrier operating rules or labor agreements. It is related solely to the defined operations when they are performed in a yard or terminal area.

Train and Yard Common Subactivity—(XX–33–XX)

(3) "Train and Yard Common" subactivity of the Transportation activity refers to the function of adjusting and transferring loads; and placing and removing car loading devices and grain doors. It also includes lost or damaged freight not specifically traceable to numerous activities resulting from performance of train, yard, or specialized services operations. It also includes salaries and wages, fringe benefits, material and supplies, purchased services, and other natural expense elements incurred in performing the functions defined above. It excludes the natural expense elements of casualties and insurance, which shall be charged to the Train Operations and Yard Operations subactivities.

Specialized Services Operations Subactivity—(XX–34–XX)

(4) "Specialized Services Operations" subactivity of the Transportation activity refers to operating services which are specialized in nature and in cost characteristics, including all of those so designated by the Commission. The purpose of segregating the cost of such services is primarily to preclude distortion of general costs applicable to the Train Operations and Yard Operations subactivities. Secondarily, further breakout of the costs of operating individual specialized services can be provided in less detail than the full range of natural expense accounts, in reports used for recurring cost analysis purposes pertaining to each type of specialized service.

The designated specialized services operations are as follows:

(a) "TOFC/COFC Operations" refers to the function of operating rail-to-ground or water and ground or water-to-rail transfer facilities for handling trailers or containers, including related storage; and the highway movement of trailers or containers within a terminal area for purposes of pick-up, delivery, or interchange.

The service includes loading, tie-down, and/or unloading flat cars or dollies and piggyback trailers to or from highway tractors; moving trailers, dollies, or containers within the facility; servicing, cleaning, and fueling (but not repairing or maintaining) facility equipment; operating storage areas; and casualties, claims, and insurance relating to the facility.

TOFC/COFC Operations do not include Plan V or other arrangements, where there is a division of revenues between the rail and motor carrier. They

do not include switching services performed within the facility by yard or road crews. They also do not include the functions of the Way and Structures, Equipment, and General and Administrative activities, or the Train, Yard, Train and Yard Common, or Administrative Support Operations subactivities.

(b) "Floating Operations" refers to operations of water vessels and equipment in revenue service. They include the operation of carferries, tugs, barges, lighterage, and all other forms of water craft.

Floating operations exclude operations includable in the Administrative Support Operations subactivity, and the switching transfer of cars between general yards or trains and the facility or a dedicated yard serving the facility, or switching within the dedicated supporting terminal facility when performed by yard crews. They also do not include costs appropriate to the Way and Structures, Equipment, or General and Administrative activities.

Floating operations should be classified by line and terminal operations. The distribution should be made based on the nature of the operation and not the facility or equipment. When the service occurs between distinct terminals, the operation should be considered a line operation. When the service is conducted within a general terminal or harbor area, the operation should be considered a terminal operation.

(c) "Coal Terminal Operations and Ore Terminal Operations" refers to operations of rail-to-water or water-to-rail transloading facilities for coal or for ores, including related storage, blending, and other processing or handling at the facility. These operations include loading and/or unloading rail cars or water vessels at the facility; moving commodities within the facility by whatever means; operating the facility's pollution control equipment; operating and directing the operations of moorings and tugboats; servicing, cleaning, and fueling (but not repairing or maintaining) facility equipment; operating storage areas; and casualties, claims, and insurance relating to the facility.

These terminal operations do not include costs appropriate to the Way and Structures, Equipment, or General and Administrative activities. They also do not include costs appropriate to the Train Operations, Yard Operations, Train and Yard Operations Common, or Administrative Support Services Operations subactivities. Switching transfer of cars between general yards or trains and the facility or a dedicated yard serving the facility and switching within the dedicated supporting terminal facility when performed by yard crews should be charged to the Yard Operations subactivity.

(d) "Other Marine Terminal Operations" refers to the operations of marine terminals other than those for which a separate designated specialized service operation category is provided.

(e) "Motor Vehicle Loading and Distribution Facility Operations" refers to the operations of facilities for loading, unloading, or storing motor vehicles.

(f) "Protective Service Operations" refers to the function of servicing, cleaning, and fueling (but not repairing or maintaining) mechanical protective service equipment.

(g) "Other Specialized Services Operations" refers to the function of performing rail substitute service, other highway revenue service, LCL terminal operations, warehouse operations, freight car transloading, grain elevator terminal operations, livestock feeding operations, and other specialized services designated by the Commission. It includes the transportation operating expenses of only those services listed above.

Administrative Support Operations Subactivity—(XX–35–XX)

(5) "Administrative Support Operations" subactivity refers to operations providing direct administrative support to the overall Transportation activity. It includes administrative support for the Common, and the Specialized Services Operations subactivities. The administrative support operations includes receiving and processing customer orders, requesting cars, preparing waybills, rating shipments, billing customers, collecting customer receivables in the ordinary course of business (not to include treasury, legal, general accounting, revenue accounting, or credit operations, all of which are chargeable to the General and Administrative activity), billing and recording demurrage, reporting interchanges, reporting advances, and the initial reporting and summarization of input documents for purposes of cash collection and accounting. Any operations beyond the initial summarization and reporting of input data are assignable to the General and Administrative activity except for those otherwise included in the definition of this subactivity.

Carrier staff, administrative, or clerical operations related to operating or transportation department general administration should not be charged to this subactivity. The Administrative Support Operations subactivity may be performed at local stations, regional offices, or even at the general offices; however, the location of the operation performance does not affect its nature. The operations included in this subactivity should reasonably correlate to the quantity of shipments or to the quantity of carloadings.

General and Administrative Activity—(XX–60–XX)

(D) "General and Administrative" activity refers to the providing of overall administration or other general support for carrier operations. It comprehends only that portion of general and administrative activities that relates to carrier operations (as distinguished from noncarrier operations or nonoperating activities) including executive, legal, financial, treasury, accounting, budgeting, taxation, corporate planning, costing, marketing, advertising, traffic, corporate secretary, public relations, real estate, insurance administration, personnel administration, pension plan administration, general purchasing, labor relations, internal auditing, industrial engineering, and regulatory reporting.

This activity excludes expenses incurred for noncarrier operations of the carrier company as well as for general administration of the corporate entity and nonoperating income or expenses. It also excludes expenses in performance of or direct support for Way and Structures, Equipment, and Transportation activities, with particular attention to the Administrative Support Operations subactivity.

OPERATING EXPENSE ACCOUNTS

Section 3—Function Explanations

Note.—Functions do not necessarily correlate to organizational structure. A particular department may not have a specific USOA expense function code. However, its costs may be includable under various function codes. Costs not properly chargeable to specific functions should be assigned to Function Code 99, Other.

(a) Functions Related to the Way and Structures Activity

(1) Administration Functions.

(02) Administration, Track—General administration and supervision of central, regional, and divisional engineering functions related to repair and maintenance of track. Used only in Way and Structures— Other. Included are:

- General engineering and design.
- Valuation engineering for maintenance and improvements.

- Planning and supervision of repair and maintenance work.
- Budget preparation, clerical support, and similar functions.

(03) Administration, Bridges and Buildings—General administration and supervision of central, regional and divisional engineering functions related to repair and maintenance of bridges and buildings. Used only in Way and Structures—Other. Included are:

- General engineering and design.
- Valuation engineering for maintenance and improvements.
- Planning and supervision of repair and maintenance work.
- Budget preparation, clerical support, and similar functions.

(04) Administration, Signals—General administration and supervision of central, regional, and divisional engineering functions related to repair and maintenance of signals. Used only in Way and Structures—Other. Included are:

- General engineering and design.
- Valuation engineering for maintenance and improvements.
- Planning and supervision of repair and maintenance work.
- Budget preparation, clerical support, and similar functions.

(05) Administration, Communications—General administration and supervision of central, regional, and divisional engineering functions related to repair and maintenance of communication facilities. Used only in Way and Structures—Other. Included are:

- General engineering and design.
- Valuation engineering for maintenance and improvements.
- Planning and supervision of repair and maintenance work.
- Budget preparation, clerical support, and similar functions.

(06) Administration, Other—General administration and supervision of central, regional, and divisional engineering functions related to repair and maintenance of other roadway property. Used only in Way and Structures—Other. Included are:

- General engineering and design.
- Valuation engineering for maintenance and improvements.
- Planning and supervision of repair and maintenance work.
- Budget preparation, clerical support, and similar functions.

(2) Repair and Maintenance Functions—These functions include:

- Repair and maintenance work on road property and equipment, including gang foreman, shop foreman, and other supervisors with direct authority over workers; all higher levels of supervision are included in the Administration function.
- Work train service. Crew wages are to be charged directly; other work train expenses except fuel may be apportioned if not solely identifiable to work train service.
- Store expense and shop expense.

(10) Repair and Maintenance, Roadway—Roadway, cuts, fills, banks, embankments, subgrade, roadbed, ditches, drains, landscaping; cutting and removing grass, brush, debris; dressing ballast; preventing and extinguishing fires; patrolling and inspection; roadway relocation.

(11) Repair and Maintenance, Tunnels and Subways—Repaving, ventilating, lighting, other maintenance.

(12) Repair and Maintenance, Bridges and Culverts—Bridges, trestles, culverts and elevated structures which carry tracks; repairing, filling, dredging, cleaning, watching these structures.

(13) Repair and Maintenance, Ties—Cross, switch, bridge, and other track ties. This function includes expenses associated with unloading, distributing and placing ties in tracks.

(14) Repair and Maintenance, Rails and Other Track Material—All track material used in repair of tracks except ballast and ties. This function includes expenses associated with unloading and installing Rail and Other Track Material.

(16) Repair and Maintenance, Ballast—Gravel, stone, slag, cinders, sand, and like material.

(19) Repair and Maintenance, Signals and Interlockers—Signals and interlockers and related apparatus governing train movement.

(20) Repair and Maintenance, Communications Systems—Telephone, telegraph, radio, radar, inductive train communication, and other communication systems, including terminal equipment.

(21) Repair and Maintenance, Power Systems—Power plants, substations, transmission and distribution systems.

(22) Repair and Maintenance, Highway Grade Crossings—Highway grade crossing signals, gates, and related apparatus.

(23) Repair and Maintenance, Station and Office Buildings—Station and office buildings, fixtures, appurtenances, and grounds.

(24) Repair and Maintenance, Shop Buildings—Locomotives—Shops and buildings, fixtures, appurtenances, and grounds, used for the repair, maintenance and servicing of locomotives.

(25) Repair and Maintenance, Shop Buildings—Freight Cars—Shops and buildings, fixtures, appurtenances, and grounds, used for the repair, maintenance, and servicing of freight cars.

(26) Repair and Maintenance, Shop Buildings—Other—Shops and buildings, fixtures, appurtenances, and grounds, used for the repair, maintenance, and servicing of revenue service equipment other than locomotives and freight cars; roadway machines; work equipment and the like.

(27) Repair and Maintenance, Locomotive Servicing Facilities—Fuel and water stations, fixtures, appurtenances, and grounds.

(28) Repair and Maintenance, Miscellaneous Buildings and Structures. All permanent buildings and structures, and their fixtures, appurtenances, and grounds, not otherwise provided for. (Includes storehouses.)

(29) Repair and Maintenance, Coal Terminals—Wharves, docks, and other loading or unloading facilities for handling coal, including conveyors, machinery and fixtures.

(30) Repair and Maintenance, Ore Terminal—Wharves, docks, and other loading or unloading facilities for handling ores and other bulk mineral commodities, including conveyors, machinery and fixtures.

(31) Repair and Maintenance, TOFC/COFC—Terminals—TOFC/COFC terminal structures, fixtures, machinery and appurtenances, used for transfer of trailers and containers.

(32) Repair and Maintenance, Other Marine Terminals—Marine terminal structures, fixtures, machinery and appurtenances not otherwise provided for.

(33) Repair and Maintenance, Motor Vehicle Loading and Distribution Facilities—Buildings, structures, fixtures, machinery and appurtenances used for receipt, loading, unloading, and distribution of motor vehicles.

(35) Repair and Maintenance Facilities for Other Specialized Services Operations—Buildings, structures, machinery, fixtures and grounds, used as part or whole of a revenue-producing specialized service.

(36) Repair and Maintenance, Roadway Machines—Machines and equipment used for repairs of roadway and structures.

(37) Small tools and Supplies—Cost of small tools and supplies used in repair and maintenances.

(38) Snow Removal—Removal of snow and ice; plow and flange service; setting up, taking down and storing fences. If the amount of labor expense is not substantial, the wages of those employees who perform snow removal duties may be included in the appropriate expense accounts for the duties they are normally assigned.

(39) Dismantling Retired Property—Dismantling retired road property when the property is not to be replaced through normal maintenance, addition or betterment.

(48) Road Property Damaged—Repair of roadway property and structures, used in revenue service, and all equipment not used in revenue service, when damage is caused by derailments, collision, fire, explosions, sabotage, other casualties, and excluding damage resulting through normal operations or use; such as part failures, overloads, overheating, short circuits and similar events. Part failures through normal operations are those where the resulting damage is restricted to the unit of road property which experienced the failure. When the damage extends to other units of road property, related expenses shall be charged to this function.

(3) Other Function.

(99) Other—All expenses not properly includable in the above functions.

(b) Functions Related to the Equipment Activity

(1) Administrative Functions.

(01) Administration, General—General administration and supervision of central, regional, and divisional repair and maintenance functions. Included are:

- General engineering and design.
- Valuation engineering for maintenance and improvements.
- Planning and supervision of repair and maintenance of equipment.
- Budget preparation, clerical support, and similar functions.

(2) Repair and Maintenance Functions—These functions include:

- Repair and maintenance work on equipment including gang foreman, shop foreman, and other supervisors with direct authority over workers; all higher levels of supervision are included in the Administrative function.
- Store expense and shop expense.

(39) Dismantling Retired Property—Dismantling retired equipment when the property is not to be replaced through normal maintenance, addition or betterment.

(40) [Reserved]

(41) Repair and Maintenance, Locomotives—Repair of locomotives in revenue service.

(42) Repair and Maintenance, Freight Cars—Repair of freight cars and attached motor equipment in revenue service.

(43) Repair and Maintenance, Trucks, Trailers, Containers in Revenue Service—Repair, inspection, and lubrication of trucks, trailers and containers in revenue service.

(44) Repair and Maintenance, Floating Equipment in Revenue Service—Floating equipment including appurtenances.

(45) Repair and Maintenance, Passenger and Other Revenue Equipment—Repair, inspection and lubrication of passenger train cars and attached motor equipment, and other equipment used in revenue service.

(46) Repair and Maintenance, Computer Systems and Word Processing Systems—Computers and attached peripheral equipment; data recording and punch-card processing equipment; word processing equipment.

(47) Repair and Maintenance, Work and Other Non-Revenue Equipment—Rail and floating work equipment and appurtenances, and all other equipment not used in revenue service and not provided for elsewhere.

(48) Equipment Damaged—Repair of locomotives, freight cars, other equipment used in revenue service, and all equipment not used in revenue service, when damage is caused by derailment, collision, fire, explosions, sabotage, washouts, or other casualties, and excluding damage resulting through normal operations or use, such as part failures, overloads, overheating, short circuits and the like. Part failures through normal operations are those where the resulting damage is restricted to the equipment that experienced the failure. When the damage extends to other units of equipment, related repairs shall be charged to this function.

(49) Repair and Maintenance, Shop Machinery—Locomotives—Repair of shop machinery and other apparatus, including special foundations used for the repair, maintenance and servicing of locomotives.

(50) Repair and Maintenance, Shop Machinery—Freight Cars—Repair of shop machinery and other apparatus, including special foundations for the repair, maintenance and servicing of freight cars.

(51) Repair and Maintenance, Shop Machinery—Other Equipment—Repair of shop machinery and other apparatus, including special foundations for the repair, maintenance and servicing of other equipment.

(3) Other Function.

(99) Other—All equipment expenses not properly includable in the above functions.

(C) Functions Related to the Transportation Activity

(1) Administrative Function.

(01) Administration, General—General administration and supervision of central, regional, and divisional operational functions. Included are:

- Planning and supervision of train, yard, common, specialized services and support operations.
- Budget preparation, clerical support, and similar functions.

[Not applicable to the Train and Yard Common Subactivity.]

(2) Operations Functions.

(56) Engine Crews—Operation of trains in line-haul revenue service by enginemen, including crew meals, lodging, deadheading and other expenses.

(57) Train Crews—Operation of trains in line-haul revenue service by trainmen, including crew meals, lodging, deadheading, and other expenses.

(58) Dispatching Trains—Costs include dispatchers, supporting staff, train order stations and operators, office and supplies expense.

(59) Operating Switches, Signals, Interlockers, Retarders, Humps—Operators, switch tenders, supplies, etc.

(60) Operating Drawbridges—Engineers, tenders, watchmen, supplies, etc.

(61) Highway Crossing Protection—Gatekeepers, flagmen, lighting, supplies, etc.

(62) Train Inspection and Lubrication—Inspection and lubrication of trains (cars and locomotives), including minor repairs made by inspectors. This includes the inspection of train locomotives when indistinguishable from the inspection and lubrication of train cars.

(63) Clearing Wrecks—Removal of equipment, freight or other goods, and property of others damaged in wrecks; note that repair of wreck damage caused to roadway property and equipment is classified as function Code 48—Road Property and Equipment Damaged.

(64) Switch Crews—Operation of trains and locomotives in yard and terminal revenue switching service by enginemen and trainmen, including associated expenses.

(65) Controlling Operations—Directing the operations of yard and terminal interchange and classification service, including office and supplies expense.

(66) Yard and Terminal Clerical—Clerical work in support of the operation of yard and terminal switching and classification service, including office and supplies expense.

(67) Locomotive Fuel—Cost of locomotive fuel used in all service, including the receipt, storage, and dispensing of the fuel.

(68) Electric Power Purchased/Produced for Motive Power—Purchase cost and cost of producing electric power for use by electrically-powered motive equipment in all service.

(69) Servicing Locomotives—Preparing locomotives for switching service in yards and for train service, including moving locomotives around engine yards. This includes the inspection and lubrication of yard locomotives and may include the inspection and lubrication of train locomotives where distinguishable from the inspection and lubrication of train cars.

(70) Cleaning Car Interiors—Cleaning and preparing car interiors for revenue service, including minor repairs made by car cleaners. This includes payment for cleaning cars due to spoilage of perishable shipments.

(71) Adjusting and Transferring Loads—Transferring, picking up, straightening, and reloading freight in the ordinary course of transportation.

(72) Car Loading Devices and Grain Doors—Servicing car loading devices and placing and removing grain doors.

(73) Pickup & Delivery, Marine Line Haul & Rail Substitute Service—Operation of trucks, floating equipment, and all other specialized equipment providing line haul movement for revenue including TOFC/COFC pick-up and delivery.

(74) Loading & Unloading and Local Marine—All other specialized services in the transportation activity such as TOFC/COFC loading, unloading, and tie down; coal and ore loading and unloading; and other similar functions.

(75) Protective Services—Inspecting, servicing, cleaning, and fueling protective equipment and devices.

(76) Clerical and Accounting Employees—Direct administrative support to the Transportation Activity, including receiving and processing customer orders, requesting cars, preparing waybills, rating shipments, billing customers, collecting customer receivables in the ordinary course of business, billing and recording demurrage, reporting interchanges, reporting advances, and the initial summarization and reporting of input data.

(77) Communications Systems Operation—Cost of operating communications systems; when such operations are an integral part of other functions, only specifically identifiable costs of operating communications systems are to be allocated to this function.

(78) Loss and Damage Claims Processing—Receipt, investigation, other handling, and adjustment and settlement of claims for loss or damage of freight or other goods carried in revenue service. Does not include handling claims for personal injury or for loss or damage of other property.

(3) Other Function.

(99) Other—All transportation expenses not properly includable in the above functions.

(d) Functions Related to the General and Administration Activity

(1) Administrative Function.

(01) Administration, General—General administration and supervision of central, regional, and divisional general functions. Included are:

- Planning and supervision of general and administrative functions.
- Budget preparation, clerical support, and similar functions. It includes the overall responsibility for two or more of the General and Administrative functions listed below or the responsibility that expands to more than one activity.

(2) General Functions.

(86) Accounting, Auditing, Finance—General and corporate accounting, auditing by internal auditors and outside accountants, treasury, tax accounting and returns, financial reporting, corporate planning related to investment decisions and budgeting.

(87) Management Services and Data and Word Processing—Systems planning and design, programming, computer operations, data control, key entry of data, and related activities; This includes operating expenses associated with a particular computer system or word processing equipment that is dedicated to more than one activity. This does not include expenses associated with computer systems or word processing equipment dedicated exclusively to the Way and Structure, Equipment or Transportation Activity; these expenses shall be charged to the appropriate subactivity/function.

(88) Marketing—Market planning and analysis, traffic analysis, costing, pricing, and related activities.

(89) Sales—Traffic solicitation and related sales efforts.

(90) Industrial Development—Efforts to locate industries on real estate accessible to the railroad's lines for the purpose of creating future revenues.

(91) Personnel and Labor Relations—Efforts to attract and retain employees, handle fringe benefit plans, monitor and negotiate labor contracts, maintain employee data and records, coordinate training programs, handle grievances, handle employee transfers, operate job safety and equal opportunity programs, and related activities.

(92) Legal and Secretarial—Legal functions handled by attorneys and supporting staff; including lawsuits, injury and damage claims, commerce matters, and similar functions; corporate secretarial functions involving shareholder records, corporate minutes, stock certificates, and similar items.

(93) Public Relations and Advertising—Public relations activities with governmental bodies, shippers, and the general public; advertising in the media, booklets, publications; open houses and tours; and similar activities.

(94) Research and Development—Research into the use of methods, procedures, practices, equipment, machinery tools, and plant, and in determining and measuring the impact of factors or costs not previously known, with the intention of finding ways to improve maintenance, operations, administration, rates, productivity, environmental impact, and similar items. Does not include specific studies or development efforts for which an implementation decision has already been made.

(3) Other Function.

(99) Other—All general and administration expenses not properly includable in the above functions.

13. Under Income Accounts:

a. Revise the heading and entire text of Account 501, Railway Operating Revenues, to read as follows:

501 Railway operating revenues.

This account is a summarization of Railway Operating Revenue Accounts 101 to 122. It excludes transfers from governmental authorities except when the transfer payment is for specific services for transporting property or persons by rail line other than commuter operations and local rail service subsidies granted under authority of the Railroad Revitalization and Regulatory Reform Act of 1976 [See Instruction 1-15(e)(2)].

b. Revise Notes A, B and C to Account 510, Miscellaneous Rent Income, to read as follows:

510 Miscellaneous rent income.

* * * * *

Note A.—Taxes on property the rent of which is creditable to this account shall be charged to account 64-61-00, Property Taxes.

Note B.—The rent from property carried in account 737, Property used in other than carrier operations, shall not be included in this account. Such rents shall be included in account 506, Revenues from property used in other than carrier operations.

Note C.—Rent and other income from real estate acquired for new lines or for additions and betterments shall be credited to the appropriate road and equipment accounts until the completion or coming into service of the property.

* * * * *

c. Revise paragraph (a) and Note A of Account 512, Separately Operated Properties; Profit, to read as follows:

512 Separately operated properties; profit.

(a) This account shall include amounts earned under the terms of agreements or contracts whereby the net income resulting from the operation by others or properties of other companies having a separate corporate existence is to be paid, in whole or in part, to the accounting company.

* * * * *

Note A.—The amount payable by the operating company shall be charged by it to account 550, Income Transferred under Contracts and Agreements.

* * * * *

d. Revise the heading and text of paragraph (a) of Account 518, Contributions from Other Companies, to read as follows:

518 Reimbursement received under contracts and agreements.

(a) This account shall include amounts received or receivable from other companies or individuals, representing the whole or a part of the net loss of the accounting company, when under the terms of agreements or contract, no obligation for subsequent reimbursement is incurred.

* * * * *

e. Revise Account 534, Expenses of Property Used in Other than Carrier Operations, to read as follows:

534 Expenses of property used in other than carrier operations.

This account shall include depreciation, rent, taxes, and other expenses incurred on property used in other than carrier operations.

Note.—If property for which rent expense is includable in this account is sublet, the rent from the sublease shall be included in account 506, Revenues from property used in other than carrier operations.

f. Remove Account 535, Taxes on Property Used in Other than Carrier Operations, and Account 543, Miscellaneous Rent Expense.

g. Revise paragraph (a) and Note A of Account 545, Separately Operated Properties; Loss, to read as follows:

545 Separately operated properties; loss.

(a) This account shall include amounts payable under the terms of agreements or contracts whereby the net loss resulting from the operation by others of properties of other companies having a separate corporate existence is to be paid, in whole or in part, by the accounting company.

* * * * *

Note A.—The amounts receivable by the operating company shall be credited by it to account 518, Reimbursements received under contracts and agreements.

* * * * *

h. Revise the text preceding the notes of Account 546, Interest on funded debt, to read as follows:

546 Interest on funded debt.

This account shall include the current accruals of interest on all classes of long-term debt, the principal of which is includable in accounts 765, Funded debt unmatured; 766, Equipment obligations; 767, Receivers' and trustees' securities; 768, Debt in default; and 769, Accounts Payable; affiliated companies.

* * * * *

i. Revise the first sentence of Account 547, Interest on unfunded debt, to read as follows:

547 Interest on unfunded debt.

This account shall include interest accrued on unfunded debt, such as short-term notes payable on demand or having maturity dates of one year or less from dates of issue, and open accounts, including discount and expense on demand and short-term loans, interest on receipts outstanding for installments paid on capital stock, interest on deferred payments for public improvements, interest on tax deficiencies, overcharge claims and court awards, and other analogous items. * * *

* * * * *

j. Revise the heading of Account 550, Income transferred to other companies, to read as follows:

550 Income transferred under contracts and agreements.

* * * * *

k. Revise paragraph (a) of Account 551, Miscellaneous income charges, to read as follows:

551 Miscellaneous income charges.

(a) This account shall include items, not otherwise provided for in the other income accounts. This includes:

Income tax on the interest on the accounting company's funded debt when these taxes are assumed by the company.

Payments of old accounts previously written off.

Penalties and fines for violation of the Interstate Commerce Act or other federal and state laws.

Loss on sale of securities carried as temporary cash investments.

Loss on sale of land used for transportation purposes and of noncarrier property.

Loss on sale of securities acquired for investment purposes, and charges to write down the ledger value of such securities because of impairment in their value.

Loss from company bonds reacquired.

Increases in the valuation allowance (contained within account 702) for the marketable equity securities included in current assets.

* * * * *

l. Revise paragraph (a) of Account 557, Provison for Deferred Taxes, to read as follows:

557 Provision for deferred taxes.

(a) This account shall include the net tax effect of all material timing differences [See definition 20(e)] originating and reversing in the current accounting period and the future tax benefits of loss carryforwards recognized in accordance with Instruction 1–10.

* * * * *

14. Under General Balance Sheet Accounts Explanations.

a. Revise the heading of Account 792, Liability for Conversion of Capital Stock, and add a sentence to the end of the text to read as follows:

792 Capital stock to be distributed.

* * * This account shall also include stock dividends declared that remain undistributed at the end of an accounting period.

[FR Doc. 87–2624 Filed 2–10–87; 8:45 am]

BILLING CODE 7035–01–M

Proposed Rules

Federal Register
Vol. 52, No. 28
Wednesday, February 11, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 86-AWP-40]

Proposed Amendment to Vandenberg Air Force Base, CA, Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the description of the Vandenberg AFB, California, control zone and include portions within R-2516 which are presently excluded. This action will provide controlled airspace at Vandenberg AFB for conducting Special Visual Flight Rules (SVFR) flight operations when visibility is less than 3 statute miles.

DATES: Comments must be received on or before March 23, 1987.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, Airspace and Procedures Branch, AWP-530, Docket No. 86-AWP-40, Air Traffic Division, P.O. Box 90027, Worldway Postal Center, Los Angeles, California 90009.

The official docket may be examined in the Office of the Regional Counsel, Western-Pacific Region, Federal Aviation Administration, Room 6W14, 15000 Aviation Boulevard, Lawndale, California.

An informal docket may also be examined during normal business hours at the Office of the Manager, Airspace and Procedures Branch, Air Traffic Division at the above address.

FOR FURTHER INFORMATION CONTACT: Frank T. Torikai, Airspace and Procedures Specialist, Airspace and Procedures Branch, AWP-530, Air Traffic Division, Western Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90260, telephone (213) 297-1648.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with the comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 86-AWP-40." 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 Airspace and Procedures Branch, Air Traffic Division, at 15000 Aviation Boulevard, Lawndale, California 90260, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Airspace and Procedures Branch, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. Communications must identify the notice number of the NPRM. Person interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend the description of the Vandenberg AFB, California, control zone and include portions within R-2516 which are presently excluded. This action will provide controlled airspace for SVFR flight operations when visibility is less than 3 statute miles. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6B dated January 2, 1986.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones.

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—[AMENDED]

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.

2. Section 71.171 is amended as follows:

Vandenberg AFB, CA [Amended]

Remove "excluding that portion within R-2516" from the control zone description.

Issued in Los Angeles, California, on January 29, 1987.

Wayne C. Newcomb,

Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 87-2813 Filed 2-10-87; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

23 CFR Part 645

[FHWA Docket No. 86-15, Notice No. 2]

Accommodation of Utilities; Longitudinal Utility Use of Freeway Right-of-Way

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Extension of comment period.

SUMMARY: The FHWA issued a notice of proposed rulemaking (FHWA Docket No. 86-15, 51 FR 45479, December 19, 1986, FR Doc. 86-28569) which proposed to revise the accommodation of utility facilities and private lines on the right-of-way of Federal-aid and direct Federal highway projects. The proposal seeks to clarify requirements regarding utility use of Federal-aid highway right-of-way and modify the conditions under which certain types of utilities, such as fiber optics, may be located longitudinally on Federal-aid freeways (Interstate Highways). All comments to the docket were to be received on or before February 17, 1987. The comment period is being extended to March 17, 1987. This extension will provide more time for the public to prepare responses to this docket.

DATE: Written comments must be received on or before March 17, 1987.

ADDRESS: Submit written comments, preferably in triplicate, to FHWA Docket No. 86-15, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street, SW., Washington, DC 20590. All comments received will be available for examination at the above address between 8:30 a.m. and 3:30 p.m., 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: James A. Carney, Office of Engineering, (202) 366-4652, or Michael J. Laska, Office of the Chief Counsel, (202) 366-1383, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e. t., Monday through Friday, except legal holidays.

(23 U.S.C. 315; 49 CFR 1.48)

Issued on: February 4, 1987.

Robert E. Farris,

Deputy Federal Highway Administrator, Federal Highway Administration.

[FR Doc. 87-2877 Filed 2-10-87; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

24 CFR Parts 905 and 968

[Docket No. R-87-1308; FR-2262]

Indian Housing Program and Comprehensive Improvement Assistance Program—Cost Containment

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of proposed rulemaking.

SUMMARY: Elsewhere in today's issue of the **Federal Register**, HUD is publishing a statement announcing cost containment policies for the Indian housing program and the Comprehensive Improvement Assistance Program. These policies are to be applied as a replacement for the use of recently repealed statutory prototype provisions. This notice of proposed rulemaking references that policy statement, states HUD's intention to use the substance of the policy statement as the basis for a final rule amending Parts 905 and 968, and invites public comment on the announced cost containment policies. A related procedure is being used to develop revised cost containment regulations for public housing development projects.

DATE: Comments must be submitted on or before April 13, 1987.

ADDRESS: Comments on proposal: Interested persons are invited to submit comments to the Rules Docket Clerk, Office of the General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. Comments should refer to the above docket number and title. A copy of each comment received will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Nancy Chisholm, Director, Policy Staff, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410, telephone (202) 755-6713. (This is not a toll-free number.).

SUPPLEMENTARY INFORMATION: The Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1986 (Pub. L. 99-160, approved November 25, 1985) repealed section 6(b) of the United States Housing Act of 1937. Section 6(b) required the Secretary to establish prototype costs for the development of public and Indian housing. These prototype costs were used to limit costs associated with public and Indian housing development and also for modernization.

Elsewhere in today's **Federal Register**, HUD is publishing a statement announcing cost containment policies for the Indian Housing program and the Comprehensive Improvement Assistance Program (CIAP). These policies are to be applied as a replacement for the use of statutory prototype provisions. The policy statement announces that HUD will develop cost standards and will use these standards to limit total development costs for Indian housing projects. The policy statement also describes procedures under which an Indian Housing Authority may request HUD to revise the cost standards for an entire market area (or establish a new market area within an existing market area), and circumstances under which the Department will permit a specific project to exceed the total development cost limitation computed under the cost standards. Finally, the policy statement announces that the Department will use the standards to determine the financial feasibility of modernizing Indian housing projects and will use the previously announced public housing guidelines to determine the financial feasibility of modernizing public housing projects under CIAP (see 51 FR 33818).

HUD intends to use today's policy statement as the basis for a final rule amending the cost containment provisions contained in 24 CFR Parts 905 and 968. For this reason, HUD is inviting public comment on the policy statement, so that the final rule on the subject matter will have the benefit of public participation. This notice applies to Indian housing development projects and CIAP. (A related procedure is being used to develop cost containment regulations for public housing development projects. See 51 FR 33904.)

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement section 102(2)(C) of the

National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 10276, at the address listed above.

This proposal does not constitute a "major rule", as that term is defined in section 1(b) of Executive Order 12291 issued by the President on February 17, 1981. Analysis of the proposal indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Under the Regulatory Flexibility Act (5 U.S.C. 601), the Undersigned hereby certifies that this proposal does not have a significant economic impact on a substantial number of small entities. Since the proposal is intended to have the effect of containing development costs for Indian housing and CIAP projects, it may have an economic impact on builders or developers of such housing, some of whom may constitute small entities, but it is not believed that the number of small entities affected will be substantial.

This proceeding was listed as item 962 in the Department's Semiannual Agenda of Regulations published October 27, 1986 (51 FR 38424, 38468) in accordance with Executive Order 12291 and the Regulatory Flexibility Act.

The information collection requirements contained in this proposal have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3520). The OMB control number is 2577–0101.

The Catalog of Federal Domestic Assistance Program numbers and titles are 14.850, Public and Indian Housing, 14.851, Low-Income Housing Homeownership Opportunities for Low Income Families and 14.852, Public Housing—Comprehensive Improvement Assistance Program.

List of Subjects

24 CFR Part 905

Grant program: housing and community development, Loan programs: housing and community development, Low and moderate income housing, Public housing, Homeownership.

24 CFR Part 968

Loan programs: housing and community development, Public housing, Reporting and recordkeeping requirements, Grant programs: housing and community development, Indians.

Authority: United States Housing Act of 1937 (42 U.S.C. 1437–1437q); sec. 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: October 6, 1986.

J. Michael Dorsey,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 87–2854 Filed 2–10–87; 8:45 am]

BILLING CODE 4210-33-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 620]

Stags Leap District Viticultural Area

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in Napa County, California, to be known as "Stags Leap District." This proposal is the result of a petition submitted by the Stags Leap District Appellation Committee. ATF feels that the establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising will help consumers identify the wines they may purchase.

DATE: Written comments must be received by April 13, 1987.

ADDRESS: Send written comments to: Chief, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044–0385, (Notice No. 620).

Copies of the petition, the proposed regulations, the appropriate map, and the written comments will be available for public inspection during normal business hours at: ATF Reading Room, Room 4406, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: James P. Ficaretta, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226 (202–566–7626).

SUPPLEMENTARY INFORMATION:

Background

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

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

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

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

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical characteristics (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map with the boundaries prominently marked.

Petition

ATF has received a petition proposing an area in Napa County, California, as a viticultural area to be known as "Stags Leap District." The proposed area, located east of the city of Yountville and five to eight miles north of the city of Napa, consists of approximately 2,550 acres. It includes eight bonded wineries and approximately 30 vineyards, with approximately 1,250 acres of grapes. If approved, Stags Leap District would be the third viticultural area within the

Napa Valley viticultural area, along with Los Carneros and Howell Mountain.

Name

Evidence that the name of the proposed area is locally and/or nationally known as referring to the area specified in the petition includes:

(a) Copies of recent wine labels (1979 Pine Ridge Chardonnay, 1980 Pine Ridge Merlot, 1979 Steltzner Vineyards Cabernet Sauvignon, 1980 Markham Merlot), each of which indicates the grapes as having come from the Stags Leap District.

(b) Excerpts from articles appearing in *Trumpetvine Wines, San Francisco Chronicle, Academie Du Vin, San Francisco Examiner,* and *Ashbury Market,* which consistently make references to the proposed "Stags Leap District."

(c) Articles showing that the term "Stags Leap" was in use since Horace and Minnie Chase first used the phrase in reference to their summer manor house, constructed in 1890, and their winery, built in 1893.

(d) U.S.G.S. field report dated 1951 using the name "Stags Leap" to indicate the mountains and mountain formations along the eastern boundary of the proposed viticultural area.

(e) A shipping label dating from the mid-1920's identifying table grapes produced and shipped east under the name "STAG LEAP."

(f) Description of a U.S. Post Office branch called "Stag's Leap" which was located in the basement of Stag's Leap Manor (referred to in paragraph c above), from 1927 to 1944.

Boundaries

Evidence that the boundaries of the proposed area are as specified in the petition includes the following:

(a) In the April/May (1984) issue of *Friends of Wine,* the proposed viticultural area is described as being "east of Yountville, at the Silverado Trail," and includes Stag's Leap Wine Cellars, Shafer Vineyards, Pine Ridge, and Silverado Vineyards. The locations of these vineyards and wineries closely approximate the parameters of the proposed Stags Leap District viticultural area.

(b) Similar references to the above wineries and vineyards as being in the proposed viticultural area are found in Alexis Lichine's *New Encyclopedia of Wines & Spirits* (1984). In addition, reference is made to Clos du Val winery as being within the proposed viticultural area. This winery is located just inside the southern boundary of the proposed Stags Leap District area.

(c) In the March 9, 1983 issue of the *S.F. Examiner,* the proposed viticultural area is described as being on the east side of the Napa Valley where, "[T]wo famous wines from this region are Stags' Leap Wine Cellars . . . and Clos du Val. . . . Dick Steltzner's vineyard, . . . is here. Robert Mondavi has vineyards here. You should also be hearing about Silverado Cellars in coming years."

(d) Further references to Silverado Vineyards as being included in the proposed viticultural area can be found in the January 1–15, 1982 issue of *The Wine Spectator,* where the winery, then under construction, was described as being "located . . . in the Stags' Leap area."

Collectively taken, this evidence describes the proposed viticultural area as being south of the Yountville Cross Road, 4 to 6 miles north of the city of Napa, bounded on the west by the Napa River, and on the east by the Mayacamas Mountains (also called "Stags Leap").

Geography

Evidence that the geographical features of the proposed viticultural area are different from the surrounding areas includes the following:

(a) The combination of low hills and mountains, west or southwest facing slopes, and the resulting westerly to southerly water drainage within the proposed area creates a climatic zone that is different from the surrounding areas of the Napa Valley.

(b) Throughout the proposed viticultural area Bale clay loam is the predominant soil, common from north to south. Conversely, west of the Napa River, Cole silt loam predominates, while the soils to the east of the proposed area consist of rock out-crops.

(c) The topography and soils of the proposed area also influence drainage and water-holding capacity. Generally speaking, the soils west of the Napa River are deeper, richer and hold more water than those within the proposed Stags Leap District.

(d) With respect to water-holding capacity, Bale clay loam (soil within the proposed viticultural area) contains only 0.08–0.11 inches of available water per inch of soil, while the Cole silt loam contains 0.16–0.21 inches of water per inch of soil, or approximately double the water-holding capacity.

(e) The low hills and west-facing exposure contribute to air flow patterns and temperature profiles that result in days that are warmer earlier and nights that are cooler than the surrounding areas. The proximity of the proposed viticultural area to San Pablo Bay (located south of the proposed area), and its prevailing winds, moderated by the hills, also influences the climate in the proposed Stags Leap District.

(f) The configuration of the proposed viticultural area favors an inflow of cool air from San Pablo Bay. The air then exits to the mountain elevations to the north, or moves to the main valley floor through the narrow passes at the northern boundary of the proposed Stags Leap District.

(g) Due to the hilliness of the proposed area, fog and low clouds clear earlier in this area when compared to the lower elevations to the west of the Napa River.

Boundaries of the Area

The boundaries of the proposed Stags Leap District viticultural area may be found on one United States Geological Survey (U.S.G.S.) map of the 7.5 minute series, titled Yountville, California.

The boundaries, as referred to in the petition, are described in § 9.117.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this notice of proposed rulemaking because the proposal is not expected (1) to have significant secondary or incidental effects on a substantial number of small entities; nor (2) to impose, nor otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of Section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact nor compliance burdens on a substantial number of small entities.

Compliance With Executive Order 12291

It has been determined that this proposed rulemaking is not classified as a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (1981), because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-

based enterprises in domestic or export markets.

Paperwork Reduction Act

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

Public Participation—Written Comments

ATF requests comments from all interested persons concerning this proposed viticultural area. This document proposes possible boundaries for the Stags Leap District viticultural area. However, comments concerning other possible boundaries for this viticultural area will be given consideration.

Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

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

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request, in writing, to the Director within the 60-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

List of Subjects in 27 CFR Part 9

Administrative Practice and Procedure, Viticultural Areas, Consumer Protection, and Wine.

Drafting Information

The principal author of this document is James P. Ficaretta, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority and Issuance

PART 9—AMERICAN VITICULTURAL AREAS

Accordingly, the Director proposes the amendment of 27 CFR Part 9 as follows:

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

Authority: 27 U.S.C. 205.

Par. 2. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.117 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.117 Stags Leap District.

Par. 3. Subpart C of 27 CFR Part 9 is amended by adding § 9.117 to read as follows:

§ 9.117 Stags Leap District.

(a) *Name.* The name of the viticultural area described in this section is "Stags Leap District."

(b) *Approved map.* The appropriate map for determining the boundaries of the Stags Leap District viticultural area is one U.S.G.S. topographic map in the 7.5 minute series titled "Yountville, Calif.," 1951 (photorevised 1968).

(c) *Boundaries.* The proposed Stags Leap District viticultural area is located in Napa County, California, within the Napa Valley viticultural area. The exact boundaries of the proposed area, based on landmarks and points of reference on the approved map, are as follows:

(1) Commencing at the intersection of the intermittent stream with the Silverado Trail at the 60 foot contour line in T6N/R4W, approximately 7 miles north of the city of Napa.

(2) Then southwest in a straight line, approximately 900 feet, to the Napa River.

(3) Then in a northwest direction, at an angle of 212 degrees, along the Napa River until it intersects the intermittent stream in T7N/R4W, approximately 1,500 feet southeast of the secondary highway, Grant Body (Yountville Cross Rd.).

(4) Then northeast in a straight line to the summit of the adjacent hill, approximately 330 feet in elevation, west of the Silverado Trail, in T7N/R4W.

(5) Then northeast in a straight line to the summit of the adjacent hill, approximately 310 feet in elevation.

(6) Then northeast in a straight line to the summit of the adjacent hill, approximately 210 feet in elevation.

(7) Then southeast in a straight line, across the Silverado Trail, to the summit of the adjacent hill, approximately 290 feet in elevation, located in the southwest corner of Section 29 in T7N/R4W.

(8) Then east in a straight line to the summit of the adjacent hill, approximately 270 feet in elevation.

(9) Then northeast in a straight line, at an angle of 47 degrees, to the 400 foot contour line in Section 29 of T7N/R4W.

(10) Then in a generally southeast direction, following the 400 foot contour line through Sections 32, 33, 4, and 3, until it intersects the intermittent stream in the southwest corner of Section 3 in T6N/R4W.

(11) Then in a generally southwest direction along that intermittent stream to the beginning point, at the intersection with the Silverado Trail.

Signed: January 9, 1987.

Stephen E. Higgins,

Director.

Approved: January 15, 1987.

John P. Simpson,

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

[FR Doc. 87-2748 Filed 2-10-87; 8:45 am]

BILLING CODE 4810-31-M

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Part 1190

Minimum Guidelines and Requirements for Accessible Design

AGENCY: United States Architectural and Transportation Barriers Compliance Board (ATBCB).

ACTION: Notice of proposed rulemaking.

SUMMARY: Public comment is invited on a proposal that would amend the *Minimum Guidelines and Requirements for Accessible Design* (MGRAD). MGRAD is issued by the ATBCB pursuant to section 502(b)(7) of the Rehabilitation Act of 1973, to establish minimum guidelines and requirements for standards issued by the four standard-setting agencies under the Architectural Barriers Act of 1968. First, the amendment would add requirements for standards to be applied to leased facilities at the time of leasing. Due to litigation which was pending when the MGRAD was adopted and which was concluded in early 1986, the ATBCB had deferred the adoption of MGRAD provisions on this subject. Second, the amendment would add an advisory paragraph concerning detectable tactile surface treatments that may be used as warnings for visually impaired people. Because information on detectable tactile surface treatments was limited at the time MGRAD was published in 1982, the section on detectable warnings was reserved. Research has now been completed on this subject and the ATBCB has made a determination based on these findings and other information.

DATE: Written comments must be submitted on or before April 13, 1987.

ADDRESS: Written comments should be addressed to the General Counsel, Architectural and Transportation Barriers Compliance Board, 330 C Street, SW., Room 1010, Washington, DC 20202. Comments received will be available for public inspection at the above address from 9 a.m. to 5 p.m., Monday through Friday. This proposed rule is available on cassette at the above address for persons with visual impairments.

FOR FURTHER INFORMATION CONTACT: Debra Fischer, ATBCB, 330 C Street, SW., Room 1010, Washington, DC 20202, (202) 245-1801 (v/TDD). This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

Background of Proposed Rule

The Architectural and Transportation Barriers Compliance Board (ATBCB) was established by section 502 of the Rehabilitation Act of 1972, as amended (Pub. L. 93-112, 29 U.S.C. 792) to insure compliance with standards prescribed pursuant to the Architectural Barriers Act of 1968, as amended (Pub. L. 90-480, 42 U.S.C. 4151 *et. seq.*) (the Act). The Act is intended to insure that certain buildings financed with Federal funds are designed, constructed, and altered in accordance with standards issued by four Federal agencies to provide ready access and use of such buildings to physically handicapped people. The four agencies authorized to issue standards for all design, construction and alternation subject to the Act are the Department of Defense for its buildings and facilities; the Department of Housing and Urban Development for residential structures; the U.S. Postal Service for its buildings and facilities; and the General Services Administration for all other buildings and facilities.

A 1978 amendment to section 502 of the Rehabilitation Act, Pub L. 95-602, authorized the Board to issue minimum guidelines and requirements (MGRAD) for these standards. The MGRAD now in effect was published on August 20, 1982 (47 FR 33862), and are codified at 36 CFR Part 1190.

One MGRAD section, 36 CFR 1190.34, was originally intended to contain requirements for standards for leased buildings. It was reserved, however, in recognition of the fact that litigation was pending concerning whether the Act requires that buildings be made accessible at the time of leasing, or only as they are otherwise altered. That litigation was resolved by a court decision holding that the Architectural Barriers Act (the Act) requires that buildings be made accessible at the time of leasing. *Rose v. United States Postal Service*, 774 F.2d 1355 (9th Cir. 1985). In early 1986, a decision was made not to seek *certiorari* in the United States Supreme Court. One standard-issuing authority has issued interim standards intended to carry out the court's mandate. 51 FR 13122 (April 17, 1986). This proposal would add MGRAD provisions for the standards required by the court holding.

The ATBCB's staff was directed by the Board Chairperson at the Board's meeting on March 13, 1986, to begin development of MGRAD provisions for § 1190.34 and to work with the four standard-setting agencies in that effort. The resulting working group also included representatives of the Department of Justice, whose member of the Board is the chairperson of the Board's Standards Committee. The Standards Committee approved the resulting proposal at its meeting on November 18, 1986. The Board approved the proposal on November 19, 1986.

It also was determined at the time MGRAD was published that the section on tactile warnings (1190.190) would remain "Reserved." Upon review of the American Natural Standards Institute's *Specifications for Making Buildings and Facilities Accessible to and Usuable by Physically Handicapped People* (ANSI A117.1-1980) and other available information, the ATBCB found at that time that there was not sufficient research and/or field experience to support a Federal requirement. In addition, concerns were raised regarding the potential for detectable surfaces to become tripping hazards at locations such as the top of stairs. As a result, in 1984, the ATBCB sponsored research on detectable tactile surface treatments. This research was intended to provide the ATBCB with sufficient research data to establish, as needed, technical and usage requirements for surface treatments at stairs; curb ramps; edges of streets without curbs, guardrails, planted areas, or similar boundary elements; edges of pools; changes in direction; means of egress; and other locations as necessary. Specific research objectives included: (1) Determining a range of detectable materials; (2) determining the effectiveness of detectable surfaces as warning and as information devices; (3) examininig detectable tactile surfaces in terms of their acceptance and use; (4) determining if detectable tactile surface treatments have any adverse effects; and (5) recommending requirements for surface treatments.

The research report was completed in 1985, reviewed by the ATBCB, and circulated to interested parties for review and comment. The comments received, along with issues outlined in the research report, were then reviewed by a working group comprised of staff representatives from the four standard-setting agencies, the Department of Justice, and the ATBCB. The working group members reviewed the research findings on an issue-by-issue basis, discussing the research report recommendations, the comments received, the legal issues raised, and the *Uniform Federal Accessibility Standards* (UFAS) and ANSI provisions relating to the specific issues.

While the research report did outline specific issues and areas for possible provisions, the final report recommended against mandating Federal requirements for use of detectable surface treatments. The report raised questions about the usefulness of detectable surface treatments for wayfinding and orientation and questioned the cost, effectiveness, maintenance, and durability of the reviewed materials. The report also was unable to find a single universally detectable surface treatment that was appropriate for all applications, and suggested that mandating the use of specific materials through codes and standards may not be advisable.

Because of this the ATBCB is proposing to amend §§ 1190.190, 1190.70, and 1190.80 by deleting the word "reserved" in those sections of MGRAD and inserting at § 1190.190 a paragraph directing readers to the 1986 ANSI standard for specifications and to the ATBCB for technical assistance. The ATBCB notes two issues on which there is not full agreement with the ANSI standard. First, the ANSI standard requires detectable warning surfaces on curb ramps. Concerns have been raised about the difficulties which people with certain mobility impairments (particularly amputees or persons using braces) have in walking on the surface treatments typically used for detectable warnings. These problems are particularly acute when the treatments are applied to sloping surfaces such as curb cuts. An additional point is that the ANSI standard requires only a textural contrast for detectable warnings, while the ATBCB research indicated that other cues such as sound and resiliency are equally or more useful. This issue is discussed in a summary of the ATBCB research report that is available from the office identified in the proposed rule.

Should additional research and information on detectable tactile surface

treatments become available, the Board will reconsider the issue as appropriate.

Provisions of the Proposed Rule

Leased Facilities

The proposed new provision at § 1190.34 would establish the following requirements:

Subsection (a). Section 1190.34(a) would require that any building or facility or portion thereof subject to the Architectural Barriers Act that is to be leased by the Federal Government, without having been designed or constructed in accordance with its specifications, must comply with the accessibility requirements of § 1190.31, New construction, or incorporate the features listed in § 1190.33(c), Alterations. It would further require, where buildings complying with both § 1190.31 and § 1190.33 were available, that reasonable preference be given to buildings offered for lease that met the requriements for new construction. This would recognize that other requirements such as location may override the marginal increase in accessibility that a building meeting new construction standards might afford, compared to a building meeting the requirements for alterations.

Subsection (b). Since facilities available for leasing by the Federal Government (other than those designed and constructed to meet Federal standards) are limited to the building stock in a given locality that is offered on the market at that particular time, there may be cases where no space is offered for lease that meets either § 1190.31 or § 1190.33. To cover those situations, § 1190.34(b) would establish minimum guidlines and requirements that would have to be met by making alterations to the space before it could be occupied. These requirements would assure that accessible routes were provided to those spaces where the principal functions are carried out and to certain building features—toilet rooms and parking areas—where such features are determined to be necessary for access to and use of the building or facility. Subsection (b) also specifies the minimum number of accessible toilet rooms that must be provided based on the number and locations of toilet rooms in the building or facility.

The requirements in subsection (b) are intended to permit leased space to have an accessible route to public activity areas, toilets, and other elements necessary for access to or use of the space different from the accessible route to other areas such as those used by employees. This subsection is not intended to require an accessible route between public use and other activity areas, where the different areas are intended to be kept separate.

This subsection, moreover, is not intended to require accessible toilet or other facilities to be provided where the intended use of the facility does not require such facilities to be provided for non-handicapped persons. In post offices, for example, where the work area and public retail areas are typically kept separate, and typically only the employees are provided with toilet facilities, this subsection would not require that the public be provided with either a toilet in the public areas or an accessible route to the employee toilet. An accessible route, however, would be required to the public area toilet, if there were a public toilet.

The rule applies to buildings, facilities, or portions thereof leased by the Federal Government. If a portion of a building, such as a third floor, is leased, the rule requires an accessible route from an accessible entrance to the building, not just from the entrance to the third floor.

Proposed § 1190.34(b)(2) would require that consideration be given to providing certain other accessible spaces or features complying with appropriate MGRAD sections. This is consistent with present 36 CFR § 1190.33(c)(6).

Subsections (c) and (d). Section 1190.34(c) would provide that when leased space is subsequently altered, the alterations would be required to compy with § 1190.33, Alterations. Similarly, paragraph 1190.34(d) would provide that, if leased space is increased by the construction of an addition which is also leased by the Federal Government, the addition would have to be constructed in accordance with § 1190.32, Additions.

Subsection (e). Section 1190.34(e) would permit space to be leased without further alteration if it meets past or present state or local access codes or the standards recommended by the American National Standards Institute (ANSI) A117.1, and provides features required by § 1190.34. The purpose of this provision is to allow buildings which already have the features needed for accessibility to the proposed area to be leased as is, even though the building may not comply in one respect or another with the present federally-prescribed way of achieving the goal of accessibility. There are many buildings of relatively recent construction which were privately designed and constructed in accordance with ANSI A117.1 or with state or local building codes, which are generally consistent with or identical to standards recommended by ANSI. Thus the rule permits the leasing of space that complies with other codes and that provides the accessibility features required by the rule, even though the space may not meet all of the technical requirements of this rule.

Subsection (e) would not, however, permit leasing inaccessible space in a building which otherwise met non-Federal accessibility requirements referenced in this section. For example, if a building met ANSI requirements by having only one of several entrances accessible, and there were no accessible route from the accessible entrance to the portion of the building available for leasing, leasing the inaccessible portion of the building would not be consistent with this provision.

Subsection (f). This subsection would provide that once leased space is accessible or made accessible under these provisions, no new accessibility alterations will be required, except where alterations or additions covered by § 1190.34(c) and (d) are made.

Subsection (g). Exceptions are specified in § 1190.34(g). The first exception would be for cases where the space is necessary for officials servicing natural or human-made disasters. In such situations, space generally must be leased on an emergency basis, without the opportunity for planning. The second exception would be for space leased for use on an intermittent basis. This would allow leasing of special use spaces, such as Department of Defense test sites that may be used as locations for test instruments and are visited only on an intermittent basis to check or service such instruments. The third exception would be for short-term leases not to exceed twelve months, which, for example, occasionally must be obtained quickly on short notice, when new leased space does not become available as planned (such as when a lease expires but unanticipated construction delays prevent the planned occupation of new space). This exception is intended to provide for continuity of government oprations until such time as space meeting Federal accessibility requirements does become available.

An additional exception would be provided for mechanical rooms and other spaces which normally are not frequented by the public or by handicapped employees of the occupant agency or which by nature of their use are not required to be accessible. This exception also is provided under § 1190.33, Alterations and § 1190.32, Additions.

Detectable Warnings

The proposed paragraph at § 1190.190 would direct readers to ANSI A117.1–

1986, section 4.27, for specifications on detectable warnings and to the ATBCB for technical assistance. This approach encourages uniformity in recommended standards (by referencing the existing standards in ANSI) where the designer or builder chooses to provide detectable warnings, while not mandating that they be used. While the ATBCB is not fully satisfied with all of the provisions in ANSI, referencing ANSI *and* providing technical assistance gives the user sufficient information on which to make a design decision.

Other Information

This proposed rule has been submitted to the Office of Management and Budget and reviewed under procedures established in Executive Order 12291.

The ATBCB has determined, as required by the National Environmental Policy Act of 1969, 42 U.S.C. 4332, that the proposal will not have any significant impact on the environment. This rule does not constitute a "major rule" as that term is defined in section 1(b) of the Executive Order 12291 on Federal Regulations. With regard to the proposed § 1190.34, both the United States Postal Service and the General Services Administration, the two agencies which issue standards covering the majority of the buildings currently leased by the Federal Government that are subject to the Architectural Barriers Act, already have standards governing accessibility of leased buildings which in their view impose costs substantially equivalent to any impact of the proposed rulemaking. The proposed § 1190.190 and related revisions do not impose any requirements.

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the ATBCB certifies that this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 36 CFR Part 1190

Buildings, Handicapped, Leasing.

Accordingly, 36 CFR Part 1190 is proposed to be amended as set forth below.

By vote of the Board on November 19, 1986.

Charles Hauser,

Chairperson, Architectural and Transportation Barriers Compliance Board.

PART 1190—MINIMUM GUIDELINES AND REQUIREMENTS FOR ACCESSIBLE DESIGN

1. The authority citation for Part 1190 continues to read as follows:

Authority: Section 502(b) of the Rehabilitation Act of 1973 [29 U.S.C. 792(b)(7)], as amended by the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 (Pub. L. 95–602), 92 Stat. 2979, and the Rehabilitation Act Amendments of 1986 (Pub. L. 99–506).

2. The table of contents is amended by (1) removing the word "[Reserved]" after § 1190.34 in Subpart C and inserting in its place the words, "Accessible buildings and facilities: Leased", and (2) removing "Tactile Warnings: [Reserved]." after § 1190.190 and adding "Detectable Warnings".

3. Section 1190.34 is added to read as follows:

§ 1190.34 Accessible buildings and facilities: Leased.

(a) Buildings or facilities or portions thereof leased by the Federal Government shall comply with § 1190.31, New construction, or shall incorporate the features listed in § 1190.33(c), Alterations. Where both types of buildings are available for leasing, reasonable preference must be given to buildings or facilities complying with § 1190.31, New construction.

(b) If space complying with paragraph (a) of this section is not available, space may be leased only if the space meets, or is altered to meet, the following conditions:

(1) At least one accessible route is provided from an accessible entrance complying with § 1190.120, Entrances, to those areas in which the principal activities for which the building or facility was leased are conducted. Separate accessible routes may be provided to areas serving different groups of users (e.g., the public, employees).

(2) The accessible route shall comply with the requirements of § 1190.50, Walks, floors, and accessible routes, and provide access to whatever accessible facilities are either required or provided, such as accessible toilets.

(i) Toilet facilities, to the extent required for the ready intended use of the building or facility, shall be provided as follows—

(A) Where more than one toilet for each sex is provided in a building or facility, at least one toilet facility which complies with § 1190.150, Toilet and bathing facilities, shall be provided for each sex on each floor having toilets; or

(B) In a building or facility providing only one toilet for each sex or where the only toilet provided is a unisex toilet, either one unisex toilet or one toilet for each sex complying with § 1190.150 shall be provided.

(ii) Parking facilities, if a parking area is included within the lease, shall be provided complying with § 1190.60, Parking and passenger loading zones, to the extent feasible.

(3) Where an agency determines that an area does not require the provision of toilets or parking facilities for the users or occupants of that area, nothing in this section shall be construed to require the provision of any such facilities.

(4) Consideration shall be given to providing accessible elements and space in each altered building or facility complying with:

(i) Section 1190.120 Drinking fountains;

(ii) Section 1190.160 Telephones;

(iii) Section 1190.180 Alarms;

(iv) Section 1190.220 Seating, tables, and work surfaces;

(v) Section 1190.230 Assembly areas; and

(vi) Section 1190.240 Storage.

(c) If space leased in accordance with the requirements of paragraph (a) or (b) of this section is subsequently altered, then the alterations shall comply with the requirements of § 1190.33, Alterations.

(d) If space leased in accordance with the requirements of paragraph (a) or (b) of this section is increased by construction of an addition, the addition shall comply with § 1190.32, Additions, to the extent it is leased by the Federal Government.

(e) If leased space at the time of leasing meets past or present state or local codes or the recommended standards of the American National Standards Institute (ANSI) A117.1 for accessibility to physically handicapped people, and provides the features required by this section, the space may be used as is or altered to comply with such technical requirements of paragraph (a) or (b) of this section.

(f) Once leased space in an existing building is accessible or is made accessible hereunder, no new accessibility alterations shall be required except where alterations or additions are made to the building which are covered by paragraphs (c) and (d) of this section.

(g) Exceptions. (1) If no space complying with paragraph (a) or (b) of this section is available for leasing, space as available may be leased without alterations:

(i) If the lease is necessary for officials servicing natural or human-made disasters;

(ii) If the space is used on an intermittent basis; or

(iii) If the occupancy of the space is for no more than twelve months.

(2) Mechanical rooms and other spaces which normally are not frequented by the public or handicapped

employees of the occupant agency or which by nature of their use are not required to be accessible are excepted from this section.

§ 1190.70 [Amended]

4. Section 1190.70 is amended by removing paragraph (e)(9) including the note.

§ 1190.80 [Amended]

5. Section 1190.80 is amended by removing paragraph (f) including the note.

6. Section 1190.190 is revised to read as follows:

§ 1190.190 Detectable warnings.

Note.—The ATBCB has funded research in the area of detectable tactile surface treatments. The research findings were inconclusive and, therefore, recommended no mandatory requirements at this time. The ATBCB refers those needing technical specifications for detectable warnings to the American National Standards Institute A117.1–1986, *American National Standard for Buildings and Facilities—Accessibility and Usability for Physically Handicapped People*, Section 4.27.

Technical assistance materials are available from ATBCB, 330 C Street, SW., Room 1010–2101, Washington, DC 20202, (202) 472–2700 (voice or TDD).

[FR Doc. 87–1800 Filed 2–10–87; 8:45 am]

BILLING CODE 6820-BP-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 6E3426/P410; FRL–3153–8]

Pesticide Tolerance for Iprodione

AGENCY: Office of Pesticides and Toxic Substances, Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes a tolerance for the combined residues of the fungicide iprodione, its isomer and metabolite in or on the raw agricultural commodity ginseng. The proposed regulation to establish a maximum permissible level for residues of the fungicide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR–4).

DATE: Comments, identified by the document control number [PP 6E3426/P410], should be received on or before March 13, 1987.

ADDRESS: By mail, submit written comments to: Information Services Section, Program Management and Support Division (TS–757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person, bring comments to: Rm 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

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

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

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, submitted pesticide petition 6E3426 to EPA on behalf of Dr. Robert H. Kupelian, National Director, IR–4 Project and the Agricultural Experiment Stations of Kentucky and North Carolina.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for the combined residues of the fungicide iprodione [3-(3,5-dichlorophenyl)-*N*-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide] its isomer [3-(1-methylethyl)-*N*-(3,5-dichlorophenyl)-2,4-dioxo-1-imidazolidinecarboxamide] and its metabolite 3-(3,5-dichlorophenyl)-2,4-dioxo-1-imidazolidinecarboxamide in or on the raw agricultural commodity ginseng at 2 parts per million (ppm). In addition, IR–4 has submitted a related food additive petition 6H5504 proposing a regulation to permit residues of the fungicide in dried ginseng at 4 ppm, resulting from application to the growing crop.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the proposed tolerance include:

1. A three-generation rat reproduction study with a no-observed-effect level (NOEL) of 500 ppm (25 milligram (mg)/kilogram (kg) of body weight per day), a reproductive lowest-effect level (LEL) of 2,000 ppm (100 mg/kg/day), and a systemic NOEL equal to or greater than 2,000 ppm (100 mg/kg/day, highest dose tested).

2. A rabbit teratology study in which the following doses were administered by gavage, 0, 100, 200 and 400 mg/kg/day resulting in a teratogenic NOEL equal to or greater than 400 mg/kg/day (highest dose tested). This study is considered unacceptable under current guidelines because no NOEL for fetotoxic effects were demonstrated. A second rabbit teratology study in which the doses were administered by gavage at 0, 20, 60 and 200 mg/kg/day indicated a maternal NOEL of 20 mg/kg/day and a NOEL for developmental toxicity at 60 mg/kg/day. Developmental toxicity (skeletal variations) was demonstrated at 200 mg/kg/day.

3. A 24-month rat feeding/oncogenicity study using dosage levels of 125, 250, and 1,000 ppm (6.25, 12.5, and 50 mg/kg body weight/day), which showed no oncogenic effects under the conditions of the study and resulted in a systemic NOEL equal to or greater than 1,000 ppm.

4. An 18-month oncogenicity study in mice using dosage levels of 200, 500 and 1,250 ppm (28.6, 71.4, 178.6 mg/kg body weight/day), which showed no oncogenic effects under the conditions of the study.

5. A 1-year dog feeding study using dosage levels of 100, 600 and 3,600 ppm (2.5, 15 and 90 mg/kg body weight/day) with a NOEL of 100 ppm (2.5 mg/kg body weight/day) and a LEL of 600 ppm (15 mg/kg body weight/day, hematopoietic effects).

6. A 90-day dog feeding study using dosage levels of 800, 2,400 and 7,200 ppm (20, 60 and 180 mg/kg body weight/day) with a NOEL of 2,400 ppm (60 mg/kg body weight/day) and a LEL of 7,200 ppm (180 mg/kg body weight/day, liver hypertrophy).

7. A mammalian cell forward mutation study, a Chinese hamster ovary (CHO) metaphase analysis study, and a sister chromatid exchange study which were negative for mutagenic effects and a DNA damage study which was positive.

The acceptable daily intake (ADI), based on the 3-generation reproduction study NOEL of 25 mg/kg/day (equivalent to 500 ppm) and using a 100-fold safety factor, is calculated to be 0.25 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 15 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5-kg daily diet is calculated to be 0.0325 mg/kg/day; the current action including the associated food additive regulation (6H5504), is calculated to increase the TMRC by 0.0018 mg/day (0.1 percent). Published tolerances utilize 10.51 percent of the ADI; the current action will utilize an additional 0.01 percent.

The nature of the residues is adequately understood and an adequate analytical method, gas liquid chromatography using an electron capture detector, is available for enforcement purposes. An analytical enforcement method is currently available in the Pesticide Analytical Manual (PAM) Volume II. There are presently no actions pending against the continued registration of this chemical.

No secondary residues in meat, milk, poultry or eggs are anticipated since ginseng is not considered a livestock feed commodity. Based on the information and data considered, the Agency concludes that the tolerance will protect the public health. Therefore, it is proposed that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments should bear a notation indicating the document control number, [PP 6E3426/P410]. All written comments filed in response to this petition will be available in the Information Services Section, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

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

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

List of Subjects in 40 CFR Part 180

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

Dated: February 2, 1987.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR Part 180 be amended as follows:

PART 180—[AMENDED]

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

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

2. Section 180.399(a) table is amended, by adding and alphabetically inserting, the commodity ginseng to read as follows:

§ 180.399 Iprodione; tolerances for residues.

(a) * * *

Commodities	Parts per million
* * * * *	
Ginseng	2.0
* * * * *	

[FR Doc. 87-2714 Filed 2-10-87; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 386

Regulations Governing Public Buildings and Grounds at the United States Merchant Marine Academy

AGENCY: Maritime Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Maritime Administration (MARAD) is proposing new regulations to enhance the security of buildings and grounds at the United States Merchant Marine Academy, located at Kings Point, New York (Academy), as well as the security of persons entering in or on such property. MARAD has the responsibility for operating the Academy pursuant to authority delegated by the Secretary of Transportation (Secretary). The Administrator of General Services has delegated authority to the Secretary to appoint special police for the protection of buildings, grounds, and equipment at the Academy, and the Secretary has redelegated this authority to the Maritime Administrator. The proposed regulations would formally implement this authority.

DATE: Comments must be received on or before March 30, 1987.

ADDRESS: Send original and two copies of comments to the Secretary, Maritime Administration, Room 7300, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. All comments will be made available for inspection during normal business hours at this address. Commenters wishing MARAD to acknowledge receipt should enclose a self-addressed and stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: John J. White, Office of Management Services, Maritime Administration, 400 Seventh Street, SW., Washington, DC 20590, Tel. (202) 366-2812.

SUPPLEMENTARY INFORMATION: Pursuant to the Act of June 1, 1948 (62 Stat. 281), as amended, the Administrator of General Services (Administrator), the head of the General Services Administration (GSA), may appoint uniformed guards as special police for duty in connection with the policing of public buildings under the jurisdiction of the Administrator. "Such special policemen shall have the same powers as sheriffs and constables upon such Federal property to enforce the laws enacted for the protection of persons and property, and to prevent breaches of the peace . . . and to enforce any rules and regulations made and promulgated by the Administrator or such duly authorized officials of the Administration for the property under their jurisdiction." (40 U.S.C. 318). The Administrator delegated to the Secretary of Commerce the authority "to appoint uniformed guards as special policemen and to make all needful rules and regulations for the protection of those parcels of property at the U.S. Merchant Marine Academy at Kings Point, New York . . . which are not protected by the GSA guards, and over which the Federal Government has exclusive or concurrent jurisdiction" (32 FR 11969, August 18, 1967).

Prior to the transfer of MARAD to the Department of Transportation (DOT) by Pub. L. 97-31 (95 Stat. 151, August 6,

1981), MARAD was a unit of the Department of Commerce, and was responsible for operating the Academy, pursuant to authority in Title XIII of the Merchant Marine Act, 1936 (Act), as amended (46 U.S.C. 1295). That authority had been delegated to MARAD by the Secretary of Commerce. After MARAD's transfer to DOT, the Secretary delegated authority to the Maritime Administrator to carry out the Act, and specifically authorized the Maritime Administrator to exercise the authority delegated by the Administrator for protection duties on those parcels of property at the Academy which are not protected by GSA guards, and over which the Federal Government has exclusive or concurrent jurisdiction. (49 CFR 1.66).

MARAD administers the Academy under the direction of the Superintendent, and maintains its extensive grounds and numerous buildings. There is a uniformed security guard at the entrance to the Academy, but admission is routine and virtually unrestricted. Moreover, the Academy has only a few uniformed security personnel, none of whom can now exercise police power to enforce existing uncodified Academy regulations governing such matters as operation of motor vehicles, entry on the premises and use of alcohol and controlled substances. This situation has resulted because MARAD has not actually exercised its delegated authority to appoint such guards as uniformed special police and has not formally issued regulations governing Academy protection, to be enforced by these special police. Moreover, in the event of a serious violation of Federal law, Academy officials now must seek the assistance of the Federal Bureau of Investigation in enforcing that law.

By informal agreement with the Village of Kings Point and the Nassau County Police, the Academy may seek the assistance of its police force in enforcing State or local law. However, the absence of on-site law enforcement officials hampers the Academy in providing adequate, continuous security for its premises and the people thereon. It requires the Academy to delay enforcement action because of the necessity to seek outside assistance.

These proposed regulations would implement authority that has been delegated to the Secretary by the Administrator of GSA, and redelegated to MARAD, to appoint uniformed guards as special police and to make all necessary regulations for the protection of Academy property. Enforcement of these proposed regulations would be through arrest and/or the issuance of process. If these regulations are finalized, they would be posted for public notice at appropriate locations. Imposition of fines would be according to the governing statute and a Schedule of Fines for Petty Offenses to be established by order of the United States District Court, Eastern District of New York. The proposed regulations specify the prohibited conduct that would be subject to legal action.

The following is a summary description of the proposed regulations.

Academy Hours

Section 386.1 sets forth the hours Academy property is closed to the public. This section also provides for and describes appropriate identification credentials for persons admitted to Academy grounds.

Prohibited Acts

Section 386.3 prohibits the theft of or damage to Academy property, and the creation of litter or hazards.

Sections 386.5 and 386.7 require compliance with official signs and Academy police and security personnel regulations, and prohibit loitering, disturbances and disorderly conduct on Academy grounds.

Further Prohibitions

Section 386.9 prohibits gambling, except under certain circumstances, and § 386.11 prohibits the operation of an automobile while under the influence of alcohol or drugs not prescribed by a physician. The general use and possession of alcohol on Academy premises is also prohibited, unless there is a special written exemption from the Superintendent or a designee.

Sections 386.13 through 386.21 prohibit soliciting, vending and debt collection, distribution of handbills, unauthorized photographic activities and the presence of animals at the Academy, with exceptions, as well as the possession of weapons, explosives, incendiary materials, and parts thereof.

Traffic Violations

Section 386.23 sets forth vehicular and pedestrian traffic rules.

Penalties

Finally § 386.25 provides for penalties for violations of this part.

The Maritime Administrator has determined that this proposed rule is not a major rule, as defined in E.O. 12291, nor a significant rule under DOT Order 2100.5. The proposed rule would implement statutory authority, delegated to MARAD, to protect property and persons at the Academy. It would affect a very limited group of people, namely, the Midshipmen and the faculty and other employees of the Academy, as well as visitors to the Academy. It would merely result in the appointment of existing Academy employees as special police. For these reasons, the Maritime Administrator certifies, pursuant to the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*), that the rule would not exert a significant economic impact on a substantial number of small entities. The budgeted cost for security and fire protection at the Academy is almost $249,000 for FY 1987 and $263,000 for FY 1988. The appointment of Special Police will not increase the cost of security since existing staff would be used. Because of this minimal economic impact, further economic evaluation is unnecessary. This proposed rule contains no reporting requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 46 CFR Part 386

Federal buildings and facilities, Law enforcement officers, Penalties.

Accordingly, it is proposed to add a new 46 CFR Part 386, to read as follows:

PART 386—REGULATIONS GOVERNING PUBLIC BUILDINGS AND GROUNDS AT THE UNITED STATES MERCHANT MARINE ACADEMY

Sec.

386.1 Hours of admission to property.
386.3 Preservation of property.
386.5 Conformity with signs and posted regulations.
386.7 Disturbances.
386.9 Gambling.
386.11 Alcoholic beverages and controlled substances.
386.13 Soliciting, vending, and debt collection.
386.15 Distribution of handbills.
386.17 Photographs for news, advertising or commercial purposes.
386.19 Dogs and other animals.
386.21 Vehicular and pedestrian traffic.
386.23 Weapons and explosives.
386.25 Enforcement, penalties and other laws.

Authority: 40 U.S.C. 318; 32 FR 11969 (August 18, 1967), Pub. L. 97–31 (95 Stat. 151, August 6, 1981); 49 CFR 1.66.

§ 386.1 Hours of admission to property.

Academy property shall be closed to the public during other than normal working hours, as well as during Regimental leave periods and indoctrination training for the fourth class year. The closing of property shall not apply where the Superintendent has approved the after normal working hours use of buildings or athletic facilities for authorized activities. During normal working hours, property

shall be closed to the public only when situations require this action to ensure the orderly conduct of Academy business. The Superintendent, or a designated representative of the Superintendent, shall make the decision to close all or any areas of Academy property. This action shall be coordinated with the Head, Department of Public Safety and Security (Security), of the Academy. When property, or a portion thereof, is closed to the public, admission to the property, or to any area thereof, shall be restricted to authorized persons, who shall register with Security personnel upon entry to the property. When requested, any person shall display Government or other identifying credentials to Security personnel when entering, leaving, or while on Academy property.

§ 386.3 Preservation of property.

Prohibited actions against property on the Academy grounds are improper disposal of rubbish; theft of or damage to property; throwing articles from an Academy building; and climbing on statues, fountains or any part of a building.

§ 386.5 Conformity with signs and posted regulations.

Persons in and on academy property shall, at all times, comply with official signs and posted regulations of a prohibitional, instructional or directional nature, and shall also comply with the directions of Academy special police and other authorized officials. These regulations shall be enforced by uniformed special police and other designated security personnel.

§ 386.7 Disturbances.

Any loitering, disorderly conduct or other conduct on Academy property which creates loud or unusual noise or a nuisance which unreasonably obstructs the use of any area, including entrances, foyers, lobbies, corridors, offices, elevators, stairways, or parking lots; or impedes or disrupts the performance of official duties by Government employees or Midshipmen activities is prohibited.

§ 386.9 Gambling.

Unless permitted by Executive or Department of Transportation Order, participating in games of chance for money or other consideration, or in the operation of gambling devices, or the conduct of a lottery or a pool, or the selling or purchasing of numbers tickets, is prohibited on Academy property.

§ 386.11 Alcoholic beverages and controlled substances.

Operation of a motor vehicle on Academy property while intoxicated, under criteria set forth in the statutes of the State of New York, is prohibited. The consumption or possession by any person on Academy property of alcoholic beverages, narcotic durgs, hallucinogens, marijuana, barbiturates, amphetamines or any other substances controlled under the laws of the State of New York or the United States is prohibited. These prohibitions shall not apply in cases where drugs are being used as prescribed for a patient by a licensed physician. The prohibition against possession and consumption of alcoholic beverages shall not apply when possessed or consumed by staff or resident officers in private residences, or when the Superintendent, or a designee of the Superintendent, has granted an exemption in writing for an appropriate reason.

§ 386.13 Soliciting, vending, and debt collection.

Soliciting alms, or commercial soliciting and vending of all kinds, displaying or distributing commercial advertising, or collecting private debts is prohibited on Academy property. This prohibition does not apply to national or local drives for funds for charitable purposes, welfare, health, or other purposes as authorized by the "Manual on Fund Raising Within the Federal Service," issued by the U.S. Office of Personnel Management under Executive Order 10927 of March 18, 1961, and sponsored or approved by the Superintendent; and to commercial lessees and contractors authorized to sell goods or services.

§ 386.15 Distribution of handbills.

The distribution of materials such as pamphlets, handbills and flyers, and the displaying of placards or posting of materials on bulletin boards or elsewhere in or an Academy property shall be coordinated with the Head, Department of Public Safety and Security, of the Academy so as not to impede Academy employees in the performance of their duties or Midshipmen activities.

§ 386.17 Photographs for news, advertising, or commercial purposes.

Such photographs for news, advertising or commercial purposes may be taken on Academy premises only with the written consent of the Office of External Affairs at the Academy. Except where national security regulations apply or a Federal Court Order or rule prohibits, photographs for news purposes may be taken in entrances, lobbies, foyers or corridors, or in auditoriums in which public meetings are being held. Photographs for advertising and commercial purposes may be taken only with the written permission of and in locations specified by the Office of External Affairs.

§ 386.19 Dogs and other animals.

Persons are prohibited from bringing dogs and other animals on to the Academy premises, except for authorized purposes and except for seeing eye or other guide dogs, or pets approved in writing by the Superintendent or a designee of the Superintendent.

§ 386.21 Vehicular and pedestrian traffic.

Operators of all vehicles on Academy property shall drive in a careful and safe manner at all times and shall comply with the signals and directions of Academy special police, Security personnel or other authorized individuals, and all posted traffic signs and with restrictions indicated by marked traffic areas. The following acts are prohibited on Academy property: the blocking with vehicles of entrances, driveways, walks, loading platforms or fire hydrants; parking without a permit, except in emergencies; parking in unauthorized locations or in locations reserved for other persons, or parking contrary to the direction of posted signs or marked traffic areas, including yellow curbs. Vehicles parked in violation of the foregoing shall be subject to the issuance of a Traffic Violation Notice and/or removal of the vehicle at the owner's risk and expense. The Superintendent may issue and post other specific traffic directives as may be required, applicable to drivers and pedestrians. When so issued and posted, such directives shall have the same force and effect as if made a part hereof. Proof that a motor vehicle was in violation of these regulations or such directives shall be evidence that the registered owner was responsible for the violation.

§ 386.23 Weapons and explosives.

No person shall carry or possess firearms, other dangerous or deadly weapons or parts thereof, explosives or items intended to be used to fabricate an explosive or incendiary device, or parts thereof, either openly or concealed, while on Academy property, except for official purposes specifically authorized in writing by the Superintendent or a designee of the Superintendent.

§ 386.25 Enforcement, penalties and other laws.

Whoever shall be found guilty of violating any regulations in this part while in or on Academy property is subject to a fine of not more than $50 or imprisonment of not more than 30 days, or both (40 U.S.C. 318c). Nothing in these regulations shall be construed to abrogate any other Federal laws or regulations or any State and local laws and regulations applicable to any area in which the property is situated. These regulations shall be posted prominently throughout the Academy. Penalties for their violation shall be incorporated in Schedule of Fines for Petty Offenses established by order of the United States District Court for the Eastern District of New York.

Dated: February 5, 1987.

By order of the Maritime Administrator.

James E. Saari,

Secretary.

[FR Doc. 87-2731 Filed 2-10-87; 8:45 am]

BILLING CODE 4910-81-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

[CC Docket 86-495; FCC 86-555]

Common Carrier Services; Basic Exchange Telecommunications Radio Service

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is requesting comments on proposed amendments to 47 CFR 22.2, 22.601, 22.903, 22.911, and 22.913. The proposed changes would make certain common carrier mobile frequencies available for radio loops to connect remote, isolated basic exchange telephone subscribers to Central Offices. The Commission is taking this action because there may be nearly 900,000 households with no basic exchange telephone service or with party-line telephone service due to the prohibitive cost of constructing and maintaining wire or cable to remote locations.

DATES: Comments are due March 30, 1987; reply comments are due April 27, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Susan E. Magnotti, Mobile Services Division, Common Carrier Bureau, (202) 632-6450.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking, CC Docket 86-495, adopted December 18, 1986 and released January 16, 1987. The full text of Commission decisions are available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037

Summary of Notice of Proposed Rulemaking

The Rural Electrification Administration and several rural telephone company associations petitioned the Commission to allocate frequencies for radio loops to connect remote or isolated subscribers to the nearest Central Office so that they could receive basic exchange telephone service for the first time, or to upgrade party line service. The Notice of Proposed Rulemaking suggests three alternatives as sources of frequencies for this service: co-primary sharing of frequencies currently available for Rural Radio Service; cellular allocations to Rural Cellular Area licensees; and certain Private Radio frequencies not generally in use in rural areas.

List of Subjects in 47 CFR Part 22

Communications common carriers, Communications equipment, Radio Reporting and recordkeeping requirements, Rural areas.

Part 22 of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

PART 22—PUBLIC MOBILE SERVICE

1. The authority citation for Part 22 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended (47 U.S.C. 154, 303), sec. 553 of the Administrative Procedure Act (5 U.S.C. 553), unless otherwise noted.

2. Section 22.2 will be amended by alphabetically adding the following definition:

§ 22.2 Definitions

* * * * *

Basic Exchange Telecommunications Radio Service. A fixed service offered by licensees in the Domestic Cellular Radio Telecommunications service for Rural Service Areas (RSAs). Also, a fixed service offered by licensees in the Rural Radio Service. Both services provide basic telephone exchange service by connecting remote subscriber locations through a radio loop to the central office.

* * * * *

3. Section 22.903 will be amended by adding new paragraph (f) to read as follows:

§ 22.903 Cellular System Service Areas.

* * * * *

(f) Use of cellular frequencies for Basic Exchange Telephone Service by a Rural Service Area licensee may not cause interference outside the boundaries of the RSA.

4. Section 22.913 will be amended by adding a new paragraph (a)(12) to read as follows:

§ 22.913 Content of applications.

(a) * * *

(12) Applicants for an RSA who intend to use cellular frequencies for BETR service must include the areas in which the service will be offered within their proposed CGSA.

* * * * *

5.4. Section 22.911 will be amended by adding paragraph (e):

§22.911 Permissible communications.

* * * * *

(e) Use of cellular frequencies by RSA licensees for BETR service is permitted. Such use may not exceed emission, bandwidth, and height/power limitations set forth in §22.905, 22.904, 22.906, and 22.907, as amended.

6. Section 22.601 will be amended by revising paragraph (a) to read as set forth below, by redesignating paragraphs (c) through (f) as paragraphs (d) through (g), and by adding a new paragraph (c) to read as follows:

§22.601 [Amended]

(a)(1) The frequencies in paragraph (b) of this section are available to applicants in the rural radio service, provided no harmful interference is caused to stations in the Public Land Mobile Service;

(2) The frequencies in paragraph (c) of this section are available to applicants in the rural radio service, for the provision of Basic Exchange Telecommunications Radio Service, provided the following conditions are met:

(i) rural radio service licensees may not use these frequencies within 100 miles of the border of the top 54 SMSAs as defined in the Domestic Cellular Radio Service;

(ii) the frequencies must be used as grouped and paired;

(iii) rural radio licensees must protect existing systems at the time of grant;

(iv) the same frequency groups may not be reassigned to a base station within 70 miles of another base station on the same channels;

(v) technical parameters for the use of these frequencies are the same as those in §§ 22.904, 22.905, 22.906, and 22.907, and the use of directionalized antennas is acceptable;

(3) for the Canadian Regions and within 68.4 miles of the Mexican border, the frequencies in paragraph (c) of this section are not available, however, a suitable allocation will be made on a case-by-case basis.

* * * * *

(c) The following frequencies are available on a co-primary basis for Basic Exchange Telecommunications Radio Service:

Subscriber location	*Central Office*
816.2375	861.2375
817.2375	862.2375
818.2375	863.2375
819.2375	864.2375
820.2375	865.2375
816.2125	861.2125
817.2125	862.2125
818.2125	863.2125
819.2125	864.2125
820.2125	865.2125
816.1875	861.1875
817.1875	862.1875
818.1875	863.1875
819.1875	864.1875
820.1875	865.1875
816.1625	861.1625
817.1625	862.1625
818.1625	863.1625
819.1625	864.1625
820.1625	865.1625
816.1375	861.1375
817.1375	862.1375
818.1375	863.1375
819.1375	864.1375
820.1375	865.1375
816.1125	861.1125
817.1125	862.1125
818.1125	863.1125
819.1125	864.1125
820.1125	865.1125
816.0875	861.0875
817.0875	817.0875
818.0875	818.0875
819.0875	819.0875
820.0875	820.0875
816.0625	861.0625
817.0625	862.0625
818.0625	863.0625
819.0625	864.0625
820.0625	865.0625
816.0375	861.0325
817.0375	862.0325
818.0375	863.0325
819.0375	864.0325
820.0375	865.0325
816.0125	861.0125
817.0125	862.0125
818.0125	863.0125
819.0125	864.0125
820.0125	865.0125

* * * * *

Federal Communications Commission,
William J. Tricarico,
Secretary.

[FR Doc. 87-2695 Filed 2-10-87; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 192 and 195

[Docket No. PS-93; Notice 1]

Proposals for Pipeline Safety; Request for Comment

AGENCY: Office of Pipeline Safety (OPS), Research and Special Programs Administration, DOT.

ACTION: Advance Notice of Proposed Rulemaking (ANPRM).

SUMMARY: This notice, issued in advance of a proposed rule invites public comment on whether certain proposals for new or amended standards are needed for the safety of gas or hazardous liquid pipelines. Current requirements may be insufficient to provide an acceptable level of safety. The comments are to assist OPS in developing a final position on the proposals.

DATE: Interested persons are invited to submit written comments in triplicate before March 30, 1987. Late filed comments will be considered if practical.

ADDRESS: Send comments to the Dockets Unit, Office of Hazardous Materials Transportation, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Identify the docket and notice numbers stated in the headings of this notice. All comments and docketed materials will be available for inspection and copying in Room 8426 between 8:30 a.m. and 5:00 p.m. each business day.

FOR FURTHER INFORMATION CONTACT: L. M. Furrow, (202) 366-2392, regarding the subject matter of this notice, or Sandra Cureton, (202) 366-5046, for copies of this notice or other material in the docket.

SUPPLEMENTARY INFORMATION: On July 8, 1986, about 4:20 a.m., an 8-inch petroleum products pipeline operated by Williams Pipeline Company ruptured in Mounds View, Minnesota. Gasoline, spilling from an opening in the longitudinal seam of the electric resistance welded pipe, flowed along the town streets. In about 20 minutes, the vapors were ignited, and an explosion and fired killed a mother and her young daughter, who were escaping their smoke-filled home. One other person was severely burned, and many Mounds View homes suffered extensive damage as the fire followed the path of the spreading gasoline. There was also serious environmental damage.

In the wake of this accident, the National Transportation Safety Board conducted hearings (the results of which are not yet available) and the OPS began enforcement action against Williams Pipeline. The Governor of Minnesota formed a Commission on Pipeline Safety, which on November 20, 1986, issued a report (hereafter "Minn. Rep.") which included its "Findings and Recommendations" on pipeline safety. (A copy of the report is in the docket). During the 99th Congress, Senator Durenberger introduced S2780 (132 Cong. Rec. S11956, August 15, 1986), proposing several amendments to the Hazardous Liquid Pipeline Safety Act of 1979 (HLPSA); while in the House of Representatives, Mr. Vento introduced H.R. 5401 (132 Cong. Rec. H6047, August 12, 1986) to make various other amendments to both the HLPSA and the Natural Gas Pipeline Safety Act of 1968 (NGPSA). Then on September 16, 1986, in the House Mr. Sikorski voiced his concerns about pipeline safety in support of H.R. 4426, the House Energy and Commerce Committee's pipeline safety bill (132 Cong. Rec. H6937). Additionally, Mr. Sharp, Chairman of the Subcommittee on Fossil and Synthetic fuels, reported the Committee's pipeline safety recommendations fomulated earlier in the year in conjunction with H.R. 4426 (132 Cong. Rec. H6938).

Except for the reporting provisions of H.R. 4426 that were included in Pub. L. No. 99-516 (approved October 22, 1986), none of the proposed legislation has been enacted. It is expected, however, that the issues will be debated again during further Congressional hearings this year. Already, Mr. Vento has introduced H.R. 262, the "Safe Pipeline Act of 1987," an expanded version of H.R. 5401 noted above.

OPS is considering each of the proposals to determine whether changes are needed in the Federal pipeline safety program now in effect under the HLPSA and NGPSA. The proposals cover a broad range of topics, including regulations, enforcement activities, research, and relations with State agencies. However, the ones of concern in this notice involve adoption of new or amended Federal safety standards for gas pipeline subject to 49 CFR Part 192 and hazardous liquid pipelines subject to 49 CFR Part 195. The purpose of this notice, therefore, is to seek comments from all knowledgeable sources about the need to carry out the standards-related proposals. OPS will use the information provided to assess the

problems the proposals imply and to identify and evaluate possible alternative solutions to these problems. OPS then will choose an appropriate course of action which may be to issue a notice of proposed rulemaking based on one or more of the proposals.

The proposals, with sources noted, are enumerated below. In a few cases related ones are grouped together. Also included under each number are the current Federal pipeline safety standards that bear on the proposal and a few relevant questions. The questions are intended to focus public discussion on issues OPS believes are important, but should not be viewed as limiting comments just to those issues. OPS is particularly interested in receiving comments that address the safety problem implied by each proposal, discuss the effectiveness of any current Federal, State, or voluntary standard that relates to the problem, describe ways now being applied or available to resolve the problem, and discuss the feasibility and cost-effectiveness of implementing the proposal or any alternative way to resolve the problem. In responding to this notice, commenters are requested to use subheadings to identify the proposal and question to which their specific remarks are addressed. Unless otherwise specified, commenters may assume that the proposals relate to gas transmission and distribution pipelines and to interstate and intrastate hazardous liquid pipelines.

1. Proposal

Require operators to provide local jurisdictions, fire departments, and public safety agencies with ½ mile of pipelines, maps, inventories, and descriptions of transported substances, updated as appropriate. In addition, provide local fire departments and public safety agencies a copy of each operator's operations, maintenance and emergency manual. (H.R. 262; Min. Rep., Rec. 1.4).

Applicable Federal Standards

The Federal standards do not specifically require that operators provide the recommended information to local jurisdictions or agencies. However, liaison with public officials is required by § 192.615(c) and § 195.402(c)(12) to plan responses in an emergency.

Questions

(a) Should the Federal government mandate that operators provide the information regardless of whether a local jurisdiction or agency has requested it?

(b) Could local jurisdictions or agencies that want the information obtain it under their own authority without Federal intervention?

(c) At present, do operators voluntarily provide the information upon request of local authorities?

(d) How will the proposed requirement benefit emergency preparedness?

2. Proposal

• Require operators to provide land owners within ½ mile of pipelines, written notice of each pipeline's existence, its location, and how to identify and respond to hazards. (H.R. 262)

• Establish standards for uniform public education programs. (Minn. Rep., Rec. 2.3)

Applicable Federal Standards

The Federal standards do not require that operators provide each land owner written notice of a pipeline's location and hazards. However, § 192.615(d) and §195.440 require operators to conduct a continuing educational program through comprehensive media to enable customers and the public to recognize and report a pipeline emergency. These programs vary from operator to operator.

Questions

(a) Would the proposed written notice to land owners of a pipeline's location and emergency response information be a beneficial addition to the communication required by the current standard?

(b) What would be the cost of notifying all such landowners?

(c) What compliance difficulties are foreseen for gas distribution systems or other pipelines in residential and urban areas in giving the proposed written notice?

(d) Should public education programs be uniform or be allowed to vary according to local conditions?

(e) What additional standards should be established for uniform public education programs?

3. Proposal

Require operators to post conspicuous signs at road crossings. (H.R. 262)

Applicable Federal Standards

Line markers are required at public road crossings by § 192.707 and § 195.410, but sign size is not regulated. Certain exceptions apply to urban areas.

Questions

(a) Are pipeline markers at road crossings an important factor in preventing damage from roadway excavation activities or providing quicker response time to emergency situations?

(b) If roadway signs are important, should conspicuous signs be required in all neighborhoods and urban areas without regard for the problems of land use, installation, or esthetic considerations?

(c) What should be the standard for conspicuousness?

(d) Would "conspicuous" signs at road crossings interfere with other safety signs such as stop signs or railroad crossing signs?

4. Proposal

• Convert required shutoff valves on existing pipelines to work automatically and require new pipelines to be equipped with automatic shutoff valves. (H.R. 262)

• On new lines, install remote-control shutoff valves every 20 miles in rural areas; every 4 miles in urban areas. Periodically test these valves. (Minn. Rep., Rec. 5.3)

Applicable Federal Standards

Shutoff valves are required by § 192.179, § 192.181, and § 192.260 at certain locations, but they need not operate automatically or be remotely controllable.

Questions

(a) For new pipelines, are automatic or remote-control shutoff valves included in the design, and, if so, where are they installed?

(b) Are automatic or remote-control shutoff valves effective in mitigating the consequences of a pipeline accident?

(c) Do automatic or remote-control shutoff valves present any optional difficulties?

(d) What would be the conversion costs for existing pipelines; the installation costs for new lines; the operating costs for both?

5. Proposal

• Require operators to determine and submit (to OPS) an inventory, including specifications, of the types of pipeline in their systems. (H.R. 262)

Applicable Federal Standards

Operators of hazardous liquid pipelines are required by § 195.404(a)(4) to keep a record of the type of pipe in their systems as well as the pipe grade, diameter and wall thickness, but they do not have to submit this information to OPS. Gas operators are not required to record or submit this information.

Questions

(a) What information should be submitted under the category of "type" of pipeline?

(b) What are the benefits of requiring operators to submit this information to OPS?

(c) Would the benefits outweigh the costs of collecting and submitting it, and of maintaining it?

6. Proposal

- Require integrity testing at least every 2 years, with frequency and type of test determined case-by-case in light of certain pipeline and environmental factors. (H.R. 262)
- Require tests every 3 years to detect release potential. (S2780)
- Require increased use of "smart pigs" to detect flaws, based on population density and certain pipeline and environmental factors. (Subcommittee, Fossil and Synthetic Fuels; Mr. Sikorski)

Applicable Federal Standards

An initial pressure test is required for new pipelines during construction, but the standards do not require subsequent periodic tests to demonstrate the continued physical integrity of pipelines. Since the initial pressure test requirement does not apply to existing pipelines (unless they are replaced or relocated), there may be existing pipelines in operation that have not been tested. However, § 195.302 requires that existing pipelines transporting highly volatile liquids (HVL) which were not initially pressure tested to 1.25 times their maximum operating pressure must be tested to that level or have their operating pressure reduced commensurately. Also, periodic testing for corrosion is required by § 192.465(e) and §195.416.

Questions

(a) Should the 1.25 safety margin mandated for existing HVL pipelines be required for existing pipelines carrying other petroleum products or natural gas?

(b) Should periodic integrity testing be mandated for all product, HVL, or gas pipelines in populated areas?

(c) Are there any adverse safety consequences associated with periodic pressure testing?

(d) What would be the costs and benefits of industry wide testing or testing on a selective basis?

(e) Under what conditions should OPS require the use of "smart pigs"?

7. Proposal

Prohibit new pipelines within 150 feet of any permanently inhabited facility. (H.R. 262) (Assume this proposal does not apply to gas distribution systems).

Applicable Federal Standards

The location of new gas pipelines is not restricted, but new rights-of-way for hazardous liquid pipelines must avoid inhabited areas as far as practicable (§ 195.210).

Questions

(a) How would the proposed 300-foot zone affect the occurrence or results of accidents?

(b) What compliance or operational difficulties are foreseen?

(c) Should exemptions be permitted for new pipelines on existing, or enlargements of existing, rights-of-way; for replacements or relocations of existing pipelines?

(d) Island use for pipelines an appropriate Federal function, or are State and local governments better suited to plan such use?

(e) How would land use be controlled within the proposed zone after the pipeline is constructed?

8. Proposal

Specify "chemical fertilizer products" as a "Hazardous liquid." (H.R. 262)

Applicable Federal Standards

The Part 195 standards define "Hazardous liquid" to include "anhydrous ammonia," which is the predominate chemical fertilizer products. (§ 195.2)

Question

(a) Besides anhydrous ammonia, what products transported by pipeline would be covered by the suggested definitional change?

(b) Are any of these products transported in pipelines that are already subject to Part 195 because the pipeline also carries a regulated commodity such as anhydrous ammonia?

(c) Do any unregulated pipelines carrying these products pose a sufficient threat to public safety to warrant imposition of Part 195 safety standards?

9. Proposal

Include carbon dioxide (CO_2) pipelines in the regulation of hazardous liquid pipelines. (Subcommittee on Fossil and Synthetic Fuels)

Applicable Federal Standards

The Part 195 standards do not apply to CO_2 pipeline.

Question

(a) Do CO_2 pipelines pose a sufficient threat to life or property to warrant imposition of Federal safety regulations?

(b) If Federal standards are imposed, should there be exceptions for gathering or transmission lines in rural areas?

10. Proposal

Require existing hazardous liquid pipelines to be coated or cathodically protected to prevent corrosion. (S2780)

Applicable Federal Standards

The standards require that new and effectively coated existing pipelines be cathodically protected in areas of active corrosion. Periodic tests are required to discover areas of active corrosion. (§§ 195.242 and 195.414)

Questions

(a) What would be the added costs of requiring full cathodic protection on existing pipelines that are ineffectively coated or bare?

(b) Would this investment pay for itself in terms of preventing corrosion caused accidents?

(c) What alternatives to the present or proposed requirement are there to preventing corrosion-caused leaks on existing pipelines?

(d) Should more frequent tests be required to discover areas of active corrosion?

11. Proposal

Require new hazardous liquid pipelines and existing ones in populated areas to have double-wall construction with continuous leak detection systems. (S2780; Minn. Rep. Rec. 5.5)

Applicable Federal Standards

None

Questions

(a) What has been the operating experience, if any, with this technology?

(b) What would be the costs of implementation?

(c) After implementation, what would be the expected impact on safety in terms of accidents prevented or consequences lessened?

12. Proposal

- Require operators to improve ability to rapidly locate and isolate leaks, through remote-controlled valves, (spaced according to population) remotely monitored gauges and meters at pump stations, and more specific emergency procedures. (Minn. Rep. Rec. 4.4)
- Establish release (leak) detection standards and hazardous liquid pipelines. (S2780)

Applicable Federal Standards

Under § 195.412, hazardous liquid pipeline rights-of-way must be inspected

for signs of leaks every 2 weeks. Gas pipelines must be checked for leads at various intervals under §§ 192.705, 192.706, 192.721, and 192.723. Emergency procedures are required by § 192.615 and § 195.402.

Questions

(a) What technology is commercially available that would enable prompt leak detection so that corrective action could be taken in populated areas before deaths, injuries or substantial property damages would be likely to occur?

(b) What are the costs of implementation?

(c) What changes might be made to the emergency procedures to improve operators' response to emergencies?

13. Proposal

Require siting standards for hazardous liquid pipelines similar to those in effect for gas pipelines. (Mr. Sikorski)

Applicable Federal Standards

There are no standards in Part 191 or Part 195 for "siting" pipelines but many of the standards for gas and hazardous liquid pipelines increase in stringency as pipelines enter more populated areas. The gas standards increase in stringency according to a set of "class location" criteria based on population density near the pipeline. In contrast, the stringency of the hazardous liquid standards varies by the use of such terms as "residential" or 'industrial" areas.

Questions

(a) How would the class location criteria in Part 192 improve the safety of hazardous liquid pipelines if applied to the regulations in Part 195?

(b) Should any of the Part 192 standards based on class location for which there is no comparable Part 195 requirement be added to Part 195, and why?

14. Proposal

Require for hazardous liquid pipelines an increased safety margin between test and operating pressure depending on population or environmental factors. (Minn. Rep., Rec. 4.1)

Applicable Federal Standards

Section 195.406 requires at least a 20 percent margin between test and operating pressure for all new pipelines. The margin for new gas pipelines is either 10, 20, or 33 percent depending on population (§ 192.619).

Questions

(a) What would be the rationale for development and selection of an increased safety margin for hazardous liquid pipelines?

(b) What would be the result in terms of accidents prevented if the current safety margin were increased?

(c) What would be the incremental cost of increasing the margin?

15. Proposal

Require submission of 4-year comprehensive reports on the condition of pipelines (corrosion, leaks, etc.). Use them as basis for remedial action, i.e., pigs, pressure tests, replacement. (Minn. Rep., Rec. 4.2)

Applicable Federal Standards

Operators are required by § 192.491 and § 195.404 to record the results of each required corrosion control test or inspection. Serious leaks must be reported as required by 49 CFR Parts 191 and 195. Repairs on gas transmission lines must be recorded under § 192.709 and on hazardous pipelines under § 195.404. Also, pursuant to Pub. L. No. 99–156 (approved October 22, 1986), operators will be required to report adverse safety related conditions within 5 days of discovery.

Questions

(a) What additional information about a pipeline's condition, besides what is now or will be required to be recorded or reported, would be useful in determining the need for integrity testing?

(b) What would be the paperwork brudens/cost of filing the proposed information with OPS?

16. Proposal.

Since seam failure in electric resistance welded pipe have caused a number of accidents, a study should be conducted to learn which ERW pipe is susceptible to seam degradation. (Minn. Rep., Rec. 4.5)

Applicable Federal Standards

None

Questions.

(a) Because accident data show the rate of ERW failures is diminishing, would the expected benefits of any generally applied remedy be expected to exceed costs?

(b) Should particular ERW pipelines that have experienced ERW-related ruptures be replaced or tested frequently in densely populated areas?

(c) What remedy, if any, should be applied to deter continued ERW-degradation discovered on pipelines in any area?

17. Proposal

Require operators to create or partcipate in "one call" systems. (H.R. 262)

Applicable Federal Standards

Operators of gas pipelines in populated areas are now required by § 192.614 to conduct or participate in "one call" or other damage prevention programs. There is no such requirement for hazardous liquid pipeline operators, although OPS is studying the costs and benefits of such a requirement.

Questions

(a) Should "one call" systems be required to the exclusion of alternative programs?

(b) Should participation be required in areas of low population, such as Class 1 and 2 locations for gas pipelines or rural areas for hazardous liquid pipelines, where the cost of participation may exceed the potential benefits?

18. Proposal

- Provide for Increased Federal oversight in design and construction of new pipelines. (H.R. 262)
- Study the need for certification of pipeline design and construction personnel (Minn. Rep., Rec. 5.6)

Applicable Federal Standards

Parts 192 and 195 contain extensive design standards which OPS and State agencies enforce through site visits. However, there are no Federal standards governing the qualifications of *design* personnel, and only those *construction* personnel who weld steel pipe or join plastic pipe are subject to qualification standards (§§ 192.227, § 192.285 and § 195.222). Also, the Federal standards do not require operators to notify OPS of pending construction or to submit design plans for approval prior to construction, although upon request by the Federal Energy Regulatory Commission OPS reviews the design of interstate transmission facilities.

Questions

(a) What safety problems are there in the design and construction of pipelines

that current Federal standards do not cover adequately?

(b) If these problems involve the abilities of persons who design or construct pipelines, could they be resolved by amending or enlarging the scope of the current qualification requirements, or is a Federal certification program needed to control the problem?

(c) Do State or local jurisdictions commonly require review or certification of pipeline design plans by a licensed professional engineer before granting construction permits?

Issued in Washington, DC on February 6, 1987.

Richard L. Beam,

Director, Office of Pipeline Safety.

[FR Doc. 87-2878 Filed 2-10-87; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

[Docket No. 50219-6214]

North Pacific Fur Seal—Pribilof Island Population; Designation as Depleted

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

ACTION: Proposed rule; extension of comment period.

SUMMARY: The NMFS is extending the comment period on the proposed rule to designate the Pribilof Island population of North Pacific fur seals as depleted under the Marine Mammal Protection Act. The proposed rule was published in the **Federal Register** on December 30, 1986, (51 FR 47155). The extension from a 39-day comment period (ending February 6, 1987) to a 67-day comment period (March 6, 1987) is being granted to accommodate the special needs of rural Alaskans.

DATES: Comments on the proposed rule must be submitted on or before March 6, 1987.

ADDRESSES: Comments may be mailed to Nancy Foster, Director, Office of Protected Species and Habitat Conservation, F/M4, NMFS, Washington, DC 20235.

FOR FURTHER INFORMATION CONTACT: Georgia Cranmore, 202-673-5351.

Dated: February 5, 1987.

James E. Douglas, Jr.

Acting Deputy Administrator, National Marine Fisheries Service.

[FR Doc. 87-2830 Filed 2-10-87; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 52, No. 28
Wednesday, February 11, 1987

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

February 6, 1987.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96–511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404-W Admin. Bldg., Washington, DC 20250, (202) 447–2118.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attn: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Desk Officer of your intent as early as possible.

Extension

• *Agricultural Marketing Service*

Reporting requirements under 7 CFR Part 51, Regulations Governing Inspection, Certification and Standards for Fresh Fruits, Vegetables, and Other Products.
FV–237 and FV–292
On occasion
State or local governments; Businesses or other for-profit; 212,206 responses; 6,341 hours; not applicable under 3504(h)
Donald Paradis, (202) 447–2482

• *Animal and Plant Health Inspection Service*

Application for Inspection and Certification of Animal Byproducts
VS Form 16–24
On occasion
Businesses or other for-profit; 20 responses; 10 hours; not applicable under 3504(h)
Mark P. Dulin, (301) 436–8499

• *Animal and Plant Health Inspection Service*

9 CFR Part 11 Horse Protection Regulations
VS Form 19–7
Recordkeeping; On occasion; Monthly; Quarterly
Businesses or other for-profit; 73,182 responses; 11,917 hours; not applicable under 3504(h)
Dr. W.C. Stewart, (301) 436–7833

• *Food and Nutrition Service*

Report of the Summer Food Service Program for Children Agreement Between Sponsor and USDA (Summer Food Service Program for Children)
7 CFR Part 225
FNS 80 and FNS 418
Monthly May through September, Annually
State or local governments; Non-profit institutions; 8,770 responses; 64,682 hours; not applicable under 3504(h)
Alan Rich, (703) 756–3100

• *Forest Service*

Timber Sale Operating Plans
On occasion
Businesses or other for-profit; Small businesses or organizations; 3,000 responses; 14,250 hours; not applicable under 3504(h)
Stephen J. Paulson, (202) 475–3755

New

• *Farmers Home Administration*

7 CFR Part 1942–J, Technical Assistance and Training Grants
On occasion, Monthly, Quarterly
Non-profit institutions; 800 responses; 810 hours; not applicable under 3504(h)
Jack Holston, (202) 382–9736

Revision

• *Forest Service*

Timber Export Restriction Certifications and Records FS–2400–43, FS–2400–44, FS–2400–45, and FS–2400–46
Recordkeeping; On occasion; Annually
Businesses or other for-profit; Small businesses or organizations; 37,800 responses; 11,760 hours; not applicable under 3504(h)
Stephen J. Paulson (202) 475–3755.

Jane A. Benoit,
Departmental Clearance Officer.

[FR Doc. 87–2888 Filed 2–10–87; 8:45 am]
BILLING CODE 3410–01–M

Agricultural Stabilization and Conservation Service

Agricultural Marketing Service

Mohair Advertising and Promotion

AGENCIES: Agricultural Stabilization and Conservation Service and Agricultural Marketing Service, USDA.

ACTION: Notice of results of mohair producer referendum.

SUMMARY: The purpose of this notice is to announce that the requisite number of mohair producers voting in a referendum have approved a new agreement between the U.S. Department of Agriculture (USDA) and the Mohair Council of America, Inc. (MCA). The referendum was conducted by the Secretary of Agriculture in accordance with provisions of section 708 of the National Wool Act of 1954, as amended (7 U.S.C. 1787), the "Wool Act." The agreement provides for deductions to be made from the price support payments made to producers under the Wool Act on mohair from Angora goats marketed during the years 1986 through 1990. Amounts so deducted are to be used by the MCA for advertising and sales promotion programs and for programs pertaining to the dissemination of

information on product quality, production management, and marketing improvement for mohair or the products thereof.

EFFECTIVE DATE: February 11, 1987.

FOR FURTHER INFORMATION CONTACT: Jerry W. Newcomb, Director, Emergency Operations and Livestock Programs Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, P.O. Box 2415, Washington, DC 20013. Telephone (202) 447–5621.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures implementing Executive Order 12291 and Departmental Regulation 1512–1 and has been classified as "not major." It has been determined that this notice will not result in: (1) an annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

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

The title and number of the Federal assistance program to which this notice applies as found in the Catalog of Federal Domestic Assistance are: National Wool Act Payments; 10.059.

Section 708 of the Wool Act authorizes the Secretary of Agriculture to enter into agreements with, or to approve agreements entered between, marketing cooperatives, trade associations, or others engaged or whose members are engaged in the handling of wool, mohair, sheep, or goats or the products thereof for the purpose of developing and conducting advertising and sales promotion programs and programs for the development and dissemination of information on product quality, production management, and marketing improvement, for wool, mohair, sheep, or goats or their products. Section 708 further provides that such agreements may provide for the deduction of amounts from payments due producers under the mohair price support program, such amounts to be used in paying costs of such activities, if a minimum of two-thirds of the voting producers or producers who have produced two-thirds of the total volume of production represented in the referendum approve the agreements.

A referendum was held during the period of July 14 through July 25, 1986, to determine whether mohair producers approved such an agreement for the 1986 through 1990 marketing years. Anyone who owned Angora goats 6 months of age or older in the United States, continuously, for a period of a least 30 days during the calendar year 1985 was eligible to vote. In the referendum 1,834 producers, constituting 82.2 percent of the voting producers, voted in favor of the agreement and 397 producers or 17.8 percent voted against it.

Notice

An agreement providing for pro rata reductions to be made from price support payments made to producers of mohair for the 1986 through 1990 marketing years has been approved by producers, in accordance with section 708 of the National Wood Act of 1954, as amended, in a referendum conducted during the period July 14 through July 25, 1986. More than two-thirds of the total number of producers voting in the referendum indicated their approval of such agreement.

The agreement entered into with USDA provides for deductions to be made from price support payments at a rate not to exceed 4½ cents per pound of mohair marketed. Deductions of 4½ cents per pound will be made from payments on 1986 marketings of mohair. Amounts deducted will be made available to the MCA to be used to finance domestic and foreign advertising and sales promotion programs and programs for the development and dissemination of information on product quality, production management, and marketing improvement for mohair or the products thereof.

The agreement was signed and became effective on October 15, 1986.

Dated: January 14, 1987.

Milton J. Hertz,

Administrator, Agricultural Stabilization and Conservation Service.

Dated: February 4, 1987.

J. Patrick Boyle

Administrator, Agricultural Marketing, Service.

[FR Doc. 87–2837 Filed 2–10–87; 8:45 am]

BILLING CODE 3410–05–M

Wool Advertising and Promotion

AGENCIES: Agricultural Stabilization and Conservation Service and Agricultural Marketing Service, USDA.

ACTION: Notice of results of wool producer referendum.

SUMMARY: The purpose of this notice is to announce that the requisite number of wool producers voting in a referendum have approved an agreement between the U.S. Department of Agriculture (USDA) and the American Sheep Producers Council, Inc. (ASPC). The referendum was conducted by the Secretary of Agriculture in accordance with provisions of section 708 of the National Wool Act of 1954, as amended (7 U.S.C. 1787), the "Wool Act." The agreement provides for deductions to be made from the price support payments made to producers under the Wool Act on shorn wool and unshorn lambs marketed during the years 1986 through 1990. Amounts so deducted are to be used by ASPC for advertising and sales promotion programs and for programs pertaining to the dissemination of information on product quality, production management, and marketing improvement for wool, sheep, or the products thereof.

EFFECTIVE DATE: February 11, 1987.

FOR FURTHER INFORMATION CONTACT: Jerry W. Newcomb, Director, Emergency Operations and Livestock Programs Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, P.O. Box 2415, Washington, DC 20013. Telephone (202) 447–5621.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures implementing Executive Order 12291 and Departmental Regulation 1512–1 and has been classified as "not major." It has been determined that this notice will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice of result of referendum since the USDA is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of

proposed rulemaking with respect to the subject matter of this notice.

The title and number of the Federal assistance program to which this notice applies as found in the Catalog of Federal Domestic Assistance are: National Wool Act Payments; 10.059.

Section 708 of the Wool Act authorizes the Secretary of Agriculture to enter into agreements with, or to approve agreements entered between, marketing cooperatives, trade associations, or others engaged or whose members are engaged in the handling of wool, mohair, sheep, or goats or the products thereof for the purpose of developing and conducting advertising and sales promotion programs and programs for the development and dissemination of information on product quality, production management, and marketing improvement, for wool, mohair, sheep or goats or their products. Section 708 further provides that such agreements may provide for the deduction of amounts from payments due producers under the wool price support program, such amount to be used in paying costs of such activity, if a minimum of two-thirds of the voting producers or producers who have produced two-thirds of the total volume of production represented in the referendum approve the agreements

A referendum was held during the period of August 18 through August 29, 1986, to determine whether wool producers approved such an agreement for the 1986 through 1990 marketing years. Anyone who owned sheep or lambs 6 months of age or older in the United States, continuously, for a period of a least 30 days during the calendar year 1985 was eligible to vote. In the referendum 19,098 producers, constituting 62.3 percent of the voting producers, voted in favor of the agreement and 11,570 producers or 37.7 percent voted against it. Producers owning 2,127,753 sheep or lambs or 31.3 percent of the sheep or lambs owned by all the voting producers opposed the agreement. However, producers voting in favor of the agreement owned 4,670,486 sheep or 68.7 percent of the sheep or lambs owned by the voting producers.

Notice

An agreement providing for pro rata deductions to be made from price support payments made to producers of shorn wool, unshorn lambs, and pulled wool for the 1986 through 1990 marketing years has been approved by producers, in accordance with section 708 of the National Wool Act of 1954, as amended, in a referendum conducted during the period August 18 through August 29, 1986. Producers of more than two-thirds of the total volume of production represented in the referendum indicated their approval of such agreement.

The agreement entered into with USDA provides for deductions to be made from price support payments at a rate not to exceed 6 cents per pound of shorn wool marketed and at a comparable rate of 30 cents per pound on unshorn lambs marketed. Amounts deducted will be made available to ASPC to be used to finance domestic and foreign advertising and sales promotion programs and programs for the development and dissemination of information on product quality, production management, and marketing improvement for wool, sheep, or the products thereof.

The agreement was signed and became effective on October 14, 1986.

Dated: January 14, 1987.

Milton J. Hertz,

Administrator, Agricultural Stabilization and Conservation Service.

Dated: February 4, 1987.

J. Patrick Boyle,

Administrator, Agricultural Marketing Service.

[FR Doc. 87-2838 Filed 2-10-87; 8:45am]

BILLING CODE 3410-05-M

Commodity Credit Corporation

Uniform Grain and Rice Storage Agreement Contract Fees

AGENCY: Commodity Credit Corporation USDA.

ACTION: Notice of 1987-88 Contract Year Fees.

SUMMARY: The purpose of this notice is to publish a schedule of 1987-88 contract fees to be paid to Commodity Credit Corporation (CCC) by grain and rice warehousemen requesting renewal of an existing storage agreement or requesting initial approval of a storage agreement in accordance with the regulations governing the Standards for Approval of Warehouses for Grain, Rice, Dry Edible Beans, and Seed (7 CFR 1421.5551 *et seq).* The fees are charged by CCC to defray the costs of examination and warehouses operated by such warehousemen who do not have a Federal warehouse license or State warehouse license issued by a State having a cooperative agreement with CCC for warehouse examination services.

EFFECTIVE DATE: April 1, 1987.

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

SUPPLEMENTARY INFORMATION: .

This notice has been reviewed in conformity with Executive Order 12291 and Departmental Regulation 1512-1 and has been classified as "not major" since implementation 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 government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, the environment or the ability of United States-hased enterprises to compete with foreign-based enterprises in domestic or export markets.

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

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

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

The Commodity Credit Corporation Charter Act (15 U.S.C. 714) provides authority for CCC for conduct a number of operations 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 aiding 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 stroage facilities for agricultural commodities unless CCC determines that private facilities for the storage of such

commodities are inadequate. Further, section 5 of the CCC Charter Act provides that in carrying out CCC's purchasing and selling operations, and in the warehousing, transporting, of handling or agricultural commodities, CCC is directed to use, to the maximum extent practicable, the usual and customary channels facilities, and arrangement of trade and commerce.

Pursuant to these provisions, CCC enters into storage agreements with private grain and rice warehousemen which provide for the storage of commodities owned by CCC or pledged as security to CCC for price support loans. CCC examines all grain and rice warehouses which are the subject of a storage agreement, or for which a warehouseman has requested approval of a new storage agreement, to determine whether the warehouseman is complying with the terms and conditions of the storage agreement and the standards of approval or has the ability to do so.

The regulations found at 7 CFR 1421.5558 provide that each warehouseman who has a non-federally licensed grain or rice warehouse in States that do not have a cooperative agreement with CCC for warehouse examinations must pay an annual contract fee fo CCC for each such warehouse which is approved by CCC or for which CCC approval is sought. A grain or rice warehouseman who has entered into a storage agreement with CCC must pay the annual contract fee in advance of the renewal date of the agreement. A grain or rice warehouseman who is seeking to enter into a storage agreement with CCC must pay the annual contract fee for each warehouse for which CCC approval is sought prior to the time that the agreement is approved by CCC. Section 1421.5558 also provides that the amount of the contract fee shall be determined and announced annually in the **Federal Register**. The contract fee is designed to reimburse CCC for approximately 50 percent of the cost of the warehouse examinations.

A review of the 1986–87 contract fees indicates that they generated sufficient revenues to cover approximately 50 percent of the cost of the warehouse examinations for the 1986–87 contract year. Projections of program costs for the 1987–88 contract year indicate that CCC's expenditures for the examination of grain and rice warehouses should remain relatively stable. Accordingly, the fees for the 1987–88 contract year are unchanged from those fees which were applicable to the 1986–87 contract year.

Determination

The fees set forth in the following schedule will be collected for the 1987–88 contract year by the Commodity Credit Corporation (CCC) from warehousemen who have entered into a Uniform Rice Storage Agreement (URSA) or a Uniform Grain Storage Agreement (UGSA) with CCC or who are seeking to enter into a URSA or UGSA with CCC but who do not have a Federal warehouse license or a State warehouse license issued by a State having a cooperative agreement with CCC for warehouse examination services.

TWELVE-MONTH CONTRACT FEE SCHEDULE

Location capacity (bushels)	Contract fees (dollars)
1 to 150,000	$100
150,001 to 250,000	200
250,001 to 500,000	300
500,001 to 750,000	400
750,001 to 1,000,000	500
1,000,001 to 1,200,000	600
1,200,001 to 1,500,000	700
1,500,001 to 2,000,000	800
2,000,001 to 2,500,000	900
2,500,001 to 5,000,000	1,000
5,000,001 to 7,500,000	1,100
7,500,001 to 10,000,000	1,200
10,000,001+	1,200 plus $30 per million bushels of capacity above 10 million or fraction thereof.

The location capacity of the warehouse shall be determined by the Secretary of Agriculture and shall be the capacity of a fully functional facility operated as a public warehouse or functional unit of a group of warehouses usually within the same town or freight tariff point. A functional facility is one which could operate independently if it was separated from other facilities that may be included in a merged warehouse code. Any outlying unit which is not a fully functional facility would have its capacity included as part of the combined capacity of the nearest fully functional operating location.

The contract fee shall be the sum total of the fees for all functional units within the warehouse code and shall be assessed and must be paid in advance of the annual contract renewal date or, in the case of a warehouseman who is seeking approval of a new URSA or UGSA, prior to the time that the agreement is approved by CCC. The failure of a warehouseman to pay such fee at that time shall be grounds for termination of an existing URSA or UGSA or for rejection of approval of a new URSA and UGSA.

Signed at Washington, DC, on February 5, 1987.

Milton J. Hertz,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 87–2836 Filed 2–10–87; 8:45 am]

BILLING CODE 3410–05–M

Forest Service

Idaho Timber Supply Report

AGENCY: Forest Service, USDA.

ACTION: Notice of availability.

SUMMARY: Notice is hereby given of the availability to the public of the publication "A Report on Idaho's Timber Supply". The purpose of the report is to identify the potential of the National Forests and lands in other ownerships in the State of Idaho to sustain or increase present regional levels of timber supply. The report focuses primarily on the next 10 to 15 years.

DATE: The report will be available beginning February 9, 1987.

ADDRESSES: The public may obtain copies of the report from the following offices:

Regional Forester, Northern Region, Forest Service, USDA, Federal Bldg., P.O. Box 7669, Missoula, MT 59807

Regional Forester, Intermountain Region, Forest Service, USDA, Federal Bldg., 324 25th St., Ogden, UT 84401.

FOR FURTHER INFORMATION CONTACT: Karl Bergsvik, Assistant Director, Timber Management Staff, Forest Service, USDA, P.O. Box 96090, Washington, DC 20013–6090; Telephone 202–447–8709.

SUPPLEMENTARY INFORMATION: This report on timber supply represents one source of information to be used in evaluating alternatives for National Forest plans in the State of Idaho. It is not a decision document.

In preparing the report, fifty-eight different timber supply scenarios were developed and analyzed for both northern and southern Idaho. The scenarios assume various supply options for National Forest System lands, private industrial forest lands, private nonindustrial forest lands, State lands, and other public lands. National Forest planning information was used for supply projections on National Forest lands. The Timber Resource Analysis System (TRAS) model was used to create supply projections for the other ownership classes. TRAS is a stand table simulation program developed by the Forest Service to project changes in timber inventory. It

has been used to make the national assessment of future timber supplies that is completed every ten years, as required by the Forest and Rangeland Renewable Resources Planning Act of 1974.

Dated: February 5, 1987.

George M. Leonard,

Associate Chief.

[FR Doc. 87-2786 Filed 2-10-87; 8:45 am]

BILLING CODE 3410-11-M

National Agricultural Statistics Service

Discontinuation of Index Numbers of Meat Animals

Notice is hereby given that the National Agricultural Statistics Service (NASS) plans to discontinue publication of the Index Numbers of Livestock and Poultry (Meat Animals). This action will be effective for the *Cattle* report issued in early 1988. Individual species estimates in the index computations will be continued.

Comments from interested parties regarding the proposed action should be sent to William L. Pratt, Chief, Livestock, Dairy and Poultry Branch, Estimates Division, Room 5906-S, NASS/USDA, Washington, DC 20250.

Dated: February 5, 1987.

W.E. Kibler,

Administrator.

[FR Doc. 87-2834 Filed 2-10-87; 8:45 am]

BILLING CODE 3410-20-M

DEPARTMENT OF COMMERCE

Economic Development Administration

[Docket No. 61222-7004]

University Center Program; Policy Changes for Grant Awards

AGENCY: Economic Development Administration (EDA), Commerce.

ACTION: Notice.

SUMMARY: The Economic Development Administration (EDA) announces policy changes it intends to institute for basic university center grant awards. The purpose of this announcement is to communicate to current university center grantees and potential applicants for EDA university center funds the proposed policy changes. The changes would go into effect in FY 1988 if Congress makes funds available for the University Center Program beyond FY 1987.

I. Purpose of Basic University Center Grants

Basic university center grants are used as seed money to help selected colleges and universities mobilize their own and other resources to assist in the economic development of distressed areas. The economic development efforts of such colleges and universities could involve aid to public bodies, nonprofit organizations, and private firms. Support for these types of projects is authorized under section 301(a) of the Public Works and Economic Development Act of 1965, as amended, 42 U.S.C. 3151(a).

II. Policy Changes for Basic University Center Grants

EDA funds are normally appropriated on a an annual basis; therefore, no assurance of funding beyond FY 1987 is possible. If, however, funds are made available by Congress for the University Center Program beyond FY 1987, EDA intends to institute the following policies governing basic university center grant awards. These policies will apply only to centers performing satisfactorily. Centers failing to carry out grant agreement obligations in an acceptable manner will not continue to receive assistance.

a. For centers initiated prior to FY 1982 (October 1, 1981) and which had more than $500,000 in support from all other sources during calendar year 1986, EDA's funding will be reduced in FY'S 1988, 1989, and 1990 by 30, 60, and 75 percent, respectively. No funding will be provided in FY 1991.

2. For centers initiated prior to FY 1982 and with $500,000 or less in support from all other sources during calendar year 1986, EDA's funding will be reduced in FY'S 1988, 1989, and 1990 by 20, 40, and 50 percent, respectively. No funding will be provided in FY 1991.

3. For centers initiated during FY'S 1982, 1983, 1984 or 1985, EDA will provide between $75,000 and $100,000 for the first year, $100,000, annually, for the next four years, and $75,000 and $50,000, annually, for the sixth and seventh years. No funding will be provided after the seventh year of EDA support.

4. For centers initiated after FY 1985 (September 30, 1985), EDA will provide $100,000, annually, for the first five years and $50,000, annually, for the sixth and seventh years. No funding will be provided after the seventh year of EDA support.

5. University centers are currently required to match the EDA grant dollar-for-dollar by the end of their fifth year of funding. This is FY 1990 for centers initially funded prior to FY 1986 (October 1, 1985). For centers initially funded in or after FY 1986, EDA requires that the local share be $33,334 in the first year, $45,000 in the second year, $60,000 in the third year, $80,000 in the fourth year, and $100,000 in the fifth year. At least half the local share must be in cash. In addition, EDA intends to require that the local share be $125,000 in year six and $140,000 in the seventh and final year of EDA support.

Exceptions to these policies may be made in unusual cases, such as when no other qualified institution exists to provide services to an area with extreme economic distress.

Further Information: For further information, contact Beverly L. Milkman, Deputy Director for Grant Programs, Economic Development Admnistration, Room 7866, U.S. Department of Commerce, Washington, DC 20230; telephone, 202-377-5111.

Dated: February 3, 1987.

Orson G. Swindle III,

Assistant Secretary for Economic Development.

[FR Doc. 87-2833 Filed 2-10-87; 8:45 am]

BILLING CODE 3510-24-M

Foreign-Trade Zones Board

[Order No. 339]

Resolution and Order Approving the Application of Partners for Economic Progress, Inc., for a Foreign-Trade Zone in Chattanooga, TN

Resolution and order: Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of Partners for Economic Progress, Inc., a Tennessee non-profit economic development corporation, filed with the Foreign-Trade Zones Board (the Board) on September 25, 1985, requesting a grant of authority for establishing, operating and maintaining a general-purpose foreign-trade zone in Chattanooga, Tennessee, within the Chattanooga Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the pblic interest, approves the application.

As the proposal involves open space on which buildings may be constructed by parties other than the grantee, this approval includes authority to the grantee to permit the erection of such buildings, pursuant to Section 400.815 of the Board's regulations, as

are necessary to carry out the zone proposal, providing that prior to its granting such permission it shall have the concurrences of the local District Director of Customs, the U.S. Army District Engineer, when appropriate, and the Board's Executive Secretary. Further, the grantee shall notify the Board's Executive Secretary for approval prior to the commencement of any manufacturing operation within the zone. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Grant To Establish, Operate, and Maintain a Foreign-Trade Zone in Chattanooga, Tennessee

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Partners for Economic Progress, Inc. (the Grantee), a Tennessee non-profit corporation, has made application (filed September 25, 1985, Docket No. 34–85, 50 FR 40884) in due and proper form to the Board, requesting the establishment, operation, and maintenance of a foreign-trade zone in Chattanooga, Tennessee, within the Chattanooga Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found that the requirements of the Act and the Board's regulations (15 CFR Part 400) are satisfied;

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign-trade zone, designated on the records of the Board as Zone No. 134 at the locations mentioned above and more particularly described on the maps and drawings accompanying the application in Exhibits IX and X, subject to the provisions, conditions, and restrictions of the Act and the regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

Operation of the foreign-trade zone shall be commenced by the Grantee within a reasonable time from the date of issuance of the grant, and prior thereto the Grantee shall obtain all necessary permits from Federal, State, and municipal authorities.

The Grantee shall allow officers and employees of the United States free and unrestricted access to and throughout the foreign-trade zone sites in the performance of their official duties.

The grant does not include authority for manufacturing operations, and the Grantee shall notify the Board for approval prior to the commencement of any manufacturing operations within the zone.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the Army District Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witnesses whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer at Washington, D.C., this 30th day of January 1987, pursuant to Order of the Board.

Foreign-Trade Zones Board.

Malcolm Baldrige,

Chairman and Executive Officer.

[FR Doc. 87–2883 Filed 2–10–87; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

[A-421-060]

Animal Glue and Inedible Gelatin From the Netherlands; Final Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On December 18, 1986, the Department of Commerce published the preliminary results of its administrative review and tentative determination to revoke in part the antidumping finding on animal glue and inedible gelatin from the Netherlands. The review covers one manufacturer/exporter of this merchandise and the period December 1, 1982 through May 31, 1984.

We gave interested parties an opportunity to comment on the preliminary results and tentative determination to revoke in part. We received no comments. The final results are unchanged from those presented in the preliminary results of review.

EFFECTIVE DATE: February 11, 1987.

FOR FURTHER INFORMATION CONTACT: Dennis U. Askey or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–2923/3601.

SUPPLEMENTARY INFORMATION: .

Background

On December 18, 1986, the Department of Commerce ("the Department") published in the **Federal Register** (51 FR 45364) the preliminary result of its administrative review and tentative determination to revoke in part the antidumping finding on animal glue and inedible gelatin from the Netherlands (42 FR 64115, December 22, 1977). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of animal glue and inedible gelatin, of which there are two principal types, hide glue and bone glue. Animal glue is an organic colloid of protein derivation. There is no significant difference between animal glue and inedible gelatin. Animal glues are odorless, dry, hard, hornlike materials. They are used as general purpose adhesives in industries producing abrasives, paper containers, book and magazine bindings, and leather goods. They are also used as sizing agents and as colloids in emulsions and cleaning compounds. Animal glue and inedible gelatin are currently classifiable under items 455.4000 and 455.4200 of the Tariff Schedules of the United States Annotated.

The review covers one manufacturer/exporter of Dutch animal glue and inedible gelatin, Holding Trobas, and the period December 1, 1982 through May 31, 1984.

Final Results of the Review

We gave interested parties an opportunity to comment on the preliminary results and tentative determination to revoke in part. We received no comments. The final results of our review are the same as those presented in the preliminary results of review, and we determine that no

margins exist for Holding Trobas for the period December 1, 1982 through May 31, 1984.

The Department will instruct the Customs Service not to assess antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service.

Further, as provided for in section 715(a)(1)(B) of the Tariff Act, since there was no margin for Holding Trobas the Department shall not require a cash deposit of estimated antidumping duties for Holding Trobas. For any shipments from the two remaining known manufacturers/exporters or third-country resellers not covered in this administrative review, the cash deposit will continue to be at the rates published in the final results of the last administrative review for each of those firms (49 FR 19550, May 8, 1984). For any entries of this merchandise from a new exporter not covered in this administrative review, whose first shipments occurred after May 31, 1984 and who is unrelated to the reviewed firm or any previously reviewed firm, no cash deposit shall be required. These deposit requirements are effective for all shipments of Dutch animal glue and inedible gelatin entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675 (a)(1)) and § 353.53a of the Commerce Regulations (19 CFR 353.53a).

Dated: February 5, 1987.

Gilbert B. Kaplan,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 87-2885 Filed 2-10-87;8:45am]

BILLING CODE 3510-DS-M

[A-588-049]

Calcium Pantothenate From Japan; Final Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of final results of antidumping duty Administrative review.

SUMMARY: On December 16, 1986, the Department of Commerce published the perliminary results of its administrative review of the antidumping finding on calcium pantothenate from Japan. The review covers one exporter and four third-country resellers of this merchandise and various periods from July 1, 1981 through December 31, 1984.

We gave interested parties an opportunity to comment on the preliminary results. We received no comments. The final results of review are unchanged from those presented in the perliminary results.

EFFECTIVE DATE: February 11, 1987.

FOR FURTHER INFORMATION CONTACT: Sheila Forbes or John Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2923/3601.

SUPPLEMENTARY INFORMATION:

Background

On December 16, 1986, the Department of Commerce ("the Department") published in the **Federal Register** (51 FR 45029) the preliminary results of its administrative review of the antidumping finding on calcium pantothenate from Japan (39 FR 2086, January 17, 1974). We began this review of the finding under our old regulations. After the promulgation of our new regulations, two importers, two third-country resellers, and an exporter requested in accordance with § 353.53a(a) of the Commerce Regulations that we complete the administrative review. The Department has now conducted that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of calcium pantothenate, a member of the B-complex vitamin family, which is produced in two grades: D-Cal Pan (USP Grade, which is used for human nutrition in the form of multi-vitamin tablets) and DL-Cal Pan (Feed Grade, which is used as a food supplement for swine and poultry). Both grades of calcium pantothenate are currently classifiable under item 437.8225 of the Tariff Schedules of the United States Annotated.

The review covers one exporter and four third-country resellers of Japanese calcium pantothenate and varius periods from July 1, 1981 through December 31, 1984.

Final Results of the Review

We gave interested parties an opportunity to comment on the preliminary results. We received no comments. The final results of our review are the same as those presented in the preliminary results of review, and we determine that the following margins exist:

Manufacturer/ exporter	Time period	Margin (percent)
Nagase & Co., Ltd.	1/1/82-5/31/82	[1] 0
Third-country Reselier (Country):		
BMP GmbH (W. Germany)	1/1/82-12/31/84	3.98
Chemeta BV (Netherlands)	6/1/82-12/31/84	3.98
M. Gurvey & Berry Co. (Canada)	6/1/82-8/31/83	3.98
Kompanie Ultramar Sievers (W. Germany)	7/1/81-3/31/82	0

[1] No shipments during the period.

The Department will instruct the Customs Service to assess antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service.

Further, the Department will isntruct the Customs Service to collect a cash deposit of estimated antidumping duties for each firm based upon the above margins, as provided in section 75(a)(1) of the Tariff Act. For any shipments from the remaining known producers and/or exporters not covered by this review, the cash deposit will continue to be at the rate published in the final results of the last administrative review for each of those firms (48 FR 38526, August 24, 1983). For any shipments from a new producer and/or exporter not covered by this or prior administrative reviews, whose first shipments of Japanese calcium pantothenate occurred after December 31, 1984, and who is unrelated to any reviewed firm or any previously reviewed firm, no cash deposit shall be required. These deposit requirements are effective for all shipments of Japanese calcium pantothenate entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53a of the Commerce Regulations (19 CFR 353.53a).

Dated: February 5, 1987.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 87-2886 Filed 2-10-87; 8:45 am]

BILLING CODE 3510-05-M

[A-588-068]

Steel Wire Strand For Prestressed Concrete From Japan; Final Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On January 9, 1987, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on steel wire strand for prestressed concrete from Japan. The review covers eight manufacturers and/or exporters of this merchandise to the United States and the period December 1, 1982 through November 30, 1985.

We gave interested parties an opportunity to comment on the preliminary results. We received no comments. Based on our analysis, the final results of review are unchanged from those presented in the preliminary results.

EFFECTIVE DATE: February 11, 1987.

FOR FURTHER INFORMATION CONTACT: Edward Haley or Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-5289/5255.

SUPPLEMENTARY INFORMATION:

Background

On January 9, 1987, the Department of Commerce ("the Department") published in the **Federal Register** (52 FR 827) the preliminary results of its administrative review of the antidumping finding on steel wire strand for prestressed concrete from Japan (43 FR 57599), December 8, 1978. The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of steel wire strand, other than alloy steel, stress-relieved and suitable for use in prestressed concrete. Steel wire strand for prestressed concrete is currently classifiable under item 642.1120 of the Tariff Schedules of the United States annotated.

The review covers eight manufacturers and/or exporters of Japanese steel wire strand for prestressed concrete to the United States and the period December 1, 1982 through November 30, 1985. We deferred review of Mitsui & Co., Ltd. We will cover that firm in a separate review.

Final Results of the Review

We invited interested parties to comment on the preliminary results. We received no comments. Based on our analysis, the final results of review are unchanged from those presented in the preliminary results, and we determine that the following weighted-average margins exist for the period December 1, 1982 through November 30, 1985:

Manufacturer/Exporter	Margin (percent)
Mitsubishi Corp./All manufacturers	4.5
Shinko Wire Co., Ltd./All other exporters (except Mitsui & Co., Ltd.)	[1]0
Suzuki Metal Industry Co., Ltd./All other exporters (except Mitsui & Co., Ltd.)	[1]0
Tokyo Rope Mfg. Co., Ltd./All other exporters (except Mitsui & Co., Ltd.)	[1]4.5

[1] No shipments during the period.

The Department will instruct the Customs Service to assess antidumping duties on all appropriate entries. We will issue appraisement instructions directly to the Customs Service.

Further, as provided for in section 751(a)(1) of the Tariff Act, the Department will instruct the Customs Service to collect a cash deposit of estimated antidumping duties for each firm based upon the above margins. For any shipments from the remaining known manufacturers and/or exporters not covered by this review, a cash deposit shall be required at the rates published in the final results of the last administrative review for each of those firms. For any shipments from a new exporter, whose first shipments occurred after November 30, 1985 and who is unrelated to any reviewed firm, or previously reviewed firm, no cash deposit shall be required. These deposit requirements are effective for all shipments of Japanese steel wire strand for prestressed concrete entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and shall remain in effect until publication of the final results of the text administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53a of the Commerce Regulations (19 CFR 353.53a).

Dated: February 5, 1987.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

[FR. Doc. 87-2887 Filed 2-10-87; 8:45am]

BILLING CODE 3510-05-M

National Bureau of Standards

Senior Executive Service; Membership of General and Limited Performance Review Boards

The purpose of the General Performance Review Board (GPRB) is to review performance agreements, appraisals, ratings, and recommended action pertaining to employees in the Senior Executive Service and to make appropriate recommendations to the Director of NBS concerning such matters in such a manner as will assure the fair and equitable treatment of senior executives. The GPRB performs its review functions for all NBS senior executives except those who are members of the NBS Executive Board and those who are members of the GPRB.

The Limited Performance Review Board (LPRB) performs its review functions for all NBS senior executive who are members of the NBS Executive Board (except the NBS Deputy Director) and those senior executives who are members of the NBS GPRB.

The individuals who have been newly appointed by the Director of NBS to membership on the GPRB and LPRB or have had their term of membership extended are listed below

GPRB

Dr. Karl G. Kessler, Chair Deputy Associate Director for International Affairs, Office of the Director, National Bureau of Standards, Gaithersburg, Maryland 20899. Term: January 1, 1987 to December 31, 1988.

Dr. Donald J. Sullivan, Chief, Time and Frequency Division, National Measurement Laboratory, National Bureau of Standards, Boulder, Colorado 80303. Term: January 1, 1987 to December 31, 1988.

Dr. Sheldon Wiedershorn, Group Leader, Mechanical Properties Institute for Materials Science and Engineering, National Bureau of Standards,

Gaithersburg, Maryland 20899. Term: January 1, 1987 to December 31, 1988.

LPBB

Dr. Edward L. Brady, Chair, Associate Director for International Affairs, National Bureau of Standards, Gaitherburg, Maryland 20899. Term extended to December 31, 1988.

Dr. Donald K. Stevens, Associate Director for Basic Energy Sciences, Office of Energy Research, Department of Energy, Washington, D.C. 20545. Term extended to December 31, 1988.

The full membership and expiration dates of the GPRB and LBRB are listed below:

GPRB

Dr. Karl G. Kessler, Chair, Deputy Associate Director for International Affairs, Office of the Director, National Bureau of Standards, Gaithersburg, Maryland 20899. Term: January 1, 1987 to December 31, 1988.

Dr. James E. Hill, Chief, Building Equipment Division, National Engineering Laboratory, National Bureau of Standards, Gaithersburg, Maryland 20899. Expiration of apppointment—December 31, 1987.

Dr. Theodore E. Madey, Group Leader, Surface Structure and Kinetics, National Measurement Laboratory, National Bureau of Standards, Gaithersburg, Maryland 20899. Expiration of appointment — December 31, 1987.

Dr. Lewis H. Nosanow, Director, Division of Materials Research, National Science Foundation, Washington, D.C. 20550. Expiration of appointment — December 31, 1987.

Dr. Donald J. Sullivan, Chief, Time and Frequency Division, National Measurement Laboratory, National Bureau of Standards, Boulder, Colorado 80303. Term: January 1, 1987 to December 31, 1988.

Dr. Sheldon Wiederhorn, Group Leader, Mechanical Properties, Institute for Materials Science and Engineering, National Bureau of Standards, Gaithersburg, Maryland 20899. Term: January 1, 1987 to December 31, 1988.

Ms. Helen M. Wood, Chief, Information Systems Engineering Division, Institute for Computer Sciences and Engineering, National Bureau of Standards, Gaithersburg, Maryland. Expiration of appointment—December 31, 1988.

LPRB

Dr. Edward L. Brady, Chair, Associate Director for International Affairs, National Bureau of Standards, Gaithersburg, Maryland 20899. Term extended to December 31, 1988.

Dr. Jeffrey D. Rosendhal, Assistant Associate Administrator (Science), National Aeronautics and Space Administration, Washington, D.C. 20546. Expiration of appointment—December 31, 1987.

Dr. Donald K. Stevens, Associate Director for Basic Energy Sciences, Office of Energy Research, Department of Energy, Washington, D.C. 20545. Term extended to December 31, 1988.

FOR FURTHER INFORMATION CONTACT: Mrs. Elizabeth W. Stroud, Chief Personnel Division, National Bureau of Standards, Gaithersburg, Maryland, telephone 301–975–3000.

Dated: February 3, 1987.

Ernest Ambler,

Director.

[FR Doc. 87–2832 Filed 2–10–87; 8:45 am]

BILLING CODE 3510–13–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Import Restraint Limit for Certain Wool Textile Products Produced or Manufactured in Uruguay

February 6, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on February 12, 1987. For further information contact Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377–3715.

Background

The Bilateral Wool Textile Agreement effected by exchange of notes dated December 30, 1983 and January 23, 1984, as amended, between the Governments of the United States and the Republic of Uruguay establishes an import restraint limit for wool textile products in Category 410, during the agreement period which began on February 1, 1987 and extends through January 31, 1988. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, in accordance with the terms of the bilateral agreement, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of textile products in Category 410, produced or manufactured in Uruguay and exported during the specified twelve-month period, in excess of the designated limit.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

The letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

February 6, 1987.

Commissioner of Customs.

Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Agreement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1986; pursuant to the Bilateral Wool Textile Agreement, effected by exchange of notes dated December 30, 1983 and January 23, 1984, as amended, between the Governments of the United States and the Republic of Uruguay; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on February 12, 1987, entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products in Category 410, produced or manufactured in Uruguay and exported during the twelve-month period which began on February 1, 1987 and extends through January 31, 1988, in excess of 2,121,000 square yards equivalent.[1]

In carrying out this directive, textile products in Category 410, which have been exported to the United States during the restraint period immediately previous to that established in this directive, shall, to the extent of any unfilled balances, be charged against the limit established for such goods during that period. In the event the limit

[1] The limit has not been adjusted to reflect any imports exported after January 31, 1987.

established for that period has been exhausted by previous entries, such goods shall be subject to the limit set forth in this letter.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-2881 Filed 2-10-87; 8:45 am]

BILLING CODE 3510-DR-M

Requesting Public Comment on Bilateral Consultations With the Government of Peru on Category 338/339

February 6, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on February 12, 1987. For further information contact Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377-3715. For information on categories on which consultations have been requested call (202) 377-3740.

Background

On December 30, 1986, the Government of the United States requested consultations with the Government of Peru with respect to cotton textile products in Category 338/339 (shirts and blouses). This request was made on the basis of the agreement between the Governments of the United States and Peru of January 3, 1985, as amended, relating to trade in cotton, wool and man-made fiber textile products. The agreement provides for consultations when imports, due to market disruption, or the threat thereof, threaten to impede the orderly development of trade between the two countries.

A summary market statement for this category follows this notice.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

Anyone wishing to comment or provide data or information regarding the treatment of Category 338/339 under the agreement with the Government of Peru, or to comment on domestic production or availability of textile products included in this category, is invited to submit such comments or information in ten copies to Mr. Ronald I. Levin, Acting Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230. Because of the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC, and may be obtained upon request.

Further comment may be invited regarding particular comments of information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which consitute "a foreign affairs function of the United States."

The Government of the United States has decided, pending a mutually satisfactory solution, to control imports in Category 338/339 exported during the 90-day consultation period which began on December 30, 1986 and extends through March 29, 1987, at the prescribed limit of 81,522 dozen.

According to the terms of the bilateral agreement, if no mutually satisfactory solution is reached during consultations, the United States may establish a prorated specific limit for the period following the ninety-day consultation period (March 30, 1987–April 30, 1987) to 24,504 dozen.

In the event the limit established for the ninety-day period is exceeded, such excess amount, if allowed to enter, may be charged to the limit established during the subsequent restraint period.

The United States remains committed to finding a solution concerning this category. Should such a solution be reached in consultations with the Government of Peru, further notice will be published in the **Federal Register**.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textiles Agreements.

Peru—Market Statement

Category 338/339—Cotton Knit Shirts and Blouses

December 1986.

Summary and Conclusions: U.S. imports of Category 338/339 from Peru were 254,386 dozen during the year ending October 1986, three times the 77,267 dozen imported a year earlier. During the first ten months of 1986, imports of Category 338/339 from Peru were 240,770 dozen, nearly four times the 61,871 dozen imported during the same period in 1985 and three times the amount imported during calendar year 1985.

The U.S. market for Category 338/339 has been disrupted by imports. The sharp and substantial increase of imports from Peru has contributed to this disruption.

U.S. Production and Market Share: U.S. production of cotton knit shirts and blouses declined seven percent from 24,138 thousand dozen in 1983 to 22,468 thousand dozen in 1985. The U.S. manufacturers' share of this market declined from 60 percent in 1983 to 55 percent in 1985.

U.S. Imports and Import Penetration: U.S. imports of Category 338/339 grew from 16,116 thousand dozen in 1983 to 18,457 thousand dozen in 1985, a 15 percent increase. During the first ten months of 1986, imports of Category 338/339 reached 21,046 thousand dozen, 37 percent higher than the level imported during the same period in 1985 and 14 percent above the amount imported during calendar year 1985. The ratio of imports to domestic production increased from 67 percent in 1983 to 82 percent in 1985.

Duty-Paid Value and U.S. Producers' Price: Approximately 66 percent of Category 338/339 imports from Peru during the first ten months of 1986 entered under TSUSA numbers: 384.2806—women's cotton knit tank tops, not ornamented; 384.2920—women's, girls' and infants' cotton knit T-shirts, not ornamented, excludes those T-shirts for infant boys' over 24 months of age; and

384.2935—women's and girls' cotton knit sweatshirts, not ornamented. These garments entered the U.S. at duty-paid landed values below U.S. producers' prices for comparable garments.

Committee for the Implementation of Textile Agreements

February 6, 1987

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Agreement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1986; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of January 3, 1985, as amended, between the Governments of the United States and Peru; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on February 12, 1987 entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 338/339, produced or manufactured in Peru and exported during the ninety-day consultation period which began on December 30, 1986 and extends through March 29, 1987, in excess of 81,522 dozen.[1]

Textile products in Category 338/339 which have been exported to the United States prior to December 30, 1986 shall not be subject to this directive.

Textile products in Category 338/339 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-2882 Filed 2-10-87; 8:45 am]

BILLING CODE 3510-DR-M

[1] The limit has not been adjusted to account for any imports exported after December 29, 1986.

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Detection and Neutralization of Illegal Drugs and/or Terrorist Devices; Meeting

ACTION: Notice of advisory committee meeting.

SUMMARY: The Defense Science Board Task Force on Detection and Neutalization of Illegal Drugs and/or Terrorist Devices will meet in closed session on April 22–23, May 12–13, June 16–17, and July 14–15, 1987 at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings the Task Force will provide new and innovative technology to improve the detection and/or neutralization of drugs, explosives, and weapons as they move towards their ultimate destination.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463, as amended (5 U.S.C. App. II, (1982)), it has been determined that these DSB Task Force meetings, concern matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly these meetings will be closed to the public.

Dated: February 5, 1987.

Linda Lawson

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 87-2825 Filed 2-10-87; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Follow on Forces Attack; Meeting

SUMMARY: The Defense Science Board Task force on Follow on Forces Attack will meet in closed session on March 30–31, 1987 in the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Aquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings the Task Force will continue to review, in detail, classified meterial associated with conventional military capabilities in NATO to include special targeting requirements.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463, as amended (5 U.S.C. App. II, (1982)), it has been determined that these DSB Task Force meetings, concern matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly these meetings will be closed to the public.

Dated: February 5, 1987.

Linda Lawson

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 87-2826 Filed 2-10-87; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Image Recognition Systems; Meeting

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board Task Force on Image Recognition Systems will meet in closed session on March 10–12, 1987 at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings the Task Force will study the current status and probable near- to medium-term development of computer-based image recognition systems with emphasis on the potential for further development in "smart weapons," especially those for attacking ground vehicles.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463, as amended (5 U.S.C. App. II, (1982)), it has been determined that these DSB Task Force meetings, concern matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly these meetings will be closed to the public.

Dated: February 5, 1987.

Linda Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 87-2827 Filed 2-10-87; 8:45]

BILLING CODE 3810-10-M

Defense Science Board Task Force on Multi-National Cooperation for Follow-On Forces Attack Requirements; Meeting

ACTION: Notice of advisory committee meetings.

SUMMARY: The Defense Science Board Task Force on Multi-National Cooperation for Follow-On Forces Attack Requirements will meet in closed

session on April 28–30, 1987 at Brussels, Belgium.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings the Task Force will continue to review, in detail, classified material associated with conventional military capabilities in NATO with a view towards future U.S. and NATO requirements.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463, as amended (5 U.S.C. Appl II, (1982), it has been determined that these DSB Task Force meetings, concern matters listed in 5 U.S.C. 552(c) (1) (1982), and that accordingly these meetings will be closed to the public.

Dated: February 5, 1987.

Linda Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 87–2828 Filed 2–10–87; 8:45 am]

BILLING CODE 3810–01–M

Defense Science Board Task Force on Non-Nuclear Strategic Capability; Meetings

ACTION: Notice of advisory committee meetings.

SUMMARY: The Defense Science Board Task Force on Non-Nuclear Strategic Capability will meet in closed session on March 5–6, April 15–16, and June 24–25, 1987 at Science Applications International Corporation, Crystal City, Virginia, and on May 13–14, 1987 at the Lockheed Corporation Conference Center, Calabasas, California.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings the Task Force will review and report on the potential of non-nuclear technology, to provide alternative weapons for use in supporting strategic options for U.S. forces.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463, as amended (5 U.S.C. App. II, (1982)), it has been determined that these DSB Task Force meetings, concern matters listed in 5 U.S.C. 552b(c) (1) (1982), and that accordingly these meetings will be closed to the public.

Dated: February 5, 1987.

Linda Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 87–2829 Filed 2–10–87; 8:45 am]

BILLING CODE 3810–01–M

Department of the Air Force

Intent To Prepare an Environmental Impact Statement; Laughlin Air Force Base, TX

The United States Air Force will prepare an Environmental Impact Statement (EIS) for the proposed acquisition and construction of a permanent auxiliary airfield for Laughlin Air Force Base, Texas pilot training. The proposed site is located in the vicinity of Maverick County and Kinney County, Texas. The permanent airfield will replace the Eagle Pass Auxiliary Airfield currently leased from Maverick County. However, purchase of the Eagle Pass Auxiliary Airfield is an alternative to construction of a new airfield. This proposed action will reduce the safety hazards from bird strikes at Eagle Pass and improve operations and reduce costs.

The Air Firce is planning to conduct scoping meetings to determine the nature, extent and scope of the issues and concerns that should be addressed in the EIS. Notice of the time and place of the planned scoping meetings will be made available to public officials and announced in the news media.

For further information concerning the preparation of the Environmental Impact Statement contact: Air Training Command/DEEV, Lt. Col. Potter, Randolph Air Force Base, Texas 78150–5000, Telephone: (512) 652–6340.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 87–2798 Filed 2–10–87; 8:45 am]

BILLING CODE 3910–01–M

USAF Scientific Advisory Group; Meeting

March 3, 1987.

The USAF Scientific Advisory Board Space Division Advisory Group will hold meetings on March 3, 1987 from 8:00 AM to 5:00 PM and on March 4, 1987 from 8:00 AM to 12:00 noon, at Vandenberg Air Force Base, California, Building 8505, the SAMTO Conference Center.

The Group will receive classified briefings and hold classified discussions on selected Air Force space programs. The meeting will be closed to the public in accordance with section 552b(c) of Title 5, United States Code, specifically paragraph (1) thereof.

For further information contact the Scientific Advisory Board Secretariat at (202) 697–4811.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 87–2799 Filed 2–10–87; 8:45 am]

BILLING CODE 3910–01–M

Department of the Army

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the committee; Army Science Board (ASB).

Dates of meeting: 2–3 March 1987.

Times of meeting: 0900–1700 hours, 2 March 1987, 0800–1630 hours, 3 March 1987.

Place: Pentagon, Washington, D.C.

Agenda: The Army Science Board's Ad Hoc Committee on Implementing Competitive Strategies will meet. In response to SECDEF Memorandum, 12 August 1986, the Army is taking initiatives to implement the Competitive Strategy concept. This will be the initial session of the ASB ad hoc committee during which the Terms of Reference for the study will be discussed. Briefings on the FY 89 POM and discussions with OSD Net Assessment office will be conducted. The objectives of this session will be to define and gain a common understanding of Competitive Strategies concept and development approach to the study. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 2, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695–3039 or 695–7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FE Doc. 87–2800 Filed 2–10–87; 8:45 am]

BILLING CODE 3710–08–M

Department of the Navy

Commission on Merchant Marine and Defense; Meeting

Time and date: 2:00 P.M., February 26, 1987.

Place: Center for Naval Analyses Auditorium, First Floor, 4401 Ford Avenue, Alexandria, Virginia 22302.

Status: Open.

Matters to be considered: The purpose of the meeting is to receive statements on the perspective of the operators of bulk ships on the problem of providing adequate shipping to support the defense needs of the United States. Witnesses presenting oral testimony have been invited by the Commission to appear, and will represent the major operators and organizations of bulk shipping.

Other interested persons are invited to submit written statements about the bulk shipping industry and the shipping needs of United States defense policy. Written statements should be received by the close of business on February 24, 1987. All written submissions will be made available for inspection by interested parties, and may be published as part of the Commission's proceedings. All submissions should be addressed to the Executive Director at the Commission's office in Alexandria, Virginia.

Contact person for Allan W. Cameron. more information: Executive Director, Commission on Merchant Marine and Defense, Suite 520, 4401 Ford Avenue, Alexandria, Virginia 22302–0268, Telephone: (703) 756–0411.

Dated: February 6, 1987.

Harold L. Stoller,

Commander, JAGC, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 87–2855 Filed 2–10–87; 8:45 am]

BILLING CODE 3810-AE-M

Record of Decision to Implement Certain Actions Associated with Modernization and Expansion of Logistic Support Systems, Naval Weapons Station, Earle, Colts Neck, NJ

Pursuant to section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969 and the Council on Environmental Quality Regulations (40 CFR Part 1500), the U.S. Navy announces its decision to implement certain actions associated with the Modernization and Expansion of Logistic Support Systems at Naval Weapons Station (NWS) Earle, Colts Neck, New Jersey. In 1979, the U.S. Department of the Navy filed a Draft Environmental Impact Statement (DEIS) for the Modernization and Expansion of the Logistic Support System (MELSS) at NWS Earle. The primary action was the relocation of two Auxiliary Oil and Explosive Ships (AOEs) from Norfolk, Virginia, to Earle to provide a safe explosive handling environment. After submittal of the Final Environmental Impact Statement (FEIS) in April 1980, no further action was taken until 1983.

In July 1983, the Navy issued a record of decision adopting an interim support plan to homeport the AOEs at NWS Earle (**Federal Register** Vol. 48, No. 134). This plan required the AOEs to load ammunition and other ordnance at Earle and refuel and defuel at Craney Island, Virginia, an operational procedure recognized at the time to be acceptable but not optimal. Loading of ammunition on the AOEs at Earle after first taking fuel in the Norfolk area would present continued operational constraints to military readiness as well as being considerably more costly. Providing improved ammunition and fuel facilities at NWS Earle offers distinct economic advantages and enhanced military readiness. However, should the refueling facilities at Earle never be built, the Navy would continue to operate the AOEs at Earle indefinitely under the planned development program described below.

A Draft Supplemental Environmental Impact Statement (DSEIS) was prepared in June 1986 to address a changed pier and trestle siting plan, reduced dredging requirements, dredged disposal options, ship fuel replenishment system relocation, and construction of additional ammunition magazines. The Final Supplemental Environmental Impact Statement (FSEIS) was completed in November 1986 and in response to comments received on the DSEIS, additional changes have been made which were detailed in the FSEIS.

The Record of Decision, which modifies the planned development program documented in the DSEIS and FSEIS, and which the Navy now plans to implement, includes the following:

—A new pile supported pier (No. 4) would be constructed adjacent and parallel to Pier No. 3. The pier will be about 945 feet long by 143 feet wide and would be connected to the existing trestle/pier system by a new 1,500-foot long pile supported trestle.

—Dredging and disposal of an estimated total of 8.2 million cubic yards of material is included with a portion of the total being suitable for beach nourishment. Dredging would be to −47 feet and would include the immediate area surrounding the new pier, provision of a turning basin and terminal channel, and deepening of one-half of the width of the Sandy Hook Channel. This depth is necessary with or without fueling capability at Earle since Navy regulations require that ammunition be loaded after refueling. Three dredge disposal options are detailed in the DSEIS and FSEIS and all are found to be environmentally beneficial. Dredged material from the first phase would be deposited at the Mud Dump site; however, the use of clean sands from the second dredging phase for nourishment of local beaches is possible. While the Navy wishes to maximize environmental benefit, it cannot incur the highest cost. A final determination on beach nourishment will depend upon the outcome of discussions and cost analyses now underway that take advantage of new laws for cost sharing between the State(s) and the Federal Government. This decision will be made by the Secretary of the Navy based upon the actual dredging bid costs and the availability of State and local funding at the time of dredging.

—Six smokeless powder and projectile magazines would also be constructed at the main station area.

—The fuel storage facility portion of the Ship Fuel Replenishment System (SFRS) is given a no action status. The selection of a land based site is deferred while thorough site and risks alternatives analyses are conducted. As previously noted, the Navy postulates that a more economical fueling operation and enhanced military readiness would result through provision of SFRS at Earle. Accordingly, the Navy will embark on these studies anticipating that a solution which is both satisfactory to the public and meeting the requirements of NEPA and appropriate permitting processes is achievable and affordable. Any further decision in this regard will be the subject of additional environmental documentation. Pending the outcome of these studies, the AOEs will be replenished while underway or at Craney Island in Norfolk, Virginia. It is recognized that there is a long term potential for this operation should refueling facilities never be constructed at Earle.

—The oil water separation system, which is required whether or not the SFRS storage tanks are provided, would be constructed at the site shown in the FSEIS to service to the two AOEs or other ships using Earle facilities. The system would include pier lines, oil water separators, and associated piping.

Concerning environmental impacts, there would be the loss of existing benthic habitat around the pier area; however, no impacts are know to be associated with the deepening of the navigation channel itself, outside of short-term, local impacts associated with turbidity. The increased level of naval activities would also result in a

slight increase in the restricted navigation area.

Construction ashore would include normal short-term environmental impacts such as a slight increase in runoff and sedimentation inputs into the local streams. Standard erosion and sediment control measures would be used in all cases to minimize these impacts. Temporary impacts to air quality and noise levels would occur. The existing woodlands and associated wildlife habitats in the areas of magazine construction would be eliminated and replaced by a lawn-type environment. No endangered or threatened species would be impacted. No sites of historic or archaeological importance are located in the construction areas. Areas to the north of the proposed magazine construction site are suspected to possess some archaeological importance and would be protected.

The Navy believes there are no outstanding issues to be resolved with respect to this action. An SFRS at or near the NSW Earle would provide a substantially more economical fuel operation for the long term, would enhance military readiness by avoiding steaming time between Craney Island and NWS Earle, but is not required to fulfill the homeporting mission. It is our intention, however, to embark on additional siting alternative studies to find a location or solution which is both satisfactory to the public and meets all the requirements of NEPA and appropriate permit processes. In addition an update of the Environmental Assessment incorporated by reference in the Supplemental EIS is being conducted to address the proposed construction of 300 additional housing units.

Dated: February 5, 1987.

Harold L. Stoller,

CDR, JAGC Federal Register Liaison Officer.

[FR Doc. 87-2796 Filed 2-10-87; 8:45 am]

BILLING CODE 3810-AE-M

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Naval Research Advisory Committee Panel on U.S. Marine Corps Command and Control Systems Interoperability will meet on February 26-27, 1987, at the First Marine Amphibious Force (MAF), Marine Corps Base, Camp Pendleton, California. The meeting will commence at 8:00 A.M. and terminate at 4:00 P.M. on February 26; and commence at 8:00 A.M. and terminate at 2:00 P.M. on February 27, 1987. All sessions of the meeting will be closed to the public.

The purpose of the meeting is to review interservice command and control systems requirements for naval forces in the near and mid-term, and identify future communications and command and control systems architecture features with a veiw toward improving interoperability. The agenda will include technical briefings and discussions addressing warfighting and interoperability procedures. These briefings and discussions will contain classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander T.C. Fritz, U.S. Navy, Office of Naval Research, (Code 100N), 800 North Quincy Street, Arlington, VA 22217-5000, telephone number (202) 696-4870.

Dated: February 3, 1987.

Harold L. Stoller, Jr.,

Commander, JAGC, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 87-2795 Filed 2-10-87; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Information Technology Services, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before March 13, 1987.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., Room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Margaret B. Webster, Department of Education, 400 Maryland Avenue, SW., Room 4074, Switzer Building, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Margaret B. Webster (202) 426-7304.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Director, Information Technology Services, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) title; (3) agency form number (if any); (4) frequency of collection; (5) the affected public; (6) reporting burden; and/or (7) recordkeeping burden; and (8) abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Margaret Webster at the address specified above.

Dated: February 5, 1987.

Carlos U. Rice,

Director, Information Technology Services.

Office of Elementary and Secondary Education

Type of Review: Reinstatement
Title: Application for Title IV, Section 418A of the HEA, as amended, College Assistance Migrant Program
Agency Form Number: ED 819-1
Frequency: On occasion
Affected Public: Non-profit institutions
Reporting Burden:
Responses: 35
Burden Hours: 700
Recordkeeping Burden:
Recordkeepers: 0
Burden Hours: 0

Abstract: This application is used by Institutes of Higher Education (IHE) and other agencies working closely with an

IHE to obtain grants for projects that address the special educational needs of first year college students who are engaged, or whose families are engaged, in migrant and other seasonal farmwork.

Office of Elementary and Secondary Education

Type of Review: Reinstatement
Title: Application for Title IV, Section 418A of the Higher Education Act, as amended, High School Equivalency Program
Agency Form Number: ED 819
Frequency: On occasion
Affected Public: Non-profit institutions
Reporting Burden:
Responses: 45
Burden Hours: 900
Recordkeeping Burden:
Recordkeepers: 0
Burden Hours: 0

Abstract: This application is used by Institutes of Higher Education (IHE) and other agencies working closely with an IHE to implement projects that address the special educational needs of high school students who are engaged, or whose families are engaged, in migrant and other seasonal farmwork.

Office of Postsecondary Education

Type of Review: Revision
Title: Fiscal Operations Report and Application to Participate in the Perkins Loan, Supplemental Educational Opportunity Grants, and College Work Study Programs
Agency Form Number: ED 646-1
Frequency: Annually
Affected Public: State of local governments, non-profit institutions
Reporting Burden:
Responses: 5300
Burden Hours: 179,153
Recordkeeping Burden:
Recordkeepers: 5300
Burden Hours: 424

Abstract: Under the Higher Education Act of 1965, as amended, institutions are required to apply and subsequently report the expenditures for the Perkins Loan (formerly the National Direct Student Loan), the Supplemental Educational Opportunity Grant, and the College Work Study Programs, on an annual basis. The data collected on the report and application will be used to assess program effectiveness and accountability of funds expended during the award period 1986-87 and to compute the amount of funds needed by each institution during the 1988-89 award year.

Office of Postsecondary Education

Type of Review: Revision
Title: Guaranteed Student Loan (GSL) Tape Dump Procedures and PLUS Loan Tape Dump Procedures
Agency Form Number: E40-15P
Frequency: Annually
Affected Public: State or local governments; non-profit institutions
Reporting Burden:
Responses: 69
Burden Hours: 2273
Recordkeeping Burden:
Recordkeepers: 0
Burden Hours: 0

Abstract: The collection of this information is needed to describe the characteristics of borrowers under the Guaranteed Student Loan (GLS), Supplemental Loans for Students (SLS) and PLUS programs; to assess the impact of various legislative, regulatory, and budgetary proposals in terms of program costs and students served; and to monitor borrower fraud and abuse in the programs.

Office of Management

Type of Review: Reinstatement
Title: Federal Cash Transactions Report
Agency Form Number: ED PMS 272
Frequency: On occasion
Affected Public: State or local governments; businesses or other for profit; non-profit institutions
Reporting Burden:
Responses: 30,000
Burden Hours: 120,000
Recordkeeping Burden:
Recordkeepers: 0
Burden Hours: 0

Abstract: This report collects cash disbursement information from recipients of grant awards in order for the Department to monitor Federal cash advances to grantees.

Office of Bilingual Education and Minority Language Affairs

Type of Review: Extension
Title: Application for Emergency Immigrant Education Program
Agency Form Number: T85-IP
Frequency: Annually
Affected Public: State or local governments
Reporting Burden:
Responses: 57
Burden Hours: 8892
Recordkeeping Burden:
Recordkeepers: 57
Burden Hours: 57

Abstract: This application will collect data from State educational agencies on the number of eligible immigrant children enrolled in their elementary and secondary (public and non-public) schools. The data will be used by the Department of Education to determine the amount of grants to be awarded to SEA's under the Emergency Immigrant Education Program.

[FR Doc. 87-2871 Filed 2-10-87; 8:45 am]
BILLING CODE 4000-01-M

Invitation of Applications for New Awards Under the Undergraduate International Studies and Foreign Language Program for Fiscal Year 1987 (CFDA No. 84.016)

Purpose: Provides grants to institutions of higher education, combinations of those institutions and public and private nonprofit agencies and organizations, including professional and scholarly associations, to strengthen and improve undergraduate instruction in international studies and foreign languages in the United States.

Deadlines for transmittal of applications: March 30, 1987.
Applications available: February 20, 1987.

Available funds: Of the funds appropriated by the Congress for International Education for Fiscal Year 1987, approximately $1,200,000 will be used to fund applications submitted under sections 604(a) and (c) of Title VI of the Higher Education Act of 1965, as amended (HEA). No money will be used to fund model foreign language projects under section 604(b) of the HFA. Applicants should be aware that the President has proposed budget rescissions to the Congress that may eliminate funds for this program. The deadline established in this notice will not be extended, and applicants should prepare and submit applications pending further notification.

Estimated range of awards: $20,000 to $70,000.

Estimated average size of awards: 48,000.

Estimated number of awards: 24-26.

Project period: 24 months of single institutions of higher education; up to 36 months for all other applicants.

Applicable Regulations: (a) Undergraduate International Studies and Foreign Language Program, 34 CFR Parts 655 and 658, and (b) Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, and 78. To conform to the recent revisions to the statute, the word "comprehensive" will be deleted each time it appears in Part 658, and in § 658.11(g), the phrase "pre-service and in-service" will be inserted before the word "teacher".

For applications or information contact: Ralph Hines, U.S. Department of Education, 400 Maryland Avenue, S.W., Room 3053, ROB 3, Washington, DC 20202. Telephone: (202) 732-3290.

Program Authority: 20 U.S.C. 1124.

Dated: February 6, 1987.

C. Ronald Kimberling,

Assistant Secretary for Postsecondary Education.

[FR Doc. 87-2872 Filed 2-10-87; 8:45 am]

BILLING CODE 4000-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OAR-FRL-3154-1]

Gasoline Marketing: Availability of Documents for Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of EPA documents on the issue of gasoline marketing. These documents will be available for review at the following address: Environmental Protection Agency, Public Information References Unit, 401 M Street SW., Room 2904, Washington DC 20460.

Individuals wishing to review these documents should call (202) 382-5926 in advance.

SUPPLEMENTARY INFORMATION: The Environmental Protection Agency has been doing extensive analysis on the issue of whether and how to regulate emissions of volitale organic compounds associated with vehicle refueling. This notice announces the fact that EPA is making a large portion of that analysis available for public review. Additionally, this public docket will include copies of EPA's response to Congressional correspondence on this issue. Over the next several weeks, it is likely that additional documents and correspondence will be placed in this docket.

FOR FURTHER INFORMATION CONTACT: Paul Horwitz or Angeline Holowka, 401 M Street SW., Washington DC 20460 (202) 382-7432.

Dated: February 4, 1987.

Don R. Glay,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 87-2866 Filed 2-10-87; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59804; FRL-3154-4]

Toxic and Hazardous Substances Control; Certain Chemicals Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). In the **Federal Register** of November 11, 1984, (49 FR 46066) (40 CFR 723.250), EPA Published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. PMNs for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of two such PMN's and provides a summary of each.

DATE: Close of Review Period:

Y 87-97 and 87-98, February 17, 1987.

FOR FURTHER INFORMATION CONTACT: Stephanie Roan, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611 401 M Street, S.W., Washington, D.C. 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: Effective with this notice, a non-substantive change in format is being initiated for information published under sections 5(d)(2) and 5 (h)(6) of the Toxic Substances Control Act. Toxicity data will only appear in the notice when submitted with the polymer exemption submission. Exposure and environmental release/disposal information will no longer be published in the notice. The following notice contains information extracted from the non-confidential version of the submission by the manufacturer on the exemption received by EPA. The complete non-confidential document is available in the Public Reading Room NE-G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Y 87-98

Manufacturer. C.J. Osborn and Company.

Chemical. (G) Alkyd.

Use/Production. (S) Clear and Pigmented finishes. Prod. range: Confidential.

Y 87-98

Manufacturer. SUVAR Corporation, Superior Varnish and Drier Division.

Chemical. (G) Polyester.

Use/Production. (S) Metal decorating printing ink vehicle. Prod. range. Confidential.

Dated: February 3, 1987.

Denise Devoe,

Acting Division Director, Information Management Division.

[FR Doc. 87-2868 Filed 2-10-87; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51661; FRL-3154-3]

Toxic and Hazardous Substances Control; Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in the final rule published in the **Federal Register** of May 13, 1983 (48 FE 21722). This notice announces receipt of forty-one such PMNs and provides a summary of each.

DATES: Close of Review Period:

P 87-477 and 87-478, April 20, 1987

P 87-475, 87-476, 87-482, 87-483, 87-484, 87-485, 87-486, 87-487, 87-488, 87-489, 87-490, 87-491, 87-492, 87-493, 87-494, 87-497, 87-498 and 87-499, April 22, 1987

P 87-479, 87-480, 87-481, 87-495, 87-496, 87-500, 87-501, 87-502, 87-503, 87-506, 87-507 and 87-508, April 26, 1987

P 87-504, 87-505, 87-509, 87-510, 87-511, 87-512, 87-513, 87-514 and 87-515, April 27, 1987

Written comments by:

P 87-477 and 87-478, March 19, 1987

P 87-475, 87-476, 87-482, 87-483, 87-484, 87-485, 87-486, 87-487, 87-488, 87-489, 87-490, 87-491, 87-492, 87-493, 87-494, 87-497, 87-498 and 87-499, March 21, 1987

P 87-479, 87-480, 87-481, 87-495, 87-496, 87-500, 87-501, 87-502, 87-503, 87-506, 87-507 and 87-508, March 23, 1987

P 87-504, 87-505, 87-509, 87-510, 87-511, 87-512, 87-513, 87-514 and 87-515.

March 27, 1987

ADDRESS: Written comments, identified by the document control number "[OPTS-51661]" and the specific PMN number should be sent to: document Processing Center (TS-790), Office of Toxic Substances, Environmental Protection Agency, Rm. L-100, 401 M Street, S.W., Washington, D.C. 20460, (202) 554-1305.

FOR FURTHER INFORMATION CONTACT: Stephanie Roan, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street, S.W., Washington, D.C. 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: Effecitve with this notice, a non-substantive change in format is being initiated for information published under sections 5(d)(2) and 5(h)(6) of the Toxic Substances Control Act. Toxicity data will only appear in the notice when submitted with the PMN. Exposure and environmental release/disposal information will no longer be published in the notice. The following notice contains information extracted from the non-confidential version of the PMNs received by EPA. The complete non-confidential PMNs are available in the Public Reading Room NE-G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

P 87-475

Manufacturer. H. B. Fuller Company.
Chemical. (G) Epoxy functional vinyl acrylic multipolymer.
Use/Production. (G) Binder. Prod. range: 500,000 to 1,500,000 kg/yr.

P 87-476

Manufacturer. Confidential.
Chemical. (G) Potassium sulfonate.
Use/Production. (G) Destructive. Prod. range: Confidential.

P 87-477

Manufacturer. The C. P. Hall Company.
Chemical. (G) Aliphatic polyester.
Use/Production. (S) Plasticizer. Prod. range: Confidential.

P 87-478

Manufacturer. Hercules Incorporated.
Chemical. (G) Oligomers of C_3-C_5 alkenes.
Use/Production. (S) Hot melt adhesives and pressure sensitive adhesives for industrial, commercial and consumer use. Prod. range: Confidential.

P 87-479

Manufacturer. The Goodyear Tire and Rubber Company.
Chemical. (S) 4,4'-Tetrathiobismorpholine
Use/Production. (S) Industrial rubber curing agent. Prod. range: 4,500 to 10,000 kg/yr.
Toxicity Data. Acute oral: > 5,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Slight; Ames test: Non-mutagenic.

P 87-480

Manufacturer. Confidential.
Chemical. (G) Dithiocarbamyl substituted triazine.
Use/Production. (S) Industrial rubber curing agent. Prod. range: 4,550 to 10,000 kg/yr.
Toxicity Data. Acute oral: > 5,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Severe; Ames test: Non-mutagenic.

P 87-481

Importer. Confidential.
Chemical. (G) Salt of perfluoro fatty acids.
Use/Import. (G) Emulsifier. Import range: Confidential.

P 87-482

Manufacturer. Confidential.
Chemical. (G) Polyester resin.
Use/Production. (G) Resin converted to paint. Prod. range: Confidential.

P 87-483

Manufacturer. Confidential.
Chemical. (G) Polyester resin.
Use/Production. (G) Resin converted to paint. Prod. range: Confidential.

P 87-484

Manufacturer. Confidential.
Chemical. (G) Polyester resin.
Use/Production. (G) Resin converted to paint. Prod. range: Confidential.

P 87-485

Manufacturer. Confidential.
Chemical. (G) Acrylic resin.
Use/Production. (G) Resin converted to paint. Prod. range: Confidential.

P 87-486

Manufacturer. Confidential.
Chemical. (G) Acrylic resin.
Use/Production. (G) Resin converted to paint. Prod. range: Confidential.

P 87-487

Manufacturer. Confidential.
Chemical. (G) Acrylic resin.
Use/Production. (G) Resin converted to paint. Prod. range: Confidential.

P 87-488

Manufacturer. Confidential.
Chemical. (G) Acrylic resin.
Use/Production. (G) Resin converted to paint. Prod. range: Confidential.

P 87-489

Manufacturer. Confidential.
Chemical. (G) Acrylic resin.
Use/Production. (G) Resin converted to paint. Prod. range: Confidential.

P 87-490

Manufacturer. Confidential.
Chemical. (G) Acrylic resin.
Use/Production. (G) Resin converted to paint. Prod. range: Confidential.

P 87-491

Manufacturer. Confidential.
Chemical. (G) Acrylic resin.
Use/Production. (G) Resin converted to paint. Prod. range: Confidential.

P 87-492

Manufacturer. Confidential.
Chemical. (G) Acrylated alkyd resin.
Use/Production. (G) Resin converted to paint. Prod. range: Confidential.

P 87-493

Manufacturer. Confidential.
Chemical. (G) Oil modified polyurethane.
Use/Production. (G) Ink varnishes. Prod. range: Confidential.

P 87-494

Manufacturer. Confidential.
Chemical. (G) Acrylated alkyd resin.
Use/Production. (G) Isocyanate modified alkyd resin. Prod. range: Confidential.

P 87-495

Importer. Mobil Oil Corporation.
Chemical. (S) Light MTG Gasoline Stream.
Use/Production. (S) Automotive fuel. Prod. range: $560X10^6$ kg/yr.
Toxicity Data. Acute oral: > 5.0 g/kg; Acute dermal: > 2 g/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant; Ames test: Negative; Skin sensitization: Non-sensitizing; LC_{50} 96 hr (Rainbow trout): 10 ml/L; LC_{50} 96 hr (Bluegill Sunfish): 10 ml/L; LC_{50} 96 hr (Sheepshead minnow): 10 ml/L; LC_{50} 48 hr (Water flea): 10 ml/L; LC_{50} 48 hr (Mysid shrimp): 10 ml/L.

P 87-496

Importer. Mobil Oil Corporation.
Chemical. (G) Treated heavy MTG gasoline stream.
Use/Production. (S) Automotive fuel. Import range: $560X10^6$.
Toxicity Data. Acute oral: > 5.0 g/kg; Acute dermal: > 2 g/kg; Irritation: Skin—Non-irritant; Eye—Non-irritant, Ames test: Negative; Skin sensitization: Non-sensitizing; LC_{50} 96 hr (Rainbow

trout): 10 ml/L; LC_{50} 96 hr (Bluegill Sunfish): 10 ml/L; LC_{50} 96 hr (Sheepshead minnow): 10 ml/L; LC_{50} 48 hr (Water flea): 10 ml/L; LC_{50} 48 hr (Mysid shrimp): 10 ml/L.

P 87–497

Manufacturer. Confidential.
Chemical. (G) Modified epoxy resin.
Use/Production. (G) Resin converted to paint. Prod. range: Confidential.

P 87–498

Manufacturer. Confidential.
Chemical. (G) Modified epoxy resin.
Use/Production. (G) Resin converted to paint. Prod. range: Confidential.

P 87–499

Manufacturer. Confidential.
Chemical. (G) Modified epoxy resin.
Use/Production. (G) Resin converted to paint. Prod. range: Confidential.

P 87–500

Importer. Confidential.
Chemical. (G) Substituted benzene sulfonamide.
Use/Import. (G) Polymer additive. Import range: Confidential.
Toxicity Data. Acute oral: > 5,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant.

P 87–501

Manufacturer. Confidential.
Chemical. (G) Organo-aluminum compound.
Use/Production. (G) Contained Use. Prod. range: Confidential.

P 87–502

Manufacturer. Confidential.
Chemical. (G) Dialkenylamide.
Use/Production. (G) Polymer modifying agent. Prod. range: Confidential.
Toxicity Data. Acute oral: > 908 mg/kg; Acute dermal: 1,600 mg/kg; Irritation: Skin—Non-irritant, Eye—Irritant; Ames test: Non-mutagenic.

P 87–503

Manufacturer. Confidential.
Chemical. (G) Alkylated phenol.
Use/Production. (G) Chemical intermediate. Prod. range: Confidential.

P 87–504

Manufacturer. Dynamit Nobel Chemicals.
Chemical. (G) Zirconium chelate.
Use/Production. (S) Industiral adhesion promoter-printing ink industry; and crosslinker-oil field hydraulic facturing fluids. Prod. range: Confidential.

P 87–505

Importer. E. I. du Pont de Nemours and Company, Inc.
Chemical. (S) Decanedioic acid, polymer with 1,2-ethanediol.
Use/Import. (S) Lubricant in medical x-ray film overcoat.
Import range: 500 to 1,000 kg/yr.

P 87–506

Manufacturer. Confidential.
Chemical. (G) Hydrogen bis[1-[(3,5-disubstituted-2-hydroxyphenyl) azo]-3-(N-monosubsituted)-2-naphthalenolate(2-)]chromate(1-).
Use/Import. (G) Toner for plain paper copy machine (electrographic copy machine). Import range: Confidential.
Toxicity Data. Acute oral: > 5.0 g/kg; Acute dermal: > 2.0 g/kg; Irritation: Skin—Non-irritant, Eye—Mild; Ames test: Non-mutagenic; Sking sensitization: Non-sensitizer; Micronucleus test: 8,000 mg/kg; LC_{50} 48 hr (Daphnia magna): 10 mg;L; BOD 28 days: 3.20 mg/L.

P 87–507

Manufacturer. Confidential.
Chemical. (G) Alkyl phenol formaldehyde polymer.
Use/Production. (G) Petroleum additive. Prod. range: Confidential.
Toxicity Data. Acute oral: 2,000 mg/kg; Irritation: Eye—Minimal.

P 87–508

Manufacturer. Confidential.
Chemical. (G) Substituted bis-urea.
Use/Production. (G) Additive in coating having an open, industrial use. Prod. range: 1,000 to 3,300 kg/yr.

P 87–509

Manufacturer. Bedoukian Research Incorporated.
Chemical. (S) Benzoic acid, 2-[(3-(4-methoxyphenyl)-2-methyl-1-propenyl)amino]-,methylester.
Use/Production. (S) Commercial perfume and soap components. Prod. range: 1,000 to 1,200 kg/yr.

P 87–510

Manufacturer. Confidential.
Chemical. (G) NCO terminated urethane.
Use/Production. (G) Adhesive for open, non-dispersive use on varying substrates. Prod. range: Confidential.

P 87–511

Manufacturer. Celanese Advance Technology Company.
Chemical. (S) Phenol 4,4',4"-(ethylidene)tris.
Use/Production. (S) Industrial crosslinking agent for polymers, intermediate/hardener for epoxies and intermediate for synthesis of other chemicals. Prod. range: Confidential.
Toxicity Data. Acute oral: > 5.0 g/kg; Acute dermal > 5.0 g/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant; Ames test: Non-Mutagenic.

P 87–512

Manufacturer. Exxon Chemical Company.
Chemical. (G) polyester of alpha-unsaturated carbonyl compounds and oxyalkylated phenol-formaldehyde resins.
Use/Production. (G) Crude oil production aid. Prod. range: Confidential.
Toxicity Data. Acute oral: 5.0 g/kg; Acute dermal: 3.16 g/kg; Irritation: Skin—Moderate, Eye—Moderate.

P 87–513

Manufacturer. Exxon Chemical Company.
Chemical. (G) Polyester of alpha-unsaturated carbonyl compounds and oxyalkylated phenol-formaldehyde resins.
Use/Production. (G) Crude oil production aid. Prod. range: Confidential.
Toxicity Data. Acute oral: 5.0 g/kg; Acute dermal: 3.16 g/kg; Irritation: Skin—Moderate, Eye Moderate.

P 87–514

Importer. Confidential.
Chemical. (G) 2,6-bis(substitutedamino)-3-methyl fluoran.
Use/Import. (G) Used in the manufacture of thermal paper. Import range: Confidential.
Toxicity Data. Acute oral: 5.0 g/kg; Acute dermal: 2.0 g/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant; Ames test: Non-mutagenic; Skin sensitization: Non-sensitizer; Micronucleus test: 10,000 mg/kg; EC_{50} 24 hr (Daphnia magna): 710 mg/L; EC_{50} 48 hr (Daphnia magna): 9.4 mg/L.

P 87–515

Importer. Confidential.
Chemical. (G) Poly ether glycol.
Use/Import. (G) Polyurethane elastomer, coating and binder. Import range. Confidential.

Dated: February 3, 1987.

Denise Devoe,

Acting Division Director, Information Management Division.

[FR Doc. 87–2869 Filed 2–10–87; 8:45 am]

BILLING CODE 6560–50–M

[FRL-3153-9]

Advisory Committee Negotiating Regulations Governing Major and Minor Modifications of Resource Conservation and Recovery Act (RCRA) Permits; Meeting

As required by section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), we are giving notice of an open meeting of the Advisory Committee negotiating regulations governing major and minor modifications of Resource Conservation and Recovery Act (RCRA) permits.

The meeting will be held on Monday, February 23, 1987, at The Conservation Foundation, 1255 23rd Street, N.W., First Floor Library, Washington, D.C. The meeting will start at 10:00 a.m. and will run until at least 5:00 p.m. The purpose of the meeting is to complete consensus on the substantive issues which the Committee has identified for resolution, and to ratify language reflecting the Committee's agreed upon consensus.

If interested in receiving more information, please contact Kathy Tyson at (202) 382-5479.

Dated: February 4, 1987.

Milton Russell,

Assistant Administrator.

[FR Doc. 87-2867 Filed 2-10-87; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-00075; FRL-3155-3]

Biotechnology Science Advisory Committee; Subcommittee on the Definition of Pathogen; Open Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of open meeting.

SUMMARY: There will be a 2-day meeting of the Biotechnology Science Advisory Committee's Subcommittee on the Definition of Pathogen to discuss formulating a definition of pathogen for regulatory purposes under EPA's biotechnology policy. The meeting will be open to the public.

DATES: The meeting will be held on Thursday and Friday, February 26 and 27, 1987, starting at 9 a.m. both days and ending at approximately 5 p.m. on February 27.

ADDRESS: The meeting will be held at: Environmental Protection Agency, Rm. 1112, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

FOR FURTHER INFORMATION CONTACT: Environmental Protection Agency, The TSCA Assistance Office, Office of Pesticides and Toxic Substances (TS-799), 401 M St., SW., Washington, DC 20460, (202-554-1404).

SUPPLEMENTARY INFORMATION: This open meeting is being held to discuss the definition of pathogen. Attendance by the public will be limited to available space. The TSCA Assistance Office will provide rosters of the committee members and additional information, upon request after February 20, 1987. A summary of the meeting will be available from that office at a later date.

Dated: February 4, 1987.

Victor J. Kimm,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 87-2978 Filed 2-10-87; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL HOME LOAN BANK BOARD

Approval of Application for Unlisted Trading Privileges; Cincinnati Stock Exchange, Inc.

Dated: December 15, 1986.

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice.

SUMMARY: On August 29, 1986, The Cincinnati Stock Exchange, Inc. filed with the Federal Home Loan Bank Board ("Board") an application ("Application"), pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 ("Act") and Rule 12f-1 [17 CFR 240.12f-1] thereunder, for unlisted trading privileges in the following securities which are listed on one or more national securities exchange:

Mercury Savings and Loan Association
Huntington Beach, California (FHLBB No. 6649)
Guarantee Stock, $1.00 Par Value

Notice of the Application and opportunity for hearing was published in the **Federal Register** on September 30, 1986, and interested persons were invited to submit written data, views and arguments within 15 days. See Board Resolution No. 86-1044, dated September 24, 1986. (51 FR 34685, September 30, 1986). The Board received no comments with respect to the Application. Notice is hereby given that the Office of General Counsel of the Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the Application for unlisted trading privileges in these securities on October 29, 1986.

SUPPLEMENTARY INFORMATION: The Board finds that the approval of the Application for unlisted trading privileges in these securities is consistent with the maintenance of fair and orderly markets and the protection of investors. As a national securities exchange registered with the Securities and Exchange Commission ("Commission") pursuant to Section 6 of the Act, the Cincinnati Stock Exchange is subject to the provisions of paragraph (b) of that section, and to the Commission's inspection authority and oversight responsibility under Sections 17 and 19 of the Act and the rules and regulations thereunder. Transactions in the subject securities, regardless of the market in which they occur, are reported in the consolidated transaction reporting system contemplated by Rule 11Aa3-1 under the Act [17 CFR 240.11Aa3-1]. The availability of last sale information for the subject securities should contribute to pricing efficiency and to ensuring that transactions on the Cincinnati Stock Exchange are executed at prices which are reasonably related to those occurring in other markets. Further, the approval of the Application will provide increased opportunities for competition among brokers and dealers and among exchange markets consistent with the purposes of the Act and the objectives of the national market system. Finally, the Board received no comments indicating that the granting of the Application would not be consistent with the maintenance of fair and orderly markets and the protection of investors.

Accordingly, pursuant to section 12(f)(1)(B) of the Act, the Office of General Counsel of the Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the Application for unlisted trading privileges in the above named securities on October 29, 1986.

By the Federal Home Loan Bank Board.

Nadine Y. Washington,

Acting Secretary.

[FR Doc. 87-2797 Filed 2-10-87; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Service Contract Provisions; Most Favored Shipper and Liquidated Damages Clauses; Filing of Petition for Rulemaking; Time for Comment

The Federal Maritime Commission, by notice published January 22, 1987 (52 FR 2443), invited comments on subject petition for rulemaking which was filed by the International Council of Containership Operators (Petitioner). A twenty-day period for comment was provided.

Counsel for Chemical Manufacturers Association (CMA) now has requested a 30-day enlargement of time to March 12,

1987 to comment. Counsel cites several grounds including prior commitments and the snow-forced cancellation of a CMA Work Group meeting which had been scheduled to consider how to respond to the petition, and inability to reschedule the meeting until March. Counsel also suggests that the requested delay in action on these issues would not unduly prejudice the proceeding.

Petitioner has filed a reply in opposition to the enlargement of time. Petitioner disagrees that further delay would be inconsequential and suggests that the delay already experienced provides the very reason to move forward promptly. Petitioner also points out that CMA either has had or will have ample opportunity to comment under the present procedural framework and schedule.

Upon consideration of the request for enlargement of time and reply thereto, we have determined that the request should be granted only in part. A 15-day extension to February 27, 1987, is appropriate. This is in recognition of the fairly short (20 days) original comment period and in consideration of CMA's prior commitment problem, balanced against the need to expeditiously resolve the position. This would also accommodate other interested parties who have informally indicated a need for a short extension.

By the Commission February 6, 1987.

Joseph C. Polking,

Secretary.

[FR Doc. 87-2890 Filed 2-10-87; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Granite State Bankshares, Inc., et al.; Notice of Application To Engage de Novo in Permissable Nonbanking Activities; Correction

This notice corrects a previous Federal Register document.

1. (FR. Doc. 87-2071), published at page 3347 of the issue for Tuesday, February 3, 1987.

Under the Federal Reserve Bank of Boston, the entry for Granite State Bankshares, Inc. is corrected to read as follows:

A. **Federal Reserve Bank of Boston** (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Granite State Bankshares, Inc.*, Keene, New Hampshire; to engage *de novo* through its subsidiary, GSBI Mortgage, Inc., Keene, New Hampshire, in mortgage banking activities pursuant to § 225.25(b)(1)(iii) of the Board's Regulation Y. These activities will be conducted in the New England States.

Comments on this application must be received by February 20, 1987.

Board of Governors of the Federal Reserve System, February 5, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-2817 Filed 2-10-87; 8:45 am]

BILLING CODE 6210-01-M

Griffin Holdings, Inc., et al.; Applications to Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 4, 1987.

A. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Griffin Holdings, Inc.*, Los Angeles, California; to engage *de novo* in mortgage lending, consumer finance, credit card finance, and commercial finance and factoring, pursuant to § 225.25(b)(1) of the Board's Regulation Y.

2. *Standard Chartered PLC*, Standard Chartered Bank, Standard Chartered Overseas Holdings Limited, all of London, England, and Standard Chartered Holdings Inc. and Union Bancorp, both of Los Angeles, California; to engage *de novo* through Union BancSystems, Inc., Sherman Oaks, California, in management consulting to, and data processing for, depository institutions pursuant to § 225.25(b)(11) and (b)(7) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, February 5, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-2815 Filed 2-10-87; 8:45 am]

BILLING CODE 6210-01-M

Meadlowlands Financial Corp. of New Jersey, et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than March 3, 1987.

A. **Federal Reserve Bank of New York** (William L. Rutledge, Vice President) 33

Liberty Street, New York, New York 10045:

1. *Meadowlands Financial Corporation of New Jersey*, North Bergen, New Jersey; to become a bank holding company by acquiring 100 percent of the voting shares of Meadowlands National Bank, North Bergen, New Jersey.

B. **Federal Reserve Bank of Chicago** (David S. Epstein, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Greatbanc, Inc.*, Aurora, Illinois; to acquire 82 percent of the voting shares of Evco, Inc., Evanston, Illinois, and thereby indirectly acquire Evanston Bank, Evanston, Illinois.

C. **Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *First Tennessee National Corporation*, Memphis, Tennessee; to acquire at least 90 percent of the voting shares of Lebanon Bank, Lebanon, Tennessee. Comments on this application must be received by March 2, 1987.

D. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198;

1. *Cherokee Bancorp, Inc.*, Cherokee, Oklahoma; to become a bank holding company by acquiring 100 percent of the voting shares of Alfala County Bancshares, Inc., Cherokee, Oklahoma, and thereby indirectly acquire Alfala County Bank, Cherokee, Oklahoma. Bank engages in the sale of general insurance in a town of less than 5,000. Comments on this application must be received by March 2, 1987.

2. *Gladstone Bancshares*, Gladstone, Missouri; to become a bank holding company by acquiring 100 percent of the voting shares of Northland National Bank, Gladstone, Missouri, a *de novo* bank.

Board of Governors of the Federal Reserve System, February 5, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-2816 Filed 2-10-87; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Agency Information Collection Under Review by the Office of Management and Budget (OMB): GSA Form 1195, Application for Placement on GSA Register of Available Real Estate Appraisers

AGENCY: Office of Real Estate Policy and Sales (DRON), GSA.

ACTION: Notifying the public that GSA proposes to continue using the above information collection.

SUMMARY: Under the Paperwork Reduction Act of 1980 (44 U.S.C. ch. 35), the General Services Administration has requested the OMB to extend its approval of this information collection, listing appraisers who want to make themselves available to GSA.

Annual Reporting Burden: Respondents, 150; responses, 1 each; total hours, 75.

ADDRESS: Send comments to Bruce McConnell, GSA Desk Officer, Room 3235, NEOB, Washington, DC 20503, and to Rodney P. Lantier, GSA Clearance Officer (CAID), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Ronald Peppe/Zebulum Mathews, DRON, (202) 535-7072.

Copy of Proposal: A copy of the proposal may be obtained by calling (202) 566-0668 or writing to the Directives and Reports Management Branch (CAID), Room 3015, GS Bldg., Washington, DC 20405.

Dated: February 3, 1987.

Michael G. Barbour,

Director, Information Management Division.

[FR Doc. 87-2801 Filed 2-10-87; 8:45 am]

BILLING CODE 6820-96-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

National Advisory Council on Drug Abuse, etc.; Meetings; Correction

AGENCY: Alcohol, Drug Abuse, and Mental Health Administration.

ACTION: Correction notice.

SUMMARY: Public notice was given in the **Federal Register** on February 2, 1987 on page 3170 that the Child and Family and Prevention Subcommittee of the Life Course and Prevention Research Review Committee, NIMH, would meet at the River Inn. The notice is being corrected to read as follows:

Place: St. James Hotel, 25th and Pennsylvania Avenue, NW., Washington, DC.

All other information for this committee remains the same.

Dated: February 9, 1987.

Brenda L. Williamson,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 87-2990 Filed 2-9-87; 8:45 am]

BILLING CODE 4160-20-M

Food and Drug Administration

Consumer Participation; Open Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following District consumer exchange meeting:

San Francisco District Office, chaired by Ronald Johnson, District Director. Topic to be discussed is proposed regulation on cholesterol labeling.

Date: Thursday, February 26, 1987, 1 p.m. to 3 p.m.

Address: San Francisco District Office, 50 U.N. Plaza Federal Office Bldg., Rm. 406, San Francisco, CA 94102.

For further information contact: Lula Holland, Consumer Affairs Officer, Food and Drug Administration, 50 U.N. Plaza Federal Office Bldg., San Francisco, CA 94102, 415-556-1364.

Newark District Office, chaired by Matthew H. Lewis, District Director. Topic to be discussed is proposed regulation on cholesterol labeling.

Date: Thursday, February 26, 1987, 10 a.m. to 12 m.

Address: Newark District Office, 61 Main St., West Orange, NJ 07502.

For further information contact: Lillie Dortch-Wright, Consumer Affairs Officer, Food and Drug Administration, Newark District Office, 61 Main St., West Orange, NJ 07502, 201-645-3265.

SUPPLEMENTARY INFORMATION: The purpose of these meetings is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: February 4, 1987.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 87-2823 Filed 2-10-87; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 86N-0465]

Action Levels for Residues of Benzene Hexachloride in Food and Feed

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that on November 6, 1986, the agency

established new action levels and revised a number of its existing action levels for residues of the cancelled pesticide benzene hexachloride (BHC) in food and feed. FDA has taken this action in response to the Environmental Protection Agency's (EPA) recommendation that FDA establish action levels to replace tolerances and the food additive regulation that was revoked by EPA. The EPA action level recommendations are intended to cover unavoidable residues of this pesticide in the food commodities affected by the revocation of the tolerances and the food additive regulation. Additionally, based upon EPA's recommendations, FDA has revised or reaffirmed the previously established FDA action levels for unavoidable BHC residues in other food and feed commodities that had not been subject to EPA tolerances or food additive regulations. FDA's Compliance Policy Guide 7141.01, Attachment B.2, has been revised to reflect these changes.

DATE: Written comments by April 13, 1987.

ADDRESS: Written comments concerning the new and revised action levels for BHC residues and requests for single copies of FDA Compliance Policy Guide 7141.01, Attachment B.2, should be submitted to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: John R. Wessel, Office of Regulatory Affairs (HFC–205), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1815.

SUPPLEMENTARY INFORMATION: In the Federal Register of July 16, 1986, EPA issued two final rules (51 FR 25697 and 25685) revoking the tolerances under 40 CFR 180.40 for the pesticide BHC in raw agricultural commodities and a food additive regulation under 21 CFR 193.35 for BHC in residues of dehydrated peppers (paprika). EPA revoked these regulations because all food uses of BHC had previously been cancelled.

EPA recommended in the preamble to its final rules and in a letter dated July 8, 1986, from the Assistant Administrator for Pesticides and Toxic Substances, EPA, to the Associate Commissioner for Regulatory Affairs, FDA, that FDA establish specified action levels to replace the tolerances and a food additive regulation. These action levels are necessary to regulate unavoidable residues of this environmentally persistent pesticide in the food which had previously been covered by tolerances and the food additive regulation. They were recommended by EPA in accordance with the agency's policy statement on the revocation of tolerances for cancelled pesticides, which was published in the Federal Register of September 29, 1982 (47 FR 42956). Additionally, in the preamble of its final rules and its letter, EPA recommended revision or reaffirmation of FDA's previously established action levels for unavoidable residues of BHC in raw agricultural commodities and processed animal feed that were not subject to EPA tolerances or food additive regulations.

In considering the EPA action level recommendations, FDA requested that EPA modify its recommendations to include, where possible for purposes of the BHC action levels, crop groups, as specified in 40 CFR 180.34(f), rather than individual commodities as specified in the EPA notices. In a letter dated September 17, 1986, the Assistant Administrator for Pesticides and Toxic Substances advised the Associate Commissioner for Regulatory Affairs that EPA recommended that the crop groupings of citrus fruits, small fruits and berries, and root and tuber vegetables be used for the action levels that EPA originally had recommended for individual commodities that are part of these crop groups. In making this recommendation, EPA concluded that the use of these crop groups for purposes of the action levels would not significantly increase dietary exposures to BHC residues.

On November 6, 1986, FDA established the new and revised action levels for unavoidable residues of BHC for food and feed that were recommended by EPA, including use of the EPA recommended crop groups. Attachment B.2 of FDA Compliance Policy Guide 7141.01, which listed the BHC action levels previously established by FDA, has been revised to reflect these changes. The BHC action levels now in effect are as follows:

Commodities[1]	Action level (parts per million)
Animal feed, porcessed	0.05
Apples	0.05
Asparagus	0.05
Avocados	0.05
Beans	0.05
Brassica (cole) leafy vegetables (except broccoli raab, rape greens).	0.05
Celery	0.05
Carrots	0.3
Cereal grains (except buckwheat, millet, popcorn, teosinte, wild rice).	0.05
Citrus fruits	0.05
Cocoa beans	0.5
Cucurbit vegetables (except Balsam pears, chinese waxgrourds, gherkins, gourds).	0.05
Eggplant	0.05
Eggs	0.05
Endive	0.05
Figs	0.05
Frog legs (edible portion)	0.3
Guavas	0.05
Hays (animal feed)	0.05
Lettuce	0.05
Mangoes	0.05
Milks	0.3 (fat basis)
Okra	0.05
Onions	0.05
Paprika	1.0
Pears	0.05
Peas	0.05
Pecans	0.05
Peppers	0.05
Pineapples	0.05
Quinces	0.05
Rabbits	0.03 (fat basis)[2]
Root and tuber vegetables (except carrots).	0.05
Small fruits and berries	0.05
Spinach	0.05
Swiss chard	0.05
Stone fruits (except Chickasaw, Damson, and Japanese plums).	0.05
Tomatoes	0.05
Turnip greens	0.05

[1] Action levels for crop groups cover all commodities specified on 40 CFR 180.34(f), except where an exception is noted.

[2] For rabbits that contain insufficent fat to conduct an analysis on a fat basis, analyze the rabbits on a whole product basis (edible portion) and use 0.1 part per million, the limit of determination, as the action level.

Copies of the EPA correspondence recommending the new and revised action levels, the revised Attachment B.2 of Compliance Policy Guide 7141.01, and the memorandum to FDA Field Offices notifying them of the establishment of the action levels are on file in the Dockets Management Branch (address above) under the docket number found in brackets in the heading of this document.

Interested persons may, on or before April 13, 1987, submit written comments, data, and information regarding these action levels to the Dockets Management Branch. Two copies of any comments are to be submitted, except that individuals may submit one copy.

Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 4, 1987.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 87-2822 Filed 2-10-87; 8:45 am]

BILLING CODE 4160-01-M

Health Resources and Services Administration

Filing of Annual Report of Federal Advisory Committee

Notice is hereby given that pursuant to section 13 of Pub. L. 92-463, the Annual Report for the following Health Resources and Services Administration Federal Advisory Committee has been filed with the Library of Congress: National Advisory Council on Migrant Health.

Copies are available to the public for inspection at the Library of Congress, Newspaper and Current Periodical Reading Room, Room 1026, Thomas Jefferson Building, Second Street and Independence Avenue, SE., Washington, DC, or weekdays between 9:00 a.m. and 4:30 p.m. at the Department of Health and Human Services, Department Library, North Building, Room 400, 200 Independence Avenue, SW., Washington, DC 20201, Telephone (202) 245-6791. Copies may be obtained from Sonia M. Leon Reig, Acting Executive Secretary, National Advisory Council on Migrant Health, Room 7A-55, Parklawn Building, 5700 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-1153.

Dated: January 29, 1987.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 87-2820 Filed 2-10-87; 8:45 am]

BILLING CODE 4160-15-M

National Institutes of Health

National Cancer Institute; Amended Notice of Meeting (Frederick Cancer Research Facility Advisory Committee)

The notice of the meeting of the Frederick Cancer Research Facility Advisory Committee, February 13, 1987, published in the **Federal Register** on January 23 (52 FR 2611) is hereby amended. The closed portion of the meeting scheduled from 11:30 a.m. to adjournment ahs been cancelled. The entire meeting from 8:30 a.m. to adjournment will be open to the public. This meeting is to be held at the National Institutes of Health, Building 31C, Conference Room 7, Bethesda, Maryland 20892 for the concept review of future directions in AIDS vaccine and interventive strategies.

For further information, call Dr. Cedric W. Long, Executive Secretary, Frederick Cancer Research Facility Advisory Committee, National Cancer Institute, Frederick Cancer Research Facility, Building 427, Frederick, Maryland 21701 (301/695-1108).

Dated: February 9, 1987.

James B. Wyngaarden,

Director, National Institutes of Health.

[FR Doc. 87-3016 Filed 2-10-87; 8:45 am]

BILLING CODE 4140-01-M

Public Health Service

Health Education Assistance Loan Program; Maximum Interest Rates for Quarter Ending March 31, 1987

Section 727 of the Public Health Service Act (42 U.S.C. 294) authorizes the Secretary of Health and Human Services to establish a Federal program of student loan insurance for graduate students in health professions schools.

A. Section 60.13(a)(4) of the program's implementing regulations (42 CFR Part 60, previously 45 CFR Part 126) provides that the Secretary will announce the interest rate in effect on a quarterly basis.

The Secretary announces that for the period ending March 31, 1987, three interest rates are in effect for loans executed through the Health Education Assistance Loan (HEAL) program.

1. For loans made before January 27, 1981, the variable interest rate is 9⅛ percent. Using the regulatory formula (45 CFR 126.13(a)(2) and (3)) in effect prior to January 27, 1981, the Secretary would normally compute the variable rate for this quarter by finding the sum of the fixed annual rate (7 percent) and a variable component calculated by subtracting 3.50 percent from the average bond equivalent rate of 91-day U.S. Treasury bills for the preceding calendar quarter (5.51 percent), and rounding the result (9.01 percent) upward to the nearest ⅛ percent (9⅛ percent). However, the regulatory formula also provides that the annual rate of the variable interest rate for a 3-month period shall be reduced to the highest one-eighth of 1 percent which would result in an average annual rate not in excess of 12 percent for the 12-month period concluded by those 3 months. Because the average rate of the 4 quarters ending March 31, 1987, is not in excess of 12 percent, there is no necessity for reducing the interest rate. For the previous 3 quarters the variable interest at the annual rate was as follows: 10⅝ percent for the quarter ending June 30, 1986; 9⅞ percent for the quarter ending September 30, 1986; and 9¼ percent for the quarter ending December 31, 1986.

2. For variable rate loans executed during the period of January 27, 1981 through October 21, 1985, the interest rate is 9⅛ percent. Using the regulatory formula (42 CFR 60.13 (a)(3)) in effect since January 27, 1981, the Secretary computes the maximum interest rate at the beginning of each calendar quarter by determining the average bond equivalent rate for the 91-day U.S. Treasury bills during the preceding quarter (5.51 percent); adding 3.50 percent (9.01 percent); and rounding that figure to the next higher one-eighth of 1 percent (9⅛ percent).

3. For fixed rate loans executed during the period of January 1, 1987 through March 31, 1987, and for variable rate loans executed on or after October 22, 1985, the interest rate is 8⅝ percent. The Health Professions Training Assistance Act of 1985 (Pub. L. 99-129), enacted October 22, 1985, amended the formula for calculating the interest rate by changing 3.5 percent to 3 percent. Using the regulatory formula (42 CFR 60.13(a)(2) and (3)) and the statutory change of 3 percent (42 CFR 60.13(a)(1)), the Secretary computes the maximum interest rate at the beginning of each calendar quarter by determining the average bond equivalent rate for the 91-day U.S. Treasury bills during the perceding quarter (5.51 percent); adding 3.0 percent (8.51 percent) and rounding that figure to the next higher one-eighth of 1 percent (8⅝ percent).

(Catalog of Federal Domestic Assistance No. 13.108, Health Education Assistance Loans)

Dated: February 5, 1987.

John H. Kelso,

Acting Administrator.

[FR Doc. 87-2819 Filed 2-10-87; 8:45 am]

BILLING CODE 4160-15-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Kingman Resource Area Grazing Board Meeting

AGENCY: Bureau of Land Management, Phoenix District.

ACTION: Notice of meeting—Kingman Resource Area Grazing Board.

SUMMARY: The Kingman Resource Area Grazing Advisory Board will hold a meeting on Wednesday, March 11, 1987. The meeting will start at 9:00 a.m. in the Kingman Resource Area Conference Room, 2475 Beverly Avenue, Kingman, Arizona 86401.

The agenda for the meeting will include:

1. Update of the Bureau's Exchange Program.
2. Status of the Bureau's Planning and Environmental Impact Statements.
3. Status of Grazing Program.
4. Report of Range Improvements for F.Y. '87.
5. Range Policy Update.
6. Request for Advisory Board Expenditures.
7. Arrangements for future meetings.

The meeting is open to the public. Anyone wishing to make oral or written statements to the Board is requested to do so through the office of the District Manager, 2015 West Deer Valley Road, Phoenix, Arizona 85027 at least seven days prior to the meeting date.

Summary minutes of the Board meeting will be maintained in the District Office and be made available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: February 3, 1987.

Henri R. Bisson,

Acting District Manager.

[FR Doc. 87-2851 Filed 2-10-87; 8:45 am]

BILLING CODE 4310-32-M

Phoenix Lower Gila, Resource Areas Grazing Advisory Board

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Meeting—Phoenix/Lower Gila Resource Areas grazing Advisory Board.

SUMMARY: The Phoenix/Lower Gila Resource Areas Grazing Advisory board will hold a meeting on Tuesday, March 17, 1987. The meeting will start ata 9:00 a.m. in the Phoenix District Office Conference Room, 2015 W. Deer Valley Road, Phoenix, Arizona 85027.

The agenda for the meeting will include:

1. Update of the Bureau's Exchange Program.
2. Status of the Bureau's Planning and Environmental Impact Statements.
3. Report on Range Improvements for F.Y. 1987.
4. Range Policy Update.
5. Request for Advisory Board Expenditures.
6. Arrangements for Future Meetings.

The meeting is open to the public. ANyone wishing to make oral or wrtitten statements to the Board is requested to do so through the office of the District Manager, 2015 West Deer Valley Road, Phoenix, Arizona 85027, at least seven days prior to the meeting date.

Summary minutes of the Board meeting will be maintained in the District office and be made available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: February 3, 1987.

Henri, R. Bisson,

Acting District Manager.

[FR Doc. 87-12802 Filed 2-10-87; 8:45 am]

BILLING CODE 4310-32-M

[CA-060-07-5101-09-YBDC]

All American Crude Oil Pipeline, Texas Extension; Public Hearings for Draft Supplemental Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public hearings.

SUMMARY: The Bureau of Land Management will conduct eleven formal public hearings to receive oral testimony from interested persons on the Draft Supplemental Environmental Impact Statement concerning the Texas extension of the All American crude oil pipeline.

ADDRESS: For further information, contact; Public Affairs Officer, U.S. Bureau of Land Management, 1695 Spruce Street, Riverside, California, 92507; (714) 351-6383 or 351-6391.

SUPPLEMENTARY INFORMATION: The all American Pipeline Company proposes to extend its crude oil pipeline transportation system from McCamey, Texas to webster, Texas. A Draft Supplemental Environmental Impact Statement, which examines the environmental aspects of this proposal, was released for a sixty-day public review on January 30, 1987. A Notice of availability was published in the **Federal Register** on that date. This review will end on March 31, 1987.

Eleven formal public hearings will be conducted by the Federal Government to receive oral testimony from interested persons, or the organizations they represent, with respect to the adequacy, or inadequacy, of the Statement. The presiding official at each hearing will be an Administrative Law Judge from the Department of the Interior Office of Hearings and Appeals. Oral testimony will be limited to the adequacy of the Statement and/or to any errors found therein. Depending on the number of persons who wish to present testimony at any hearing, the Administrative Law Judge may limit the time period allowed for oral testimony.

All testimony, written and oral, together with any other comments received, will be considered for changes, deletions or additions made to the Final Supplemental Environmental Impact Statement. The Final Statement is scheduled to be available for public review and comment in June, 1987. Thirty days after its publication, a final Federal decision will be published in the **Federal Register** identifying the approved alternative and citing the reasons for the decision.

The date, time, and location of each of the eleven hearings are listed below.

Date and Time	Location
Mar. 2, 1987—1:00 p.m. and 7:00 p.m.	Austin, Texas, Auditorium (Room 1.110), Joe E. Thompson Conference Center, 26th & Red River Streets.
Mar. 3, 1987—7:00 p.m.	San Antonio, Texas, Central A—Second Floor, San Antonio Convention Center, 200 E. Market Street.
Mar. 4, 1987—7:00 p.m.	Yoakum, Texas, Yoakum National Bank Building, 301 W. Grand Street.
Mar. 5, 1987—7:00 p.m.	Fredericksburg, Texas, District Courtroom, Gillespie County Court House 101 W. Main Street.
Mar. 9, 1987—7:00 p.m.	Del Rio, Texas, Dink Wardlaw Agri. Complex, 300 E. 17th street.
Mar. 10, 1987—7:00 p.m.	San Angelo, Texas, Riverside Room—Holiday Inn, 333 Rio Concho Drive.
Mar. 11, 1987—7:00 p.m.	Brownwood, Texas, City Council Chambers, 110 S. Greenleaf Street.
Mar. 12, 1987—7:00 p.m.	Waco, Texas, DeCordova Room—Sheraton Inn, 801 S. 4th Street.
Mar. 13, 1987—7:00 p.m.	Brenham, Texas, Preference Inn, 201 Loop 290 East.
Mar. 16, 1987—7:00 p.m.	Texas City, Texas, Surf Room—Nessler Center, 2010 5th Avenue North.
Mar. 17, 1987—7:00 p.m.	San Marcos, Texas, University Savings Building, 308 E. Hopkins.

FOR FURTHER INFORMATION CONTACT: William S. Haigh, Project Manager, Bureau of Land Management, California Desert District, 1695 Spruce Street, Riverside, CA 92507 (714) 351-6428.

Dated: February 5, 1987.

Zola M. Williams,

Acting District Manager.

[FR Doc. 87-2840 Filed 2-10-87; 8:45 am]

BILLING CODE 4310-40-M

[NV-930-07-4410-10]

Management Framework Plan; Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent (NOI) to prepare an amendment to the Schell Management Framework Plan (MFP) and an invitation to participate in identification of issues and review of the preliminary planning criteria.

SUMMARY: This notice describes the action to be analyzed for the MFP amendment, the geographic area that would be affected, the preliminary issue and planning criteria, the disciplines to be represented and used in preparation of the plan, the kind and extent of public participation activities, and the BLM office to contact for further information. Also, this notice is an invitation to participate in the identification of issues and review of the planning criteria.

DATES: Written comments on the issue(s) and proposed planning criteria are due to the Ely District, Star Route 5, Box 1, Ely, Nevada 89301 30 days from when this notice is published.

FOR FURTHER INFORMATION CONTACT: Gerald M. Smith, Schell Area Manager, Star Route 5, Box 1, Ely, Nevada 89301, telephone (702) 289–4865.

SUPPLEMENTARY INFORMATION: Description of the Proposed Planning Action—Pursuant to 43 CFR 1610.5–5, the Bureau of Land Management's Ely District Office is in the process of initiating an amendment to the comprehensive land use plan for the Schell Resource Area.

The Schell MFP describes management actions to accomplish and/or partly accomplish the objectives as set forth in the Schell Grazing EIS. This proposed planning action is to amend, in part, one of the management actions identified in the Schell MFP. The Environmental Assessment (EA) will analyze the impacts from changing the management action on the accomplishment of the identified objectives. The five objectives are as follows:

1. Objective: Manage the vegetation resource and its uses to attain utilization rates not to exceed those recommended by the Nevada Rangeland Monitoring Task Force for sustained yield.

2. Objective: Attain and maintain habitat for reasonable numbers of wildlife, reestablish bighorn, pronghorn antelope, and elk on historic ranges, and protect crucial wildlife habitat.

3. Objective: Upgrade and maintain all riparian and wetland areas in good or better condition.

4. Objective: Maximize livestock based on sustained yield of the forage resource.

5. Objective: Maximize wild horse numbers based on sustained yield of the forage resource.

The Schell Resource Area Record of Decision dated July 1, 1983, describes the management actions that were chosen in the Plan and Implementation portion. This amendment will analyze the impacts of deviation in the number of new water sources from those analyzed in the EIS and directed in the following management action:

2. Projects will be implemented on the Priority "I" Category Allotments as defined through the Selective Management Process. The actual projects will be identified through consultation with the effected interest groups. Projects will be consistent with those analyzed in the EIS.

The amendment proposal is to increase the number of water sources from 28 analyzed in the Schell EIS/MFP to 180 in the long term. The proposed action as analyzed in the Schell Grazing EIS met objective No. 1 completely and only partially met objectives 2 through 5. Amending the Land Use Plan to allow for the development of more water sources is intended to provide increased opportunities to accomplish the four partially met objectives. An EA will be prepared in conformance with the National Environmental Policy Act of 1969 to analyze the impact of more water developments. In addition to the proposed amendment, the no action alternative will be analyzed which is the implementation of the existing land use plan.

The Geographic Area Covered by the MFP Amendment. The Schell Resource Area contains approximately 4,183,000 acres of public land located in east-central Nevada. It contains the towns of Baker and Hiko. The area includes the eastern third of White Pine County, the northern third Lincoln County, and a portion of Nye County.

General Types of Issues Anticipated and Preliminary Planning Criteria. The major issue to be addressed for the plan amendment is the impact of 152 new water sources in meeting the five objectives identified in the Schell Grazing EIS. Other issues may be identified through public participation. The preliminary planning criteria consists of the following:

1. Decision Criteria

The five objectives identified in the Schell Grazing EIS will be used as the standard to evaluate impacts from implementing the proposed amendment. The decision to implement the proposed amendment will be based on the degree to which the five objectives are met.

2. Inventory Criteria

No new inventory will be conducted. The best data currently available will be used to analyze the impacts of the proposed amendment.

3. Criteria for Estimating Effects

The impacts of the proposed amendment on the environment will be based on the implied legal, social, economic, biological, and physical consequences (both positive and negative).

Disciplines Represented on the Planning Team. The planning team will consist of individuals with expertise in the following disciplines: (1) range management, (2) land use planning, (3) wildlife biology, (4) wild horse management, and (5) watershed management.

Public Participation. Public comment is solicited during this identification of issues, and the development of the criteria to guide the planning process. Upon publication of the draft plan amendment and EA there will be a 30-day comment period. Persons interested in participating in this planning process should submit their name and address for inclusion on the Schell MFP Amendment mailing list to Bureau of Land Management, Ely District Office, Star Route 5, Box 1, Ely, Nevada 89301.

Location of planning documents: A complete file of the MFP documents will be maintained at the Bureau of Land Management, Ely District Office, Star Route 5, Box 1, Ely, Nevada 89301.

Dated: February 5, 1987.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 87–2831 Filed 2–10–87; 8:45 am]

BILLING CODE 4310–HC–M

[CO–940–07–4220–11; C–28323]

Colorado; Proposed Continuation of Withdrawal

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 use as an administrative site, be modified and the withdrawal be continued for 20 years insofar as it affects 10 acres of public land. The land will remain closed to surface entry and mining, but not to mineral leasing.

DATE: Comments should be received within 90 days of publication date.

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 Secretarial Order of October 23, 1908, 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 identified lands:

New Mexico Principal Meridian

T. 45 N., R. 5 E.,

Sec. 19 SE¼NE¼SE¼

The area described aggregates 10 acres in Saguache County.

The purpose of this withdrawal is for the administration and protection of the Upper Saguache Administrative Site. 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 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.

Richard D. Tate,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 87-2803 Filed 2-10-87; 8:45 am]

BILLING CODE 4310-JB-M

National Park Service

Upper Delaware National Scenic and Recreational River; Citizens Advisory Council; Meeting

AGENCY: National Park Service; Upper Delaware Citizens Advisory Council, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the date of the forthcoming meeting of the Upper Delaware Citizens Advisory Council. Notice of this meeting is required under the Federal Advisory Committee Act.

DATE: February 27, 1987 7:00 p.m.

Inclement weather reschedule date: March 13, 1987.[1]

ADDRESS: Town of Tusten Hall, Narrowsburg, New York.

FOR FURTHER INFORMATION CONTACT: John T. Hutzky, Superintendent, Upper Delaware Scenic and Recreational River, Drawer C. Narrowsburg, NY 12764-0159, (717) 729-8251.

SUPPLEMENTARY INFORMATION: The Advisory Council was established under section 704(f) of the National Parks and Recreation Act of 1978, Pub. L. 95-625, 16 U.S.C. 1274 note, to encourage maximum public involvement in the development and implementation of the plans and programs authorized by the Act. The Counsel is to meet and report to the Delaware River Basin Commission, the Secretary of the Interior, and the Governors of New York and Pennsylvania in the preparation of a management plan and on programs which relate to land and water use in the Upper Delaware region. The agenda for the meeting will include discussion of the implementation of the River Management Plan. The meeting will be open to the public.

Any member of the public may file with the council a written statement concerning agenda items. The statement should be addressed to the Upper Delaware Citizens Advisory Council, P.O. Box 84, Narrowsburg, N.Y. 12764. Minutes of the meeting will be available for inspection four weeks after the meeting at the permanent headquarters of the Upper Delaware Scenic and Recreational River, River Road, 1¾ miles North of Narrowsburg, N.Y., Damascus Township, Pennsylvania.

Dated: January 27, 1987.

James W. Coleman, Jr.,

Regional Director, Mid-Atlantic Region.

[FR Doc. 87-2917 Filed 2-10-87; 8:45 am]

BILLING CODE 4310-70-M

Bureau of Reclamation

Notice of Meeting of the Colorado River Floodway Task Force

SUMMARY: The Colorado River Floodway Protection Act, Pub. L. 99-450, requires the Secretary of the Interior to establish a federally declared floodway along the Colorado River below Davis Dam on the Arizona/Nevada border and the southerly international border between the United States and Mexico. The Act requires that a task force be established to assist in the development of the floodway boundaries. The Task Force report is required to be filed with the Congress 9 months from the October 8, 1986, enactment of Pub. L. 99-450.

Open meetings will be held as described below:

Dates: February 26 and 27, 1987

Time: 10 a.m.

Address: Holiday Inn, 245 London Bridge Road, Lake Havasu City, Arizona 86403, (602) 855-4071

FOR FURTHER INFORMATION CONTACT: Robert Brose, Bureau of Reclamation, Nevada Highway and Park Street, P.O. Box 427, Boulder City, Nevada 89005, (702) 293-8520.

Dated: February 6, 1987.

C. Dale Duvall,

Commissioner.

[FR Doc. 87-2852 Filed 2-10-87; 8:45 am]

BILLING CODE 4310-09-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 701-TA-276 (Final)]

Certain Fresh Cut Flowers From Chile

AGENCY: United States International Trade Commission.

ACTION: Institution of final countervailing duty investigation.

SUMMARY: The Commission hereby gives notice of the institution of final countervailing duty investigation No. 701-TA-276 (Final) under section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Chile of certain fresh cut flowers which have been found by the Department of Commerce, in its final determination, to be subsidized. Certain fresh cut flowers from Chile are standard carnations provided for in item 192.21 of the Tariff Schedules of the United States. On October 27, 1986, Commerce published in the **Federal Register** its negative preliminary determination that imports of this product from Chile were not being subsidized. The Commission will make its final injury determination 75 days after receipt of Commerce's notification of its final determinations (see sections 705(a) and 705(b) of the act (19 U.S.C. 1671d(a) and 1671d(b))).

For further information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's

[1] Announcements of cancellation due to inclement weather will be made by radio stations WDNH, WDLC, WSUL, and WVOS.

rules of practice and procedure, Part 207, Subparts A and C (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

EFFECTIVE DATE: February 3, 1987.

FOR FURTHER INFORMATION CONTACT: Dan Dwyer (202–523–4618), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal on 202–724–0002.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted as a result of a final affirmative determination by the Department of Commerce that certain benefits which constitute subsidies within the meaning of section 701 of the act (19 U.S.C. 1671) are being provided to manufacturers, producers, or exporters in Chile of standard carnations. This investigation was requested in petitions filed on May 21, 1986, by the Floral Trade Council, Davis, California. In response to those petitions the Commission conducted a preliminary countervailing duty investigation and, on the basis of information developed during the course of that investigation, determined that there was a reasonable indication that an industry in the United States was materially injured by reason of imports of the subject merchandise (51 FR 25751, July 16, 1986).

Participation in the investigation

Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than twenty-one (21) days after the publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service list.

Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance. In accordance with §§ 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Staff report

A public version of the prehearing staff report was placed in the public record on January 20, 1987, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing

The Commission held a hearing on a related antidumping investigation, Certain Fresh Cut Flowers from Chile, inv. No. 731–TA–328 (Final), on February 2, 1987. Requests for a separate hearing in this investigation for the limited purpose of supplementing the February 2, 1987, hearing record with testimony and evidence solely related to the countervailing duty investigation, should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on February 17, 1987. If such a hearing is requested, it will be held on Friday, February 20, 1987, at 9:30 a.m. If such a hearing is requested, parties will be contacted regarding dates for the filing and content of briefs and time allocations at the hearing.

Authority: This investigation is being conducted under authority of the Tariff Act of 1930, Title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20)

Issued: February 6, 1987.
By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 87–2894 Filed 2–10–87; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–248]

Certain Plastic Fasteners and Processes for the Manufacture Thereof; Commission Decision Not to Review Initial Determination Terminating Investigation as to Five Respondents on the Basis of Settlement Agreements

AGENCY: U.S. International Trade Commission.

ACTION: Termination of investigation as to five respondents on the basis of settlement agreements.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (ID) (Order No. 23) issued by the presiding administrative law judge (ALJ) granting motions to terminate the investigation as to respondents Texamerican, Inc. (Texamerican), Acme Thread and Supply, Inc. (Acme), LeMar Textile Co. (LeMar), DARA, Inc. (DARA), and B&N Industries (B&N) on the basis of settlement agreements.

FOR FURTHER INFORMATION CONTACT: Stephen A. McLaughlin, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0421.

SUPPLEMENTARY INFORMATION: This investigation was instituted upon a complaint (as amended) filed by Dennison Manufacturing Corporation alleging unfair methods of competition and unfair acts in the importation of certain plastic fasteners into the United States, and in their sale, by reason of alleged manufacture abroad by a process that, if practiced in the United States, would infringe certain U.S. patents owned by Dennison, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States. Notice of the Investigation was published in the **Federal Register** on June 18, 1986 (51 FR 22144).

In its complaint, complainant Dennison alleged that respondents Texamerican, Acme, LeMar, DARA (a/k/a Angelland, Inc.), and B&N have imported and sold plastic fastener assemblies that infringe Dennison's product-by-product patent—U.S. Letters Patent 4,429,437—and were made by processes covered by three process patents owned by Dennison—U.S. Letters Patent 4,183,894, U.S. Letters Patent 4,304,743, and U.S. Letters Patent 4,416,838.

By motions dated September 6, 1986, September 18, 1986, and November 17, 1986, Dennison moved to terminate the investigation as to respondents Texamerican, Acme, LeMar, DARA, and B&N on the basis of settlement agreements pursuant to Commission rule 210.51. The motions were supported by the Commission investigative attorney.

On December 5, 1986, the ALJ issued an ID (Order No. 23) granting the motions and terminating the investigation as to the above-referenced five respondents on the basis of the settlement agreements. No petitions for review nor comments from other Government agencies or the public were filed.

This action is taken under the authority of section 337 of the Tariff Act of 1930 and Commission rule § 210.53 (19 CFR 210.53).

Copies of the ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202–523–0161. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

Issued: January 30, 1987.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 87–2862 Filed 2–10–87; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337–TA–242]

Certain Dynamic Random Access Memories, Components Thereof, and Products Containing Same; Commission Determination not To Review Initial Determination Terminating Two Respondents on the Basis of a Settlement and License Agreement

AGENCY: U.S. International Trade Commission.

ACTION: Termination of two respondents, Fujitsu Limited and Fujitsu Microelectronics, Inc., on the basis of a settlement and license agreement.

SUMMARY: The U.S. International Trade Commission has determined not to review an initial determination (ID) (Order No. 250) terminating respondents Fujitsu Limited and Fujitsu Microelectronics, Inc. (the Fujitsu respondents) in the above-captioned investigation on the basis of a settlement and license agreement.

FOR FURTHER INFORMATION CONTACT: Judith M. Czako, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0359.

SUPPLEMENTARY INFORMATION: On January 5, 1987, complainant Texas Instruments Incorporated (TI) and the Fujitsu respondents filed a joint motion to terminate this investigation as to the Fujitsu respondents on the basis of a license and settlement agreement. The Commission investigative attorney filed a response supporting the motion. The presiding administrative law judge issued an ID on January 8, 1987, terminating the Fujitsu respondents on the basis of the settlement and license agreement. No petitions for review or comments from Government agencies concerning the ID were received.

The authority for the Commission's action is found in section 337 of the Tariff Act of 1930 (19 U.SC. 1337) and § 210.51 of the Commission's Rules of Practice and Procedure (19 CFR 210.51).

Copies of the non-confidential ID and all other non-confidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202–523–0161. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

Issued: February 4, 1987.

By order of the Commission.

Kenneth R. Mason,

Secretary

[FR Doc. 87–2859 Filed 2–10–87; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337–TA–242]

Certain Dynamic Random Access Memories, Components Thereof, and Products Containing Same; Commission Determination Not To Review Initial Determination Terminating Two Respondents on the Basis of a Settlement and License Agreement

AGENCY: U.S. International Trade Commission.

ACTION: Termination of two respondents, Sharp Corporation and Sharp Electronics Corporation, on the basis of a settlement and license agreement.

SUMMARY: The U.S. International Trade Commission has determined not to review an initial determination (ID) (Order No. 218) terminating respondents Sharp Corporation and Sharp Electronics Corporation (the Sharp respondents) in the above-captioned investigation on the basis of a settlement and license agreement.

FOR FURTHER INFORMATION CONTACT: Judith M. Czako, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0359.

SUPPLEMENTARY INFORMATION: On November 20, 1986, complainant Texas Instruments (TI) and the Sharp respondents filed a joint motion to terminate this investigation as to the Sharp respondents on the basis of a license and settlement agreement. The Commission investigative attorney filed a response supporting the motion. The administrative law judge (Judge Saxon) issued an ID on December 23, 1986, terminating the Sharp respondents on the basis of the settlement and license agreement. No petitions for review or comments from Government agencies concerning the ID were received.

Copies of the non-confidential ID and all other non-confidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202–523–0161. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

Issued: January 29, 1987.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 87–2860 Filed 2–10–87; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337–TA–242]

Certain Dynamic Random Access Memories, Components Thereof, and Products Containing Same; Initial Determination Terminating Respondents on the Basis of Settlement Agreement

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondents on the basis of a settlement agreement: Toshiba Corporation and Toshiba America, Inc.

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on February 6, 1987.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are

available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

Written Comments: Interested persons may file written comments with the Commission concerning termination of the aforementioned respondents. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E. Street, NW., Washington, DC 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202–523–0176.

By order of the Commission.

Issued: February 6, 1987.

Kenneth R. Mason,

Secretary.

[FR Doc. 87–2861 Filed 2–10–87; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 731–TA–336 (Final)]

Porcelain-on-Steel Cooking Ware From Spain

AGENCY: United States International Trade Commission.

ACTION: Termination of investigation.

SUMMARY: On January 28, 1987, the Commission received a letter from the U.S. Department of Commerce stating that, having received a letter from petitioner in the subject investigation (General Housewares Corp., Terre Haute, IN) withdrawing its petition, Commerce was terminating its antidumping investigation on porcelain-on-steel cooking ware from Spain. Accordingly, pursuant to § 207.40(a) of the Commission's Rules of Practice and Procedure (19 CFR 207.40(a)), the subject investigation is terminated.

EFFECTIVE DATE: January 28, 1987.

FOR FURTHER INFORMATION CONTACT: Martha Mitchell (202–523–0291), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

Authority: This investigation is being terminated under authority of the Tariff Act of 1930, Title VII. This notice is published pursuant to § 207.40 of the Commission's rules (19 CFR 207.40).

By order of the Commission.

Issued: February 4, 1987.

Kenneth R. Mason,

Secretary.

[FR Doc. 87–2863 Filed 2–10–87; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–259]

Certain Battery-Powered Smoke Detectors; Initial Determination Terminating Respondents on the Basis of Settlement Agreement

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondents on the basis of a settlement agreement: Emhart Corporation ("Emhart") and Notifier Company ("Notifier").

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirth (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on February 4, 1987.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202–523–0161. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

Written Comments: Interested persons may file written comments with the Commission concerning termination of the aforementioned respondents. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, DC 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202–523–0276.

By order of the Commission.

Issued: February 4, 1987.

Kenneth R. Mason,

Secretary.

[FR Doc. 87–2858 Filed 2–10–87; 8:45 am]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

[Section 5a Application No. 66]

Western Tank Truck Carriers Conference, Inc.; Agreement

AGENCY: Interstate Commerce Commission.

ACTION: Notice of institution of show-cause proceeding.

SUMMARY: The Commission has made preliminary findings relating to the application of Western Tank Truck Carriers' Conference, Inc. (WTTCC) for approval of its collective ratemaking agreement and directed WTTCC to show cause: (1) why it and its member carriers should not be directed to cease and desist from engaging in certain collective ratemaking activity; and (2) why any claimed antitrust immunity should not be revoked. This action is taken to update the record in this proceeding in light of the statutory changes made by the Motor Carrier Act of 1980 and to ensure compliance with all requirements for rate bureaus continuing to receive antitrust immunity for collective activity.

DATES: WTTCC's response to the show cause order is due March 13, 1987. Comments from other parties are due

April 13, 1987. WTTCC's rebuttal is due May 4, 1987.

FOR FURTHER INFORMATION CONTACT:

Marion Guyton, (202) 275–7965

or

Louis E. Gitomer, (202) 275–7691.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's full decision. A copy may be purchased from T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Building, Washington, DC 20423, or call toll-free (800) 424–5403, or (202) 289–4357 in the Washington, DC, metropolitan area.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

(Sections 11701, 10706, and 10321 of the Interstate Commerce Act. 49 U.S.C. 11701, 10706, and 10321)

Decided: February 3, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons.

Noreta R. McGee,

Secretary.

[FR Doc. 87–2848 Filed 2–10–87; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 30968]

City of Los Angeles, et al.

Southern Pacific Transportation Company (SPT), Los Angeles & and Salt Lake Railroad Company and its lessee, Union Pacific Railroad Company (UP) and The Atchison, Topeka and Santa Fe Railroad Company (SF) together with the City of Los Angeles, by its Boad of Harbor Commissioners, have amended their agreement dated February 1, 1928 providing for unified operations of railroad facilities at Los Angeles Harbor by expanding the rights of each carrier to operate unit trains to and from existing and future unit train facilities on the Harbor Belt Line Railroad.

The supplemental agreement was entered into on June 15, 1984, and took effect on July 1, 1984. However, due to an apparent oversight, a request for approval of this agreement under 49 U.S.C. 11343(a)(6), or, alternatively, a request for exemption under 49 U.S.C. 10505, was not submitted timely. This Notice of Exemption cannot be applied retroactively to July 1, 1984, to correct this omission, because the rules agreements from regulation did not become effective until May 22, 1985, eleven months after the effective date of the supplemental agreement. See Ex Parte No. 282 (Sub-No. 9), Rail *Consolidation Procedures—Trackage Rights Exemption,* ___ I.C.C.2d ___ (1985). However, the prospective exemption of the amendment to the trackage rights agreement took effect January 7, 1987.

This notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction.

Dated: January 30, 1987.

By the Commission.

Noreta R. McGee.

Secretary.

[FR Doc. 87–2849 Filed 2–10–87; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–3 (Sub.-No. 61X)]

Missouri Pacific Railroad Co.; Abandonment and Discontinuance of Operations in Acadia Parish, LA

Applications has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to discontinue operations over, and to abandon its 0.6-mile line of railroad between milepost 591.95 and milepost 592.55 at Crowley, in Acadia Parish, LA.

Applicant has certified (1) that no local traffic has moved over the line for at least 2 years and that overhead traffic is not moved over the line or may be rerouted, and (2) that no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or any U.S. District Court, or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected pursuant to *Oregon Short Lines R. Co.—Abandonment-Goshen,* 360 I.C.C. 91 (1979).

The exemption will be effective March 13, 1987 (unless stayed pending reconsideration). Petitions to stay must be filed by February 23, 1987, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by March 3, 1987, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Joseph D. Anthofer, 1416 Dodge Street, Omaha, NE 68179.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio.*

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Dated: January 27, 1987.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87–2850 Filed 2–10–87; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Bureau of Justice Assistance

Criminal Justice Discretionary Grants

AGENCY: Bureau of Justice Assistance Department of Justice.

ACTION: Notice of Proposed Program Priorities.

SUMMARY: The Bureau of Justice Assistance is publishing for public comment a notice of proposed program priorities for criminal justice discretionary grant funding.

DATE: Comments are due on or before March 31, 1987.

ADDRESS: Send comments to James C. Swain, Director, Discretionary Grants Program Division, 633 Indiana Avenue NW., Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: Jay Marshall, Bureau of Justice Assistance, 633 Indiana Avenue NW., Washington, DC 20531, (202) 272–4601.

SUPPLEMENTAL INFORMATION: On October 12, 1984, President Reagan signed into law the Justice Assistance Act of 1984. Part E of the Act establishes a program of criminal justice discretionary grants to public agencies and private non-profit organizations for the purposes of: (1) Demonstration programs; (2) education and training for criminal justice personnel; (3) technical assistance to states and local governments; and (4) national or multi-state programs.

The discretionary grant program is intended to complement and enhance the criminal justice block grant program authorized under Part D of the Act and to address criminal justice issues which are national or multi-state in scope. Block grants, administered by the states, provide funds to carry out state and local programs which offer a high probability of improving the criminal

justice system, with special emphasis on violent crime and serious offenders. National/multi-state programs are designed to address issues of national concern and to provide leadership in criminal justice system improvement. For fiscal year 1987, the amount available for discretionary programs is $8.0 million.

Responsibility for administering the discretionary grant program rests with the Bureau of Justice Assistance of the Office of Justice Programs. As required by the Act, the Bureau is announcing its proposed priorities for discretionary grants and inviting public comment. After the 60-day comment period has ended and the Bureau has considered all comments received, it will publish a final notice of its priorities in the **Federal Register** detailing specific programmatic and application requirements.

The proposed priorities for fiscal year 1987 reflect two broad themes: the first is to facilitate the successful implementation of the block grant program through the continued provision of training and technical assistance; and the second is to continue the emphasis on programs that deal with violent crimes, serious offenders, victims and crime prevention through demonstration and national scope programs. These priorities originate from initial consultation with representatives throughout the criminal justice system. We foresee that the funds available will not permit us to implement all of the proposed program priorities. Comments should identify those programs which are more critical than others. The reader will notice that this year's announcement is somewhat different in character from previous issues. This preliminary notice is much less structured so that the participation of commenters is enhanced. We are inviting you to assist more fully in the shaping of the final program selections.

With few exceptions, such as continuation grants, the funds indicated in this announcement will not be awarded until the 60-day period for public comment has expired and the final notice of program priorities has been published.

I. Demonstration

Demonstration programs provide a means for testing in a variety of sites, programs that, based on research or experience, are likely to be a success in more than one jurisdiction and are not likely to be funded with monies from other sources. All demonstration programs will be evaluated and applicants will be required to cooperate with the evaluation effort. Programs that prove successful may be approved by the Bureau as eligible for block grant support in future years.

The Bureau proposes to undertake demonstration programs in the following priority areas:

a. Comprehensive Crime Prevention Program. To continue demonstration of enhanced crime prevention delivery through active coordination of law enforcement agencies, communities, and private agencies.

b. Police/School Drug Abuse Prevention. To identify, document, and demonstrate police/school drug abuse prevention strategies as an alternative to the Drug Abuse Resistance Education (DARE) Program.

c. Family Violance and the Role of the Juvenile and Family Court. To demonstrate the role and capability of family and juvenile courts to intervene in the cycle of spouse abuse.

d. Effective Prosecution of Child Abuse. To continue implementation of recommendations from the Family Violence Task Force focusing on prosecution of cases involving child sexual and physical abuse.

e. Structured Sentencing Program. To improve consistency and uniformity of sentencing within existing state correctional policies.

f. Shock Incarceration/Probation Program. To service youthful offenders through rigorous physical conditioning, work, motivational training, and structured probation.

g. Stress for Police Personnel. To identify and demonstrate models to help police personnel deal with stress and its impact on careers and families.

h. Innovative Technology/Computer Use. To demonstrate application of new advances in technology to improve police operations and reduce cost.

i. Managing Policy Integrity. To identify and demonstrate strategies for law enforcement agencies to reduce opportunities which could affect integrity of services.

j. Recruit Field Training. To intensify field practice during the recruit and training stage to improve police officer performance during early careers.

k. Violent Crime Victims and Evidence. To increase the presence of acceptance evidence, resulting from violent crimes, which can become lost, damaged, or removed from the chain of custody.

l. Criminal Justice Modeling Development/Demonstration. To use modeling technology as a tool for criminal justice agencies to determine or predict impact of alternative policies and actions.

The Bureau anticipates conducting each of these demonstration programs in several sites. Recommendations for promising programs, which, based on research or experience are likely to prove successful, are invited. Individual program announcements will be published in the **Federal Register**.

II. Training and Technical Assistance

A major purpose for the use of discretionary grant funds is to support education and training programs for criminal justice personnel and provide technical assistance to state and local criminal justice agencies.

The Bureau proposes to undertake training and technical assistance activities in the following priorities areas:

a. Crime Prevention Technical Assistance. To provide technical assistance and training in support of block grant programs.

b. Drug Abuse Resistance Education (DARE). To document critical elements of the program and conduct regional training for intensive program development and implementation.

c. Adjudication Technical Assistance and Training. To provide technical assistance and training in support of Block Grant programs.

d. Strategic Planning and Technical Assistance for Prison Industries. To facilitate development of long term plans for correctional industries, and to identify business objectives, growth markets and means of financial growth.

e. National Conference on Prison Based Business and Industry. To emphasize the new work-oriented philosophy of corrections, and the trend towards operation of prisons along private business lines.

f. Prison Industry Facility Construction Support. To collect model facility plans and provide technical assistance in support of construction renovation of buildings used for prison industries.

g. Private Sector/Prison Industry Expansion. To train, provide technical assistance in support of, and evaluate public/private partnerships to foster prison industries for certification.

h. Financial Institutions and Drug Laws Enforcement. To explore the issues and processes to gain access to financial records and other information for law enforcement use.

i. Exploratory Grants. To support development of emerging concepts in police management and operations consistent with Justice Assistance Act (JAA) statutory purposes.

j. Visiting Fellows. To permit selected law enforcement professionals to prepare special studies to address critical issues facing law enforcement.

k. Policy Review Center. To develop and compile model policies for the broad range of state and local police agencies.

l. Model Legislation Series. To develop model legislation dealing with critical issues in law enforcement and criminal justice, and facilitate adoption of such legislation.

m. Program Briefs and Documentation. To develop critical program elements and operations manuals in the areas of white collar crime investigation, aerial surveillance, and other programs/operations.

n. Uniform Crime Report (UCR) Reform Guidance and Training. To develop a brief to train jurisdictions to implement the incident—based UCR program developed to establish a new national reporting standard for the Federal Bureau of Investigation's Crime Reporting Program.

o. Turnkey Software Development. To develop additional micro-based, public domain software packages for management programs implemented in jails, correctional facilities, probation, TASC, and law enforcement agencies.

p. National Symposium on Integrated Systems. To discuss state-of-the-art operations and concepts to integrate criminal justice information systems.

q. Micro-Systems Standards and Training. To establish standards for micro-based systems used by criminal justice agencies and initiate a training center/lab for development/application of systems technology.

Individual announcements or solicitations will be published in the final notice of the **Federal Register.**

III. National/Multi-State Programs

National and multi-state programs address national priorities and initiatives that cannot be met or easily addressed through the state block grants. They reflect administration priorities or recognition of gaps in criminal justice funding that are not being met from other sources.

a. National Citizens Crime Prevention Campaign. To continue engaging citizens in community crime prevention techniques and programs.

b. Demand Reduction. To expand the current Sports and Drug Abuse awareness Program through general media, schools and training workshops.

c. Commission on Accreditation for Law Enforcement Agencies (CALEA). To continue and expand the work of the Commission to promote an accreditation process for law enforcement agencies in addition to Police Departments already accredited.

d. Task Force on Families in Crisis. To continue efforts of the task force to document work conducted by five sites in order to gain maximum benefit in understanding varying responses to spouse abuse and domestic violence.

e. National Victims Resource Center. To continue work of the Center to provide information and documents relating to victim assistance, family violence and other special classes of victim programs and activities.

f. Victim Assistance. To continue work by the National Organization for Victim Assistance to promote advocacy for crime victims through programs, tranining, and conferences.

Announcements for new initiatives will be published in the final notice of the **Federal Register.**

IV. General Requirements

a. Match. Grants may be awarded for up to 100 percent of program or project costs. Either cash (hard) or service/resource (soft) match may be required where suggested by program requirements.

b. Eligibility. Public agencies and private non-profit organizations are eligible to apply. Specifc eligibility requirements will be set forth in individual announcements.

c. Period of Support. Grants may support projects for up to three year and may be renewed for an additiional two years if an evaluation indicates that the project has been effective and if the grantee agrees to provide (match) at least one-half of the total cost of the project.

d. Financial Requirements. Discretionary grants are governed by the provisions of the Office of Management and Budget (OMB) Circulars applicable to financial assistance. The Circulars along with additional information and guidance are contained in the "Financial and Administrative Guide for Grants" OJP Guideline Manual, OJP M71001C, available from the Office of Justice Programs.

e. Non-Discrimination. The Justice Assistance Act provides that no person shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with any activity funded in whole or in part with funds made available under the Act. Applicants for discretionary grants are also subject to the provisions of the Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973, as amended; Title XI of the Education Amendments of 1972; the Age Discrimination Act of 1975; and the Department of Justice Non-Discrimination Regulation 28 CFR Part 42, Subparts C, D, E, and G.

Benjamin H. Renshaw

Acting Director.

[FR Doc. 87-2790 Filed 2-10-87; 8:45 am]

BILLING CODE 4410-18-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Arts in Education Advisory Panel (Formerly Artists in Education Advisory Panel); Renewal

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), section 10(a)(4) of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 959(a)(4) and Paragraph 9 of Office of Management and Budget Circular A-63) notice is hereby given that renewal of the Arts in Education Panel (formerly Artists in Education Advisory Panel) has been approved by the Chairman of the National Endowment for the Arts for a period of 2 years until February 6, 1989. The Committee's objectives and scope of activities include the formulation of expert advice and recommendations to the Chairman, National Endowment for the Arts and the National Council on the Arts with respect to: (a) Applications submitted to the National Endowment for the Arts for Federal grant assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, and (b) policies and programs of the National Endowment for the Arts. This Committee shall report to the National Endowment for the Arts, National Foundation on the Arts and the Humanities.

This charter will be filed with the standing Committees of the Senate and the House of Representatives having legislative jurisdiction over the Endowment and with the Library of Congress.

Dated: February 5, 1987.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts

[FR Doc. 87-2897 Filed 2-10-87; 8:45 am]

BILLING CODE 7537-01-M

Dance Advisory Panel; Renewal

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), section 10(a)(4) of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 959(a)(4) and Paragraph 9 of Office of Management and Budget

Circular A–63) notice is hereby given that renewal of the Dance Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of 2 years until February 6, 1989. The Committee's objectives and scope of activities include the formulation of expert advice and recommendations to the Chairman, National Endowment for the Arts and the National Council on the Arts with respect to: (a) Applications submitted to the National Endowment for the Arts for Federal grant assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, and (b) policies and programs of the National Endowment for the Arts. This Committee shall report to the National Endowment for the Arts, National Foundation on the Arts and the Humanities.

This charter will be filed with the standing Committees of the Senate and House of Representatives having legislative jurisdiction over the Endowment and with the Library of Congress.

Dated: February 5, 1987.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 87–2898 Filed 2–10–87; 8:45 am]

BILLING CODE 7537-01-M

Design Arts Advisory Panel; Renewal

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92–463), section 10(a)(4) of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 959(a)(4) and Paragraph 9 of Office of Management and Budget Circular A–63) notice is hereby given that renewal of the Design Arts Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of 2 years until February 6, 1989. The Committee's objectives and scope of activities include the formulation of expert advice and recommendations to the Chairman, National Endowment for the Arts and the National Council on the Arts with respect to: (a) Applications submitted to the National Endowment for the Arts for Federal grant assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, and (b) policies and programs of the National Endowment for the Arts. This Committee shall report to the National Endowment for the Arts, National Foundation on the Arts and the Humanities.

This charter will be filed with the standing Committees of the Senate and the House of Representatives having legislative jurisdiction over the Endowment and with the Library of Congress.

Dated: February 5, 1987.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 87–2899 Filed 2–10–87; 8:45 am]

BILLING CODE 7537-01-M

Expansion Arts Advisory Panel; Renewal

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92–463), section 10(a)(4) of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 959(a)(4) and Paragraph 9 of Office of Management and Budget Circular A–63) notice is hereby given that renewal of the Expansion Arts Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of 2 years until February 6, 1989. The Committee's objectives and scope of activities include the formulation of expert advice and recommendations to the Chairman, National Endowment for the Arts and the National Council on the Arts with respect to: (a) Applications submitted to the National Endowment for the Arts for Federal grant assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, and (b) policies and programs of the National Endowment for the Arts. This Committee shall report to the National Endowment for the Arts, National Foundation on the Arts and the Humanities.

This charter will be filed with the standing Committees of the Senate and the House of Representatives having legislative jurisdiction over the Endowment and with the Library of Congress.

Dated: February 5, 1987.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 87–2900 Filed 2–10–87; 8:45 am]

BILLING CODE 7537-01-M

Inter-Arts Advisory Panel; Renewal

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92–463), section 10(a)(4) of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 959(a)(4) and Paragraph 9 of Office of Management and Budget Circular A–63) notice is hereby given that renewal of the Inter-Arts Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of 2 years until February 6, 1989. The Committee's objectives and scope of activities include the formulation of expert advice and recommendations to the Chairman, National Endowment for the Arts and the National Council on the Arts with respect to: (a) Applications submitted to the National Endowment for the Arts for Federal grant assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, and (b) policies and programs of the National Endowment for the Arts. This Committee shall report to the National Endowment for the Arts, National Foundation on the Arts and the Humanities.

This charter will be filed with the standing Committees of the Senate and the House of Representatives having legislative jurisdiction over the Endowment and with the Library of Congress.

Dated: February 5, 1987.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 87–2901 Filed 2–10–87; 8:45 am]

BILLING CODE 7537-01-M

Literature Advisory Panel; Renewal

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92–463), section 10(a)(4) of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 959(a)(4) and Paragraph 9 of Office of Management and Budget Circular A–63) notice is hereby given that renewal of the Literature Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of 2 years until February 6, 1989. The Committee's objectives and scope of activities include the formulation of expert advice and recommendations to the Chairman, National Endowment for the Arts and the National Council on the Arts with respect to: (a) Applications submitted to the National Endowment for the Arts for Federal grant assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, and (b) policies and programs of the National Endowment for the Arts. This Committee shall report to the National Endowment for the Arts, National Foundation on the Arts and the Humanities.

This charter will be filed with the standing Committees of the Senate and the House of Representatives having

legislative jurisdiction over the Endowment and with the Library of Congress.

Dated: February 5, 1987.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 87-2902 Filed 2-10-87; 8:45 am]

BILLING CODE 7537-01-M

Media Arts Advisory Panel; Renewal

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), section 10(a)(4) of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 959(a)(4) and Paragraph 9 of Office of Management and Budget Circular A-63) notice is hereby given that renewal of the Media Arts Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of 2 years until February 6, 1989. The Committee's objectives and scope of activities include the formulation of expert advice and recommendations to the Chairman, National Endowment for the Arts and the National Council on the Arts with respect to: (a) Applications submitted to the National Endowment for the Arts for Federal grant assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, and (b) policies and programs of the National Endowment for the Arts. This Committee shall report to the National Endowment for the Arts, National Foundation on the Arts and the Humanities.

This charter will be filed with the standing Committees of the Senate and the House of Representatives having legislative jurisdiction over the Endowment and with the Library of Congress.

Dated: February 5, 1987.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 87-2903 Filed 2-10-87; 8:45 am]

BILLING CODE 7537-01-M

Museum Advisory Panel; Renewal

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), section 10(a)(4) of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 959(a)(4) and Paragraph 9 of Office of Management and Budget Circular A-63) notice is hereby given that renewal of the Museum Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of 2 years until February 6, 1989. The Committee's objectives and scope of activities include the formulation of expert advice and recommendations to the Chairman, National Endowment for the Arts and the National Council on the Arts with respect to: (a) Applications submitted to the National Endowment for the Arts for Federal grant assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, and (b) policies and programs of the National Endowment for the Arts. This Committee shall report to the National Endowment for the Arts, National Foundation on the Arts and the Humanities.

This charter will be filed with the standing Committees of the Senate and the House of Representatives having legislative jurisdiction over the Endowment and with the Library of Congress.

Dated: February 5, 1987.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 87-2904 Filed 2-10-87; 8:45 am]

BILLING CODE 7537-01-M

Music Advisory Panel; Renewal

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), section 10(a)(4) of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 959(a)(4) and Paragraph 9 of Office of Management and Budget Circular A-63) notice is hereby given that renewal of the Literature Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of 2 years until February 6, 1989. The Committee's objectives and scope of activities include the formulation of expert advice and recommendations to the Chairman, National Endowment for the Arts and the National Council on the Arts with respect to: (a) applications submitted to the National Endowment for the Arts for Federal grant assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, and (b) policies and programs of the National Endowment for the Arts. This Committee shall report to the National Endowment for the Arts, National Foundation on the Arts and the Humanities.

This charter will be filed with the standing Committees of the Senate and the House of Representatives having legislative jurisdiction over the Endowment and with the Library of Congress.

Dated: February 5, 1987.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 87-2905 Filed 2-10-87; 8:45 am]

BILLING CODE 7537-01-M

Office for Partnership Advisory Panel; Renewal

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), section 10(a) (4) of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 959(a) (4) and Paragraph 9 of Office of Management and Budget Circular A-63) notice is hereby given that renewal of the Office for Partnership Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of 2 years until February 6, 1989. The Committee's objectives and scope of activities include the formulation of expert advice and recommendations to the Chairman, National Endowment for the Arts and the National Council on the Arts with respect to: (a) Applications submitted to the National Endowment for the Arts for Federal grant assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, and (b) policies and programs of the National Endowment for the Arts. This Committee shall report to the National Endowment for the Arts, National Foundation on the Arts and the Humanities.

This charter will be filed with the standing Committees of the Senate and the House of Representatives having legislative jurisdiction over the Endowment and with the Library of Congress.

Dated: February 5, 1987.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 87-2906 Filed 2-10-87; 8:45 am]

BILLING CODE 7537-01-M

Theater Advisory Panel; Renewal

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), section 10(a)(4) of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 959(a)(4) and Paragraph 9 of Office of Management and Budget Circular A-63) notice is hereby given that renewal of the Theater Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of 2 years until

February 6, 1989. The Committee's objectives and scope of activities include the formulation of expert advice and recommendations to the Chairman, National Endowment for the Arts and the National Council on the Arts with respect to: (a) Applications submitted to the National Endowment for the Arts for Federal grant assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, and (b) policies and programs of the National Endowment for the Arts. This Committee shall report to the National Endowment for the Arts, National Foundation on the Arts and the Humanities.

This charter will be filed with the standing Committees of the Senate and the House of Representatives having legislative jurisdiction over the Endowment and with the Library of Congress.

Dated: February 5, 1987.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 87-2907 Filed 2-10-87; 8:45 am]

BILLING CODE 7537-01-M

Visual Arts Advisory Panel; Renewal

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), section 10(a)(4) of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 959(a)(4) and Paragraph 9 of Office of Management and Budget Circular A-63) notice is hereby given that renewal of the Uisual Arts Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of 2 years until February 6, 1989. The Committee's objectives and scope of activities include the formulation of expert advice and recommendations to the Chairman, National Endowment for the Arts and the National Council on the Arts with respect to: (a) Applications submitted to the National Endowment for the Arts for Federal grant assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, and (b) policies and programs of the National Endowment for the Arts. This Committee shall report to the National Endowment for the Arts, National Foundation on the Arts and the Humanities.

This charter will be filed with the standing Committees of the Senate and the House of Representatives having legislative jurisdiction over the Endowment and with the Library of Congress.

Dated: February 5, 1987.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 87-2908 Filed 2-10-87; 8:45 am]

BILLING CODE 7537-01-M

Media Arts 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 Media Arts Advisory Panel (Programming in the Arts Section) to the National Council on the Arts will be held on March 3, 1987, from 9:00 a.m.-6:30 p.m. and March 4, 1987 from 9:00 a.m.-4:00 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 Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

John H. Clark,

Director, Council and Panel Operations, National Endowment for the Arts.

February 6, 1987.

[FR Doc. 87-2895 Filed 2-10-87; 8:45 am]

BILLING CODE 7537-01-M

Visual Arts 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 Visual Arts Advisory Panel (Forums Section) to the National Council on the Arts will be held on March 3-5, 1987, from 9:00 a.m.-6:00 p.m. in room 714 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 Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

John H. Clark,

Director, Council and Panel Operations, National Endowment for the Arts.

February 6, 1987.

[FR Doc. 87-2896 Filed 2-10-87; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

Bi-Weekly Notice of Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Pub. L. (P. L.) 97-415, the Nuclear Regulatory Commission (the Commission) is publishing this regular bi-weekly notice. Public Law 97-415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This bi-weekly notice includes all amendments issued, or proposed to be issued, since the date of publication of the last bi-weekly notice which was published on January 28, 1987 (52 FR 2870) through February 2, 1987.

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 4000, Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland from 8:15 a.m. to 5:00 p.m. Copies of written comments received may be examined at the NRC Public Document Room, 1717 H Street, NW, Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By March 13, 1987, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings." in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to (*Branch Chief*): petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests

for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1) (i) through (v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the local public document room for the particular facility involved.

Arizona Public Service Company et al., Docket Nos. STN 50–528 and STN 50–529, Palo Verde Nuclear Generating Station PVNGS , Units 1 and 2, Maricopa County, Arizona

Date of amendment request: January 19, 1987.

Description of amendment request: The proposed amendments consist of a proposed change to the Technical Specifications (Appendix A to Facility Operating License Nos. NPF–41 for PVNGS, Unit 1 and NPF–51 for PVNGS, Unit 2).

The proposed change would revise Table 3.6–1 in the Technical Specifications to remove the four main steam line isolation valves (MSLIV) from the list of valves that are subjected to the requirements of Technical Specification 3/4.6.3, "Containment Isolation Valves". Technical Specification 3/4.7.1.5, "Main Steam Line Isolation Valves," specifically provides operability and surveillance requirements for the MSLIVs which are consistent with the assumptions for MSLIV operability used in the PVNGS safety analyses. Removal of the MSLIVs from Table 3.6–1 would provide an additional four hours to restore an inoperable valve to operable status before a plant power reduction is required. However, the proposed amendment would not change the valve design, performance requirements, or any of the instrumentation and control settings associated with these valves.

At the request of the licensees, the change is also being considered by the NRC staff in the development of the Technical Specifications for PVNGS, Unit 3 (STN 50–530), which is currently under review for an operating license. PVNGS, Unit 3 is of the same design as PVNGS, Units 1 and 2.

Basis for Proposed No Significant Hazards Consideration Determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92. A proposed amendment to an operating license for a facility involves no significant hazards considerations if operation of the facility in accordance with a proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

A discussion of the proposed change, as it relates to these standards is presented below.

Standard 1—Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

The proposed amendments do not change any of the design. requirements or accident evaluations involving the MSLIVs. The change would only delete the valves from the requirements of Technical Specification 3/4.6.3, however, Technical Specification 3/4.7.1.5 will continue to provide requirements which are consistent with the assumptions used in the PVNGS safety analyses. Therefore, the proposed amendments do not significantly increase the probability or consequences of an accident previously evaluated.

Standard 2—Create the Possibility of a New or Different Kind of Accident From Any Accident Previously Evaluated

The proposed amendments would not vary or affect any plant operating condition or parameter. Therefore, the amendments do not create the possibility of a new or different kind of accident previously evaluated.

Standard 3—Involve a Significant Reduction in a Margin of Safety

The proposed amendments would not change any of the design basis or operating conditions for the plants. Therefore, the proposed amendments do not involve a significant reduction in any margins of safety. Based on the above considerations, the Commission proposes to determine that the proposed change does not involve a significant hazards consideration.

Local Public Document Room location: Phoenix Public Library, Business, Science and Technology Department, 12 East McDowell Road, Phoenix, Arizona 85004.

Attorney for licensees: Mr. Arthur C. Gehr, Snell & Wilmer, 3100 Valley Center, Phoenix, Arizona 85007.

NRC Project Directorate: George. W. Knighton.

Arizona Public Service Company et al., Docket Nos. STN 50–528 and STN 50–529, Palo Verde Nuclear Generating Station (PVNGS), Units 1 and 2, Maricopa County, Arizona

Date of amendment request: January 23, 1987

Description of amendment request: The proposed amendments consist of a proposed change to the Technical Specifications (Appendix A to Facility Operating License Nos. NPF–41 for PVNGS, Unit 1 and NPF–51 for PVNGS, Unit 2). The proposed change would make the surveillance requirements in Technical Specification 4.6.4.2 for the hydrogen. recombiner power control cabinets consistent with the expanded testing regimen prescribed by the vendor. The function of the hydrogen recombiner is to maintain the hydrogen. concentration within containment below its flammable limit in the event of a loss-of-coolant accident. The purpose of the surveillance requirements is to ensure the operability of the equipment in the event that it is needed. At the request of the licensees, the change is also being considered by the NRC staff in the development of the Technical Specifications for PVNGS, Unit 3 (STN 50–530), which is currently under review for an operating license. PVNGS, Units 1, 2 and 3 will use the same hydrogen recombiner system.

Basis for Proposed No Significant Hazards Consideration Determination: The Commission has provided guidance concerning the application of standards for determining whether a significant hazards consideration exists by providing certain examples (51 FR 7751) of amendments that are considered not likely to involve significant hazards considerations. Example (ii) in 51 FR 7751 is a change that constitutes an additional limitation, restriction or control not presently included in the Technical Specifications; e.g., a more stringent surveillance requirement. The proposed amendment request is similar to Example (ii) in 51 FR 7751 since the request involves expanded surveillance testing for the hydrogen recombiner power control cabinets to be consistent with vendor recommendations. Therefore, the Commission proposes to determine that the proposed amendment does not involve any significant hazards considerations.

Local Public Document Room location: Phoenix Public Library, Business, Science and Technology Department, 12 East McDowell Road, Phoenix, Arizona 85004.

Attorney for licensees: Mr. Arthur C. Gehr, Snell & Wilmer, 3100 Valley Center, Phoenix, Arizona 85007.

NRC Project Director: George W. Knighton.

Arkansas Power and Light Company, Docket No. 50–313, Arkansas Nuclear One, Unit No. 1, Pope County, Arkansas

Date of amendment request: November 17, 1986.

Description of amendment request: NRC Generic Letter 83–43 dated December 19, 1983, requested licensees to amend their Technical Specifications (TSs) to reflect changes. in reporting requirements of 10 CFR 50.72 and 50.73. A model TS was enclosed showing revisions to be made in the "Administrative Control" and "Definitions" sections of the TSs. The generic letter further requested that other conforming changes to TSs be made in order to reflect the revised reporting requirements.

The purpose of this amendment request is to revise the reporting requirements of the TSs for Arkansas Nuclear One, Unit 1, to be consistent with the rule changes to 10 CFR 50.72 and 50.73.

Basis for Proposed no significant hazards consideration determination: The Commission's staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. The Commission has provided guidelines pertaining to the application of the three no significant hazards consideration standards by listing. specific examples in 51 FR 7750. The proposed amendment is being made to comply with reporting. requirements in 10 CFR 50.72 and 50.73. The proposed amendment is in the same category as example (vii) of amendments that are considered not likely to involve significant hazards considerations, i.e., a change to make a license conform to changes in the regulations, where the license change. results in very minor changes to facility operations clearly in keeping with the regulations.

Based on the above, the Commission makes a proposed determination that this amendment request does not involve significant hazards considerations.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801

Attorney for licensee: Nicholas S. Reynolds, Bishop, Liberman, Cook, Purcell and Reynolds, 1200 17th Street, NW., Suite 700, Washington, DC 20036

NRC Project Director: John F. Stolz.

Carolina Power & Light Company, Docket No. 50–325 Brunswick Steam Electric Plant, Unit No. 1, Brunswick County, North Carolina

Date of application for amendment: December 16, 1986.

Description of amendment request: The proposed amendment would change the Technical Specifications (TS) for Brunswick Steam Electric Plant, Unit 1 (Brunswick–1). The proposed change to TS Table 3.6.3–1 revises the description of valve 1–CAC–V172 from drywell purge exhaust isolation valve to suppression chamber purge exhaust isolation valve.

The proposed revision reflects modifications being made to the containment atmospheric dilution (CAD) system during the upcoming Brunswick–1 Reload 5 outage. The Brunswick–1 CAD system was previously modified to meet the requirements of NUREG–0737, Item II.E.4.1 during the Reload 4 outage. As installed, the primary means of containment purging is through purge exhaust isolation valve 1–CAC–V172, which discharges from the drywell through a 2-inch bypass line to the standby gas treatment system. The proposed change modifies the CAD system so that containment purging takes place through the suppression chamber rather than the drywell. This design is consistent with that approved for Brunswick–2 on May 5, 1986 when Amendment 125 to Brunswick–2 TS was issued.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards determination exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license involves no significant hazards considerations if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety.

The licensee has evaluated the proposed amendment against the standards in 10 CFR 50.92 and has determined the following:

1. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated. The CAD system provides for post-accident control of combustible gases. Since this system provides an accident mitigation function, its modification can not involve an increase in the probability of an accident previously evaluated. The proposed modification allows for controlled venting of the containment through the suppression chamber under post-accident conditions. This is the preferred venting pathway because the suppression chamber water will act as a scrubbing agent for potential gaseous radioactivity, thereby, reducing the consequences of an accident involving a radioactive release to the primary containment. The modification does not affect the redundancy or the single failure design of the CAD system. The modified piping and components will be safety grade and the electrical equipment will conform to Class 1E requirements. The modified CAD system meets the requirements of NUREG–0737, Item II.E.4.1, and its design is consistent with that approved for Brunswick–2 on May 5, 1986, when Amendment 125 to Brunswick–2 TS was issued.

2. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated. The CAD system provides post-accident combustible gas control through purging of the containment. Post-accident venting of the containment can still be accomplished via three pathways, only one of which is necessary during post-accident operation. The modification merely makes the primary pathway through the suppression chamber rather than from the drywell. This is the preferred venting pathway because the suppression chamber water will act as a scrubber for potential gaseous radioactivity. This design has been reviewed and approved by the NRC for Brunswick–2 on May 5, 1986, when Amendment 125 to the Brunswick–2 TS was issued.

3. The proposed amendment does not involve a significant reduction in a margin of safety. Post-accident venting of the containment through the suppression chamber water provides scrubbing of potential radio-active gases, thereby, reducing the activity of potential releases. The modification does not affect the redundancy or the single failure design of the CAD system. The modified piping and components will be safety grade and the electrical equipment will conform to Class 1E requirements. As such, the proposed amendment will increase the margin of safety.

Based on the above reasoning, the licensee has determined that the proposed amendment does not involve a significant hazards consideration.

The NRC staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. Based on this review, the staff therefore proposed to determine that the proposed amendment does not involve a significant hazards consideration.

Local Public Document Room Location: University of North Carolina at Wilmington, William Madison Randall Library, 601 S. College Road, Wilmington, North Carolina 28403–3297.

Attorney for licensee: Thomas A Baxter, Esquire, Shaw, Pittman, Potts &

Trowbridge,. 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: Daniel R. Muller.

Commonwealth Edison Company, Docket Nos. STN 50–454 and STN 50–455, Byron Station, Units 1 and 2, Ogle County, Illinois

Date of application for amendments: October 29, 1986.

Description of amendments request: The amendment would add Technical Specifications to require the availability of the essential service water system crosstie between Units 1 and 2 whenever either or both units are in Modes 1, 2, 3 or 4. This amendment is required because a Probabilistic Risk Assessment done by the staff determined that the two-pump ESW system for each unit was the main contributor to a core melt frequency estimate of 10^{-3}/year. Having an ESW pump available from the other unit reduces this core melt frequency. This amendment supplements the August 15, 1986 amendment request which was noticed in the **Federal Register** on September 24, 1986 (51 FR 33946).

Basis for proposed no significant hazards consideration determination: The staff has evaluated this proposed amendment and determined that it involves no significant hazards considerations. According to 10 CFR 50.92(c), a proposed amendment to an operating license involves no significant hazards considerations if operation of the facility in accordance with the proposed amendment would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or

(3) Involve a significant reduction in a margin of safety.

This proposed amendment is a new technical specification which requires the availability of the essential service water system crosstie whenever either or both units are in Modes 1, 2, 3 or 4. The proposed amendment only addresses the probability and consequences of a loss of all essential service water to one of the units. This event has not been previously evaluated. The probability or consequences of accidents which have been previously evaluated are not affected by requiring the availability of additional components in the essential service water system.

As stated above, the sole purpose of this amendment is to address loss of all essential service water to one of the units. Loss of all essential service water to one of the units is a new or different kind of accident which has not been previously evaluated. Instead of creating this accident, this proposed amendment minimizes the possibility of its occurrence.

Since this proposed amendment requires additional availability of components in the essential service water system, there is no reduction in any margin of safety.

Based on the preceding assessment, the staff believes this proposed amendment involves no significant hazards considerations.

Local Public Document Room location: Rockford Public Library, 215 N. Wyman Street, Rockford, Illinois 61103.

Attorney to licensee: Michael Miller, Isham, Lincoln & Beal, One First National Plaza, 42nd Floor, Chicago, Illinois 60603.

NRC Project Director: Steven A. Varga.

Commonwealth Edison Company, Docket Nos. STN 50–454 and STN 50–455, Byron Station, Unit Nos. 1 and 2, Ogle County, Illinois

Date of application for amendments: January 6, 1987.

Description of amendments request: The amendment would revise Technical Specification Design Features Section 5.3.1 on Page 5–4. The change would allow for the reconstitution of a fuel assembly by insertion of a filler rod fabricated from stainless steel or Zircaloy–4 or leaving a vacancy when a rod is leaking or failed.

Basis for proposed no significant hazards consideration determination: The staff has evaluated this proposed amendment and determined that it involves no significant hazards consideration. According to 10 CFR 50.92(c), a proposed amendment to an operating license involves no significant hazards considerations if operation of the facility in accordance with the proposed amendment would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or

(3) Involve a significant reduction in a margin of safety.

The proposed amendment revises the Design Features Section 5.3.1 regarding the fuel assemblies description to allow for fuel assembly reconstitution. The revision allows for each fuel assembly to contain 264 fuel rod locations. A fuel rod location may consist of a fuel rod, a filler rod, or a vacancy as determined in accordance with the cycle specific reload analysis.

The reconstituted fuel assemblies meet essentially the same design requirements, satisfy the same design criteria as the original fuel assembly, and the use of reconstituted assemblies will not result in a change to existing safety criteria and design limits. Therefore, they do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The actual reconstitution of a fuel assembly and the procedures by which it is accomplished will be in accordance with the approved cycle specific reload analysis. Separate 10 CFR 50.59 safety evaluations will be performed to verify the reconstitution process does not involve an unreviewed safety question before it is implemented. The reload safety analysis will evaluate the effect of the actual reconstitution on core operation of equipment important to plant safety. Revising the Technical Specification ensures that if reconstitution is required and approved, it would not be inconsistent with the fuel assembly design description wording currently in the Technical Specifications. Since no more than one assembly is reconstituted at one time, the consequences of an accident are bounded by the fuel handling accident which is the most severe accident related to fuel manipulation. This proposed amendment will not create the possibility of a new or different kind of accident.

The margin of safety as defined in the Technical Specification basis has not been reduced since the existing safety criteria design limits will not be changed. Allowing the use of reconstituted assemblies in Design Features Section 5.3.1 does not directly affect any safety system or the safety limits, and thus, does not affect the plant margin of safety.

Therefore, based on the above considerations the staff has determined that these changes do not involve significant hazards considerations.

Local Public Document Room location: Rockford Public Library, 215 N. Wyman Street, Rockford, Illinois 61103.

Attorney to licensee: Michael Miller, Isham, Lincoln and Beale, One First National Plaza, 42nd Floor, Chicago, Illinois 60603.

NRC Project Director: Steven A. Varga.

Commonwealth Edison Company, Docket Nos. 50–295 and 50–304, Zion Nuclear Power Station, Unit Nos. 1 and 2, Benton County, Illinois

Date of application for amendments: December 5, 1986.

Description of amendments request: Technical Specification Sections 3.3.2, and 4.3.2 contain the reactor coolant system heatup and cooldown limitation curves that are presently applicable to 8 effective full power years (EPFY). Zion Units 1 and 2 are approaching 8 EFPY and require revisions to the curves for continued operation. Additionally, portions of Sections 3.3.2, and 4.3.2 are being updated to reflect current methods, conditions, and analyses used in generating the new heatup and cooldown curves. Specific reasons for the updating and explanation of changes follow:

1. *Bases:* Changes to the heatup, cooldown curves have been made to conform with requirements of the Standardized Technical Specifications.

2. *Page 79, Specification 3.3.2.A.1.a:* Heatup rates are changed to reflect the revised heatup curve (p.84) to extend curve applicability to 15 EFPY.

3. *Page 84:* The heatup curve is being updated to derive the 15 EFPY curve as addressed in WCAP–11247.

4. *Page 85:* The cooldown curve is being updated to derive the 15 EFPY curve as addressed in WCAP–11247.

5. *Page 86:* The current figure. 3.3.2–3 has been removed and replaced with a Neutron Fluence vs EFPY figure for Unit 1. Information pertaining to the old figure is contained in WCAP's–10902, 11247, and 7924–A. This information is required only for deriving the limitation curves and is used in the WCAP's.

6. *Page 87:* Figure 3.3.2–4 is being replaced by more accurate curves for Unit 2 which were used in the analysis of the 15 EFPY heatup, cooldown curves. Actual derivation of the fluence curves is explained in WCAP–10902 and are referenced in WCAP–11247. This information also applies to the new figure 3.3.2–3.

7. *Pages 88–89:* Table 3.3.2–1 is being replaced by more current information used in deriving the limitation curves. The values in the 50 ft–lb/35 MIL and TRANS USE columns are different due to the use of methods in NUREG–0800. These values replace the old ones which were generated by Westinghouse and were accepted by the NRC at that time. Some of the values in the RT_{NDT} column changed due to influence of the 50 ft-lb/35 MIL column. The table currently in the Technical Specifications is only for Unit 1; no information was available at that time for Unit 2. These new tables are referenced on page 90 of the proposed Technical Specifications.

8. *Pages 90–93:* The bases section on fracture toughness properties is being changed to conform with the Standardized Technical Specifications. Changes in this section were also made to correspond with the proposed LCO section (e.g., 15 EFPY curves, figures, tables). It should also be noted that equation $2.0\ K_{IM}+1.25K_{It}$ is less than or equal to K_{IR} has been modified to reflect the equation contained in the Standardized Technical Specifications.

9. *Page 93a:* The listing of references has been updated.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possiblity of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee provided the following discussion regarding the above three criteria:

Criterion 1

The purpose of this amendment request is to update the pre-existing heatup and cooldown limitations as the Zion Units accumulate exposure. The purpose of these curves is to ensure that the reactor vessel is not subjected to excessive levels of stress during the heatup and cooldown phases of reactor operation.

The revised limitations provide an equivalent level of protection to the previous limitations. The acceptance criteria for the calculations performed have not been significantly altered. Thus, there will be no change in the probability of vessel failure through crack propagation.

This amendment will not effect the performance of any Zion's safety systems or structures beyond ensuring the continued integrity of Zion reactor vessels as discussed above. Thus, the consequences of all previously evaluated accidents will be unaltered.

Criterion 2

The updating of the administrative controls regarding the heatup and cooldown rates allowable at Zion Station has no effect on any of Zion's systems or structures. In addition, the imposition of a more conservative heatup and cooldown rate will not interact with any other phase of Zion's operation.

The analyses contained in the Zion FSAR were examined for any potential alterations. Based upon the lack of system and component interaction discussed above, the specific accident sequences will not be affected.

Thus, this revision of the current limitations to include the higher levels of exposure will not create the possibility of any new or different kind of accident.

Criterion 3

WCAP–11247 addressed the criteria for the acceptability of these calculations. The revised heatup and cooldown limitations for Zion Station provide an equivalent level of safety to that which currently exists.

The allowable stresses that the reactor vessel could be subjected to have not been altered from the currently existing levels. Thus, there will be no change in the margin of safety at Zion Station.

The staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. The proposed amendment updates the exposure limitations for the heatup and cooldown curves at Zion Station from eight EFPY to fifteen EFPY. The mechanical acceptance criteria for the allowable stresses has not been significantly altered. Thus, example (i) is applicable in this instance. Example (i) reads as follows:

> (i) A purely administrative change to Technical Specifications; for example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature.

Accordingly, the Commission proposes to determine that the proposed changes to the Technical Specification involve no significant hazards consideration.

Local Public Document Room location: Waukegan Public Library, 128 N. County Street, Waukegan, Illinois 60085.

Attorney to licensee: P. Steptoe, Esq., Isham, Lincoln and Beale, Counselors at Law, Three First National Plaza, 51st Floor, Chicago, Illinois 60602.

NRC Project Director: Steven A. Varga.

Commonwealth Edison Company, Docket Nos. 50–295 and 50–304, Zion Nuclear Power Station, Unit Nos. 1 and 2, Benton County, Illinois

Date of application for amendments: December 16, 1986.

Description of amendments request: These amendments provide clarifications, corrections of typographic errors and errors of inadvertent ommissions or deletions in the recently

approved Zion Radiological Effluent Technical Specifications (RETS).

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequence of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee provided the following discussion regarding the above three criteria:

Criterion 1

The proposed change involves clarifications to the exiting RETS and the correction of minor typographical errors. None of the proposed changes involve the alteration of any definition or of any limiting condition for operation.

None of these administrative clarifications will effect any of Zion's systems or the integrity of any of its structures. In addition, these clarifications will not affect the probability of occurrence of an external event such as a tornado or an earthquake.

Since these clarifications will not involve any system interaction, will not alter Zion's operation, or affect the performance of Zion's structures, the pre-existing safety analysis will remain valid. Thus, this proposed change will not involve a significant increase in the probability or consequences of any accident previously evaluated.

Criterion 2

As discussed above, these administrative clarifications will not affect the performance of any of Zion's systems or structures. They are administrative clarifications or corrections of minor errors.

These clarifications could not conceivably have any significant effect on Zion's operation during either normal or abnormal conditions. The specific accident sequences contained in Zion Safety Analysis have been reviewed. Based upon the lack of interaction discussed above, none of these sequences will be altered by this proposed change.

Thus, the proposed amendments will not create the possibility of a new or different kind of accident from any accident previously evaluated.

Criterion 3

These clarifications and corrections will not affect the performance of any of Zion's systems or structures. Thus, all of Zion's systems will continue to perform their intended functions.

Since all of Zion's individual components and systems will continue to perform their intended safety function, there can be no change in the plant's overall performance during normal and abnormal operations. Thus, this proposed change will not involve a significant reduction in the margin of safety.

The staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. This proposed change consists of administrative clarifications and minor corrections. Thus, example (i) is applicable in this instance. Example (i) reads as follows:

(i) A purely administrative change to technical specifications: For example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature.

Accordingly, the Commission proposes to determine that the proposed changes to the Technical Specification involve no significant hazards consideration.

Local Public Document Room location: Waukegan Public Library, 128 N. County Street, Waukegan, Illinois 60085.

Attorney to licensee: P. Steptoe, Esq., Isham, Lincoln and Beale, Counselors at Law, Three First National Plaza, 51st Floor, Chicago, Illinois 60602.

NRC Project Director: Steven A. Varga.

Consolidated Edison Company of New York, Docket No. 50–247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of amendment request: November 26, 1986.

Description of amendment request: The proposed amendment would revise the Technical Specifications for Indian Point Unit Nos. 1 and 2 to incorporate changes to the Facility Organization. The amendment would revise the organizational figures contained in the Technical Specifications and revise the affected titles of the members of the Station Nuclear Safety Committee.

As a result of organizational restructuring, the offsite Technical Support Organization is now known as the offsite Independent Safety Review and Audit Organization. The responsibilities of the Vice President of Nuclear Engineering and Quality Assurance have been split between the Director of Power Generation Services taking over Quality Assurance and Reliability, offsite, and the Vice President of Nuclear Power taking over Nuclear Engineering, onsite.

The Nuclear Power Generation Department now includes an Operations Manager and staff instead of a Chief Operations Engineer, elimination of the position of Operations Superintendent and the addition of a new Planning and Project Manager and staff. The Operations Manager is responsible for managing the activities of the Senior Watch Supervisors, the Support Facilities Supervisors, the rotating shifts and has additional personnel who assist in the day-to-day management of Operations. The Projects and Planning Manager and staff organization includes the transfer of the Major Projects Manager and staff from the Technical Support Department to the Nuclear Power Generation Department.

All fire protection responsibilities of the Chief Technical Engineer of the Technical Support Department have been transferred to the newly created position of Fire Protection, Safety and Security, and transfers them from the Security Administrator.

The proposed revision includes a change in the following titles: Maintenance Engineer to Maintenance Manager, Chief Technical Engineer to Chief Plant Engineer, Radwaste General Supervisor to Radwaste Manager, Test and Performance Engineer to Test and Performance Manager, Nuclear Training Director to Nuclear Training Manager, and Emergency Planning Director to Emergency Planning Manager. The Nuclear Environmental Monitoring Engineer and staff has become a functional responsibility and has been absorbed by the Manager of Emergency Planning.

The Technical Support Department has been merged with the Nuclear Engineering Department resulting in the addition of the Safety Assessment and Nuclear Analysis Managers to the Technical Support Department.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a sigificant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operations of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident from any

accident previously evaluated (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee provided the following discussion regarding the above criteria. The proposed change does not involve a significant hazards consideration because operating of Indian Point Units 1 and 2 in accordance with this change would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated. This is an administrative change which reflects a recent facility reorganization with consolidation and realignment of responsibilities. Therefore, this change cannot increase in the probability or consequences of an accident.

(2) Create the possibility of a new or different kind of accident from any previously analyzed. It has been determined that a new or different kind of accident will not be possible due to this change. An administrative change such as a facility re-orqanization does not create the possibility of a new or different kind of accident.

(3) Involve a significant reduction in a margin of safety. The administrative change as described above in the safety assessment discussion has been determined not to impact the preservation or reduction of any margin of safety.

The staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. Accordingly, the Commission proposes to determine that the proposed changes to the Technical Specification involve no significant hazards consideration.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York, 10610.

Attorney for licensee: Brent L. Brandenburg, Esq., 4 Irving Place, New York, New York 10003.

NRC Project Director: Steven A. Varga.

Consolidated Edison Company of New York, Docket No. 50–247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of amendment request: December 8, 1986.

Description of amendment request: The proposed amendment would modify the Indian Point 2 Technical Specifications using provisions regarding the limiting conditions of operation for inoperable main steam safety relief valves contained in the Standard Technical Specifications for Westinghouse Pressurized Water Reactors, NUREG–0452, Revision 4.

Currently Technical Specification 3.4.A(1) requires that a minimum of twenty ASME code approved main steam safety valves (MSSV's) be operable when the reactor coolant system is above 350 °F. If this requirement cannot be met within 72 hours, the Technical Specifications require the reactor to be placed in the hot shutdown condition within the next 12 hours and subsequently cooled below 350 using normal operating procedures. The proposed change would allow up to three inoperable main steam safety valves on any steam generator on the basis of the reduction of secondary system steam flow and thermal power required by reduced reactor trip settings of the Power Range Neutron Flux Channels.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists [10 CFR 50.92(c)]. A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in margin of safety.

The licensee provided the following discussion with regard to the above three criteria. The proposed change to the limiting condition of operation for the main steam safety valves would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated, since the specified limits on power (per Table 3.4–1) with one or more inoperable main steam safety valves will not increase the consequences of a full loss of load accident and will ensure meeting the required heat removal capability at the reduced power level.

(2) Create the possibility for a new or different kind of accident from any previously evaluated, since the proposed change only involves a reduction in power in order to compensate for any reduction in steam relieving capability with inoperable main steam safety valves. This is no different than operating at full power with 20 MSSVs.

(3) Involve a significant reduction in the margin of safety, since the power reduction compensates for any reduction in heat removal capability at full power caused by the inoperability of one, two or three main steam safety valves on any operating steam generator, thereby ensuring the same margin of safety.

The staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. Accordingly, the Commission proposes to determine that the proposed changes to the Technical Specifications involve no significant hazards consideration.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York, 10610.

Attorney for licensee: Brent L. Brandenburg, Esq., 4 Irving Place, New York, New York 10003.

NRC Project Director: Steven A. Varga.

Florida Power and Light Company, et al., Docket No. 50–389, St. Lucie Plant, Unit No. 2, St. Lucie County, Florida

Date of amendment request: December 2, 1986.

Description of amendment request: The proposed amendment would revise the steam generator low water level trip setpoints specified in Table 2.2–1 and Table 3.3–4 of the Technical Specifications (TS) and the associated Bases. Specifically, the Reactor Protection System (RPS) trip setpoint would be reduced from 39.5% narrow range (NR) to 20.5% NR and the Engineered Safety Features Actuation System (ESFAS) trip setpoint would be reduced from 20.6% NR to 19.0% NR. Similarly, the allowable values for the RPS and ESFAS trip setpoints would be reduced from 39.1% NR to 19.5% NR and from 20.0% NR to 18.0% NR, respectively. The proposed reduction of the RPS and ESFAS trip setpoints is expected to decrease the likelihood of an unnecessary reactor trip or Auxiliary Feedwater Actuation System (AFAS) initiation on low steam generator level.

The purpose of the steam generator low water level reactor trip is to provide protection against a loss of normal feedwater flow incident. The reactor trip setpoint should provide allowance that there will be sufficient water inventory in the steam generators at the time of the trip to provide a sufficient margin before emergency feedwater is required. Automatic actuation of the AFAS is initiated when several parameters, including the steam generator water level, reach the ESFAS trip values.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a

significant hazards consideration exists as stated in 10 CFR Part 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The proposed changes will not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated.

The current RPS trip setpoint corresponds to a Cycle 1 analysis assumption of steam generator low level RPS trip setpoint of 30% NR for the most limiting event, Loss of Feedwater, and 5% NR setpoint for all other accidents. The current RPS setpoint also includes an uncertainty factor of 9.5% due to the uncertainties associated with the equipment, response times, and RPS cabinet, thereby arriving at the current setpoint value of 39.5%. The ESFAS setpoint value in the TS's reflects the 5% NR assumption value plus the respective uncertainty value.

However, the Safety Analyses presented for Cycles 2 and 3 incorporated the assumed setpoint value of 5% NR (and the related instrument uncertainties) for the RPS and ESFAS. The proposed setpoints would incorporate the 5% NR limit as used in the Cycle 2 and 3 analyses plus the respective instrument uncertainties, as derived using accepted methodology for instrument uncertainty calculations. Therefore, the proposed setpoints do not impact the result of the Safety Analyses presented for Cycles 2 and 3, but merely reflects a change in the analysis assumptions made for Cycle 1 versus Cycles 2 or 3. The Cycle 2 and 3 setpoint was set at 5% NR to ensure actuation prior to reaching 0% under accident conditions. The Cycle 2 Reload Safety Evaluation used the 5% NR setpoint and evaluated the results for all events which could be impacted, namely the Loss of Feedwater event, the Feedwater Line Break event, the Steam Line Break event, and the Inadvertent Opening of a Steam Generator Safety Valve or Atmospheric Dump Valve. The results of the analyses for the Cycle 2 Reload Safety Evaluation demonstrated that all key parameters were below the acceptance criteria. Therefore, on the basis that the proposed amendment has been addressed by the existing Analyses of Record, the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated.

The setpoints for the RPS trip and the AFAS have been established such that they ensure actuation of these functions before the instrumentation goes off scale. This starts with a minimum level of 5% NR and includes appropriate errors for an inside containment accident such as a Steam Line Break. The difference between the setpoint and allowable values accounts for the instrumentation drift over the specified surveillance interval. As stated above, the proposed setpoints correspond to values for which safety analyses have previously been evaluated. Therefore, the proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Involve a significant reduction in the margin of safety.

The proposed setpoints incorporate the same narrow range setpoints as those incorporated in the Cycle 2 Reload Safety Evaluation for which the results of the analyses for the events presented demonstrated that all key parameters were below the acceptance criteria. Based on this evaluation, it can be concluded that the proposed amendment has been addressed by the existing Analyses of Record and therefore, would not involve a significant reduction in the margin of safety.

Based on the above discussion, the staff proposes to determine that this proposed amendment involves no significant hazards consideration.

Local Public Document Room location: Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 33450.

Attorney for licensee: Harold F. Reis, Esquire, Newman and Holtzinger, 1615 L Street, NW., Washington, DC 20036.

NRC Project Director: Ashok C. Thadani.

General Public Utilities Nuclear Corporation, Docket No. 50–320, Three Mile Island Nuclear Station Unit 2 (TMI–2), Dauphin County, Pennsylvania

Date of amendment request: June 18, 1985 and July 31, 1985, as supplemented November 20, 1985, February 26, 1986 and May 20, 1986.

Description of amendment request: The proposed amendment would revise TMI–2 Operating License No. DPR–73 by modifying Appendix A Technical Specifications 3.7.4, 3.7.7, 3.7.10, 3.8.1, 3.8.2, 3.9.12.1, 3.9.12.2, 3/4.7.4, 3/4.7.7, 4.3, 4.7.4, 4.7.7, 4.8.1, 4.8.2, 4.9.12.1, and 4.9.12 2. Specifically, the proposed amendment would: (1) Delete all operability requirements for the emergency diesel generators and supporting systems, (2) modify the operability requirements for the control room emergency air cleanup system so that a backup onsite AC power source (the diesel generators) is not required, and (3) modify the requirements for both the fuel handling building and auxiliary building air cleanup systems, by reducing the number of required operable exhaust fans from two to one for each system.

TMI–2 is currently maintained in a stable, long-term cold shutdown mode without a need for forced cooling of the core. Active safety systems previously required to assure safe shutdown of the plant, such as the decay heat removal system and the high pressure safety injection system, have been deleted from the Technical Specifications by earlier license amendments. Therefore, the need for emergency backup power to these systems no longer exists and the emergency diesel generators are not necessary for the maintenance of the facility in a safe, cold shutdown condition. Consequently, retaining the operability requirements for the diesel generators and supporting systems (e.g., cooling water, fire suppression) places an undue burden and expense on the licensee without significantly contributing to plant safety.

Control room actions are not necessary to maintain the current safe shutdown of TMI–2, however, habitability of the TMI–2 control room in the event of an accident is assured through operation of the control room emergency air cleanup system. The licensee and the staff have evaluated a broad spectrum of accidents for TMI–2 in the current recovery mode. The only accident scenario having a potential to affect habitability of the TMI–2 control room is a TMI–1 loss-of-coolant accident (LOCA) coincident with a loss of offsite power (LOOP) to TMI–2. In this extremely unlikely scenario, without backup power provided by the diesel generators, the control room emergency air cleanup system would be inoperable and evacuation of control room personnel could become necessary. The staff has previously determined that offsite power to TMI–2 can be restored within 5 hours and concurs in the licensee's assessment that temporary evacuation of the TMI–2 control room will not affect the maintenance of the plant in a safe shutdown condition. Therefore, the operability requirements for the TMI–2 control room emergency

air cleanup system can be modified so that backup power from the emergency diesel generators is not required, without impacting plant safety.

The proposed amendment would also reduce from two to one the number of operable exhaust fans required for both the fuel handling building air cleanup system and the auxiliary building air cleanup system. Regardless of the number of operable fans, both systems would still be required to maintain a ⅛ inch water gauge negative pressure in the respective buildings to limit exfiltration in the event of radioactive releases. The staff has added a requirement to perform a daily check of pressure indication or the pressure alarm to assure early detection of system degradation. Thus, this change represents an improvement to safety since the negative pressure requirement remains the same and system surveillance is enhanced.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists in 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated, (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety.

TMI–2 is in a long-term cold shutdown for accident recovery. Short-lived fission products which make up the preponderance of the source term for operating reactors have decayed to negligible levels. The decay heat produced by the core has now dropped to less than 10 kilowatts and forced cooling of the core has not been required or used since 1981. Consequently, in previous license amendments, the staff has determined that the potential accidents analyzed for TMI–2 in the current recovery mode are bounded in scope and severity by the range of accidents originally analyzed in the facility FSAR.

The proposed changes do not significantly increase the probability or consequences of an accident previously evaluated because no changes to current safety systems or setpoints are proposed. No active systems are required to maintain TMI–2 in its current safe shutdown condition and temporary evacuation of the control room for the duration of a loss of offsite power event, if necessary, will not impact plant safety. As the requirements for those safety systems formerly provided with emergency power by the diesel generators have been deleted by previous license amendments, deletion of the requirements for the diesel generators will not have a significant impact on the prevention or mitigation of previously analyzed accidents. The proposed change to the operability requirements for the exhaust fans for the auxiliary and fuel handling building air cleanup systems will not have a significant impact on the probability or consequences of previously evaluated accidents because system performance requirements and required corrective actions would remain unchanged.

The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated because no new modes of operation or new equipment are being introduced. Deletion of the license requirements for the diesel generators is consistent with those previous license amendments that deleted requirements for safety systems formerly dependent on the diesel generators for emergency backup power. The functions of the auxiliary and fuel handling building air cleanup systems will remain unchanged.

The proposed changes do not involve a significant reduction in a margin of safety because, as mentioned previously, no active components are required to maintain the current safe shutdown of TMI–2 and the diesel generators are not needed to provide emergency power to safety systems. Also, the negative pressure required to be maintained in the auxiliary and fuel handling buildings remains unchanged.

Based on the above considerations, the Commission proposes to determine that the proposed changes do not involve a significant hazards consideration.

Local Public Document Room location: State Library of Pennsylvania Government Publications Section, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

Attorney for licensee: Ernest L. Blake, Jr., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: William D. Travers.

Indiana and Michigan Electric Company, Docket No. 50–315, Donald C. Cook Nuclear Plant, Unit No. 1, Berrien County, Michigan

Date of amendment request: January 9, 1987.

Description of amendment request: The proposed amendment would change the Technical Specifications to allow certain tests or surveillances to be delayed until the end of the next refueling outage currently scheduled to begin during the second quarter of 1987. These tests include battery charger and battery service tests on the AB and CD batteries, response time testing of equipment which actuates on an engineered safety feature (ESF) signal, reserve power transfer tests, tests of the monitoring system for ice condenser lower inlet doors, channel calibration of seismic monitoring instrumentation, power operated relief valve (PORV) calibration, inspection of containment penetration seals on doors and hatches, channel calibration of the safety valve position indicator acoustic monitor, and tests on the pressurizer heaters. The proposed amendment is similar to two previous requests which were approved by license amendment 100 dated December 20, 1986 (published 52 FR 1561).

Basis for proposed no significant hazards consideration determination: The Commission's standard for determining whether a significant hazards consideration exists is as stated in 10 CFR 50.92. A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with a proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety. The changes proposed by the licensee will extend certain tests to the next refueling outage beginning about mid-April rather than shutdown the plant or place the plant or personnel in a less safe condition. The safety significance, therefore, is in extending the tests for one or two months and the confidence that the components or systems will still perform their intended function with the extension of time.

An additional consideration is the risk of unwarranted reactor trips and plant transients if the licensee attempts to perform some tests at power with new or revised procedures. ALARA concerns are also weighed against the short period of the extension. We have revised the licensee's submittal and summarize below our agreement with the licensee's findings.

The AB and CD batteries are new and have passed all factory and post-installation tests and the subcomponent

testing performed weekly and quarterly. The test proposed for extension is the capacity test (without charger) which discharges the battery below the technical specification minimum operable level. The test is required to be done at shutdown. Based on the results of the tests on these new batteries to date and the batteries are not normally subject to operation that would limit or reduce their life, the short extension of time to perform the tests should have no discernible effect on the batteries. The extension will not significantly increase the probabilities or consequences of a previously analyzed accident nor will it create a new or different kind of accident. There should be no significant reduction in a margin of safety.

The proposed amendment would extend the surveillance tests frequency for response testing of certain equipment which activates on an ESF signal. Most of the tests must be done at shutdown and the remaining tests would require removing an entire train of safety equipment from operation. The surveillance history of the equipment has been good; the only problem with limit switch wiring was corrected. The systems have not been found unable to perform their safety function and the short extension should have little if any effect on response times. The reserve power transfer is somewhat like the response time testing in that the automatic transfer capability from the normal auxiliary source to the preferred reserve source and the manual transfer to the alternate reserve source are measures of the capabilities of these systems which are not usually operated and subject to operational degradation. This testing also removes entire trains of safety equipment from service and is not considered feasible (or desirable) at power. The extension of time to perform the test is small and should have little effect on system operation. The extension of time should not significantly increase the probabilities or consequences of a previously analyzed accident nor will it create the possibility of new accidents. There is no significant reduction in any margin of safety.

The proposal to extend the test period for the ice condenser lower inlet door position monitoring system and the inspection of the containment personnel access door and equipment hatch seals is due to ALARA considerations while the plant is at power. The recent inspection history of these systems and the short extension period until shutdown supports the licensee's position that exposing the personnel needlessly to radiation is unwarranted. For the short period of the extension, these systems should continue to function with little or no safety consequences. We agree there should be no significant increase in the probabilities or consequences of previously analyzed accidents nor should the extension create any new or different accidents. There should be no significant reduction in any margin of safety.

The test of the pressurizer heaters is to demonstrate the capability to power the heaters from the emergency diesel generators. This test at power would require operation in an abnormal mode with emergency power on one train of safety related equipment. The successful tests of the individual components of this system and the short period of the extension provides confidence in the operability or capability of the emergency diesel generators to power the heaters if called upon to do so. The short extension of time should not significantly increase the probabilities or consequences of any previously analyzed accident nor would it create any new or different kind of accident. There should be no significant reduction in any margin of safety.

The remaining proposed changes relate to extending the period for calibration of seismic monitoring channels, PORV block valve limit switches, and safety valve position indicator-acoustic monitor channels. The latter two items have monthly channel checks which have not indicated any problems with operation or adverse calibration effects. The seismic channels involved in the extension period are two (out of eight) strong motion triaxial acceloqraphs which are located in the lower containment and inaccessible due to high radiation during operation. There is no reason to believe these instruments will not function adequately for the short extension period. For all the calibrations, the short extension of the test period will not significantly increase the probabilities or consequences of any previously analyzed accident nor will it create any new or different kind of accident. There should be no significant reduction in any margin of safety.

Based on the above, the staff proposes to determine that the requested changes do not involve a significant hazards consideration.

Local Public Document Room location: Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Attorney for licensee: Gerald Charnoff, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 M Street, NW., Washington, DC 20037.

NRC Project Director: B.J. Youngblood.

Long Island Liqhting Company, Docket No. 50–322, Shoreham Nuclear Power Station, Suffolk County, New York

Date of amendment request: January 21, 1987.

Description of amendment request: The proposed amendment would revise the Technical Specifications regarding the water level setpoint for closure of the Main Steam Isolation Valves (MSIVs). This setpoint would be changed from reactor low-low water level (Level 2) to reactor low-low-low water level (Level 1). Since the setpoint of water level instruments controlling the MSIVs also controls the main steam line drain valves the setpoint for closure of these valves is also changed by the proposed amendment.

The proposed change would reduce the possibility of spurious MSIV closure due to variations in reactor water level. This, in turn, would increase plant availability, reduce challenges to the safety relief valves (with attendant suppression pool heatup), and simplify plant operation.

Basis for proposed no significant hazards consideration determination: In accordance with the Commission's Regulations in 10 CFR 50.92, the Commission has made a determination that the proposed amendment involves no significant hazards considerations. To make this determination the staff must establish that operation in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety.

All accidents or events previously evaluated in the Final Safety Analysis Report have been reevaluated using the proposed, revised water-level setpoint. These include abnormal operational transients, loss of coolant accidents and anticipated transients without scram (ATWS). In each case, reanalysis shows that the probability or consequence of the previously evaluated accident or event is not increased as a result of the proposed revision. Therefore, criterion (1) above is satisfied.

The reactor water-level setpoint is a safety feature which, through closure of the MSIVs, serves to mitigate the consequences of previously evaluated events. A change in this setpoint will not

create the possibility of a new or different kind of accident from any previously evaluated since the change does not entail a hardware modification or any change in plant operating procedures, nor would the change in setpoint create a new accident sequence. Criterion (2) above is therefore satisfied.

The effects of the proposed setpoint change on operating parameters indicative of plant safety margin such as minimum critical power ratio and peak vessel pressure have been evaluated. Also evaluated were the effects on radiation release and shutdown capability during abnormal operational transients, fuel cladding integrity during a loss of coolant accident, and the reactor response during an ATWS event. These analyses have indicated that the proposed revision would not cause a reduction in safety margin. Furthermore, since the proposed revision would decrease the possibility of spurious MSIV closure due to variations in reactor water level, challenges to the safety relief valves and attendant suppression pool heatup would be reduced, resulting in an improved safety margin. Therefore, criterion (3) above is satisfied.

Because it has been established that plant operation in accordance with the proposed amendment would satisfy the three above stated criteria, the staff has, therefore, made a proposed determination that the proposed amendment involves no significant hazards consideration.

Local Public Document Room location: Shoreham-Wading River Public Library, Route 25A, Shoreham, New York 11786.

Attorney for licensee: W. Taylor Reveley, III, Esq., Hunton and Williams, P.O. Box 1535, Richmond, Virginia 23212.

NRC Project Director: Walter R. Butler.

Maine Yankee Atomic Power Company, Docket No. 50-309, Maine Yankee Atomic Power Station, Lincoln County, Maine

Date of amendment request: January 12, 1987 and January 21, 1987.

Description of amendment request: The proposed amendment would modify the Technical Specifications (TS) to reflect the operating limits for the Cycle 10 reload core as follows:

1. The steady state peak linear heat rate would be modified to reflect Cycle 10 specified acceptable fuel design limits for prevention of centerline melting.

2. The text would be modified to clarify that each fuel type has its own linear heat generation rate limit.

3. The figure in the TS which describes the Power Dependent Insertion Limit would be modified to reflect Cycle 10 control element assembly insertion limit.

4. The figure in the TS which describes the Allowable Unrodded Radial Peak versus Cycle A Average Burnup would be modified to reflect Cycle 10 radial peaking.

5. The figure in the TS which describes the Allowable Power Level versus Increase In Total Radial Peak would be modified to reflect Cycle 10 power distributions and Reactor Protection System setpoints.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from an accident previously evaluated; or (3) involve a significant reduction in margin of safety.

The licensee has evaluated the proposed changes to the Technical Specifications for the Cycle 10 operation of the Maine Yankee plant against the standards of 10 CFR 50.92 and has determined they do not involve a significant hazards consideration. The licensee's discussion follows.

These proposed changes do not: 1. Involve a significant increase in the probability or consequence of any accident previously evaluated. The Cycle 10 refueling will involve the discharge of 73 fuel assemblies and insertion of 72 new assemblies and one previously irradiated assembly. The new fuel assemblies are fabricated by Combustion Engineering and are not significantly different from those previously used at Maine Yankee. In previous reload cores at Maine Yankee and other facilities, the NRC has found the fuel design to be acceptable. The Control Element Assembly (CEA) pattern for Cycle 10 is identical to that used in Cycle 9. Also, the thermal, thermal-hydraulic, and physics characteristics for Cycle 10 are not significantly different from those of Cycle 9. Therefore, these proposed changes which support the operation of Maine Yankee for Cycle 10 do not increase in probability of an accident previously evaluated.

The Cycle 10 design has been evaluated to demonstrate the acceptability of events previously evaluated in the Maine Yankee FSAR. The acceptance criteria for the evaluation are identical to those which were employed for Cycle 9. Furthermore, the analytical methods used to demonstrate conformance of the Cycle 10 design are identical to those used in Cycle 9 except for the removal of the flux augmentation factor. The removal of the flux augmentation factor was proposed by Maine Yankee Atomic Power Company (MYAPCo) by letter dated May 20, 1986 and approved by the NRC by letter dated September 15, 1986.

The effects of Cycle 10 operation on the consequence of accidents previously evaluated in the Maine Yankee FSAR were analyzed in MYAPCo's submittal.

For these transients where the parameters for Cycle 10 are not bounded by previous safety analyses, a new or revised analysis was performed. They are:

(1) Boron Dilution
(2) Ejection
(3) CEA Withdrawal
(4) CEA Drop
(5) Loss of Load

Other transients that required a partial reanalysis or review included:

(1) Seized Reactor Coolant Pump (RCP) Rotor
(2) Excess Load
(3) Loss of Feedwater
(4) Loss of Coolant Flow
(5) Steam Line Rupture
(6) Steam Generator Tube Rupture

In each case, the reanalysis demonstrated that the applicable acceptance criteria for the accident or transient continue to be met. For the remaining transients, the parameters were bounded by previous safety analyses and therefore are not adversely affected by the reload.

The evaluation of accidents previously analyzed in the FSAR has demonstrated that all applicable acceptance criteria continue to be met.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated. As indicated in Item 1, above, and the Cycle 10 Core Performance Analysis Report (CPAR), the reload core for Cycle 10 operation is similar in fuel design, CEA placement, and thermal, thermal-hydraulic, and physics characteristics to that of Cycle 9. It is concluded that Cycle 10 does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Involve a significant reduction in a margin of safety. As indicated in Item 1,

above, and the Cycle 10 CPAR, the design of Cycle 10 is similar to Cycle 9. The methods used to analyze Cycle 10 are the same as were used for Cycle 9 or they have been previously approved by the NRC staff. Additionally, the acceptance criteria for Cycle 10 are the same as Cycle 9. It is demonstrated that these acceptance criteria continue to be met. It is therefore concluded that Cycle 10 operation does not involve any reduction in a margin of safety.

Based on the above discussion, the staff agrees with the licensee's evaluation and proposes to determine that the proposed amendment would involve no significant hazards considerations.

Local Public Document Room location: Wiscasset Public Library, High Street, Wiscasset, Maine.

Attorney for licensee: J.A. Ritscher, Esq., Ropes and Gray, 225 Franklin Street, Boston, Massachusetts 02210.

NRC Project Director: Ashok C. Thadani.

Nebraska Public Power District, Docket No. 50–298, Cooper Nuclear Station, Nemaha County, Nebraska

Date of amendment request: November 24, 1986.

Description of amendment request: The proposed amendment would revise the Appendix A Technical Specifications as follows:

1. Section 3.6.B.2 would be revised to state that the reactor coolant system water chemistry limits apply "when the reactor is pressurized (i.e. equal to or greater than 212 deg. F) and during operation up to 10% of rated power." The present 3.6.B.2 applies "prior to startup and during operation of the reactor up to 10% of rated power, and during hot standby."

2. Section 3.6.B.2 would be revised to change the reactor water conductivity limit from less than 5 micromho/cm at 25 deg. C to equal to or less than 2.0 micromho/cm at 25 deg. C.

3. Section 3.6.B.2 would be revised such that should a conductivity, chloride, or pH limit be out-of-limit for more than 48 hours during one continuous time interval, the facility must be in at least hot shutdown within the next 12 hours and (or if already in hot shutdown) cold shutdown within the following 24 hours. The present requirement states that the facility shall be shut down if pH is out-of-limit for a 24 hour period.

4. Section 3.6.B.3 and Section 3.6.B.4 would be combined to include, in one specification, normal limits for conductivity, chloride, and pH; time limits for chloride, conductivity, and pH; and maximum limits for conductivity and chloride.

5. Section 3.6.B.3 would be revised to require, that in event pH is out-of-limit for more than 72 hours during one continuous time interval, the reactor be placed in startup/hot standby within the next eight hours. The existing Section 3.6.B.4 requires, in such event, that the reactor be shut down if pH is out-of-limit for 24 hours.

6. Section 3.6.B.3 would be revised to specify that, should the normal chloride or conductivity limits be out-of-limit for more than 336 hours per year or 72 hours during one continuous interval, the reactor shall be placed in startup/hot standby within the next eight hours. The existing Section 3.6.B.4 requires the reactor to be placed in cold shutdown if the normal limits are exceeded for two weeks/year.

7. Section 3.6.B.3 would be revised to specify that should the maximum conductivity or chloride limits be exceeded, the reactor shall be placed in cold shutdown within 24 hours. The existing Section 3.6.B.4 requires, in such case, the reactor be "placed in the cold shutdown condition."

8. Section 3.6.B.4 would be revised to specify reactor coolant chemistry limits that apply "at all other times." This specification would replace the existing Section 3.6.B.5 which applies when the reactor is not pressurized. The new Section 3.6.B.4 would include limits on pH. The existing Section 3.6.B.4 does not include pH limits. The new 3.6.B.4 would also require the licensee to perform an engineering evaluation in event the conductivity or pH limit is out-of-limit for more than 72 hours during one continuous interval or the chloride limit for more than 24 hours.

9. A new Section 3.6.B.5 would be added. Section 3.6.B.5 would state that the provisions of Specification 1.0.J are not applicable. Specification 1.0.J defines actions to be taken for circumstances in excess of the limiting conditions for operation.

10. Section 4.6.B.2 would be revised to indicate that, in the event the continuous conductivity monitor is inoperable, reactor coolant samples shall be periodically analyzed; every four hours prior to startup, during operation, and during hot standby; and every 80 hours when not pressurized.

11. Section 4.6.B.3.d would be revised to delete a requirement for periodic sampling of the reactor coolant system when the continuous conductivity monitor is inoperable. That requirement would be included in Section 4.6.B.2 as described above.

12. Section 4.6.B.4 would be revised to include pH as one of the parameters to be sampled every 80 hours when the reactor is not pressurized. At present, only chloride and conductivity are required to be sampled when depressurized.

13. Note 8 of Table 3.2.A would be revised to delete the statement that reactor water cleanup system high system temperature is a group 3 isolation signal.

14. Section 6.4.2.H would be revised to state that life retention would be required for "Records of current individual plant staff members showing qualifications and the completion of training." This would replace a requirement for life retention of "Records of individual plant staff members showing qualifications, training and retraining."

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance for the application of criteria for no significant hazards consideration determination by providing examples of amendments that are considered not likely to involve significant hazards considerations (51 FR 7751). These examples include:

(i) A purely administrative change to technical specifications: for example, a change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature.

(ii) A change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications, e.g., a more stringent surveillance requirement.

(vi) A change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan, e.g., a change resulting from the application of a small refinement of a previously used calculational model or design method.

Change 1 eliminates the use of the vague term "prior to startup" replacing it with the more definitive term "when pressurized." Since pressurization occurs coincident with startup, there is no substantial change as to when the specification actually becomes applicable. The change serves only to provide clarification and is therefore within the scope of example (i).

Change 2 revises a limit to specify a more restrictive value. It is therefore within the scope of example (ii).

Change 3 would allow additional time to correct an out-of-limit condition prior to commencing a required shutdown. This may in some way possibly decrease a safety margin. However, the additional time is consistent with the

criteria of the Standard Review Plan which references NUREG–0123 "Standard Technical Specifications for BWRs" for the staff position on Technical Specifications for BWRs. The proposed change is consistent with Section 3.4.4.b of NUREG–0123 and is within the scope of example (vi).

Change 4 is a reformatting or editorial change and is within the scope of example (i).

Change 5 would allow additional time to correct an out-of-limit condition prior to commencing a required shutdown. This may in some way possibly decrease a safety margin. However, the additional time is consistent with the criteria of the Standard Review Plan which references NUREG–0123 "Standard Technical Specifications for BWRs" for the staff position on Technical Specifications for BWRs. The proposed change is consistent with Section 3.4.4.a.2 of NUREG–0123 and is therefore within the scope of example (vi).

Change 6 would provide an additional restriction, the 72 hour continuous time limit, and is therefore within the scope of example (ii).

Change 7 adds a definitive time limit within which the licensee must accomplish a required action. This provides a clarification or additional restriction and is therefore within the scope of example (i).

Change 8 would provide clarification as to which chemistry limits apply during various reactor conditions, assures that all reactor conditions are covered by appropriate chemistry limits, and adds new restrictions. It is therefore within the scope of example (ii).

Change 9 would provide clarification by giving the new specifications precedence over the general, less restrictive requirements of Technical Specification 1.0.J. This change is within the scope of example (i).

Changes 10 and 11 are editorial changes. A requirement is being relocated from one section to another without being changed. They are therefore within the scope of example (i).

Change 12 is an additional restriction and is therefore within the scope of example (ii).

Change 13 corrects an error made in a previous amendment. In Amendment 62 the Staff approved the deletion of the reactor water cleanup system high temperature signal as being a Group 3 isolation signal. Note 8 of Table 3.2.A should have been changed as part of Amendment 62. This change corrects the error and is therefore within the scope of example (i).

Change 14 is a clarification intended to ensure that permanent records are kept for plant staff individuals documenting the completion of training activities. The change clarifies that it is not the intent of the requirement that each such record thoroughly describe the subject matter covered during the training.

Since the application for amendment involves proposed changes that are encompassed by examples for which no significant hazards consideration exists, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305.

Attorney for licensee: Mr. G.D. Watson, Nebraska Public Power District, Post Office Box 499, Columbus, Nebraska 68601.

NRC Project Director: Daniel R. Muller.

Northeast Nuclear Energy Company (NNECO), Docket No. 50–245, Millstone Nuclear Power Station, Unit No. 1, New London County, Connecticut

Date of amendment request: December 22, 1986.

Description of amendment request: The proposed amendment would change the operating license expiration date for the Millstone Nuclear Power Station, Unit No. 1 (Millstone 1), from May 19, 2006 to October 6, 2010, which would be forty years from its October 7, 1970 date of issuance.

Basis for proposed no significant hazards consideration determination: The currently licensed term of operation for Millstone 1 is 40 years beginning with issuance of the construction permit. Accounting for the more than 52 months required for plant construction results in an effective current operating license term of 35 years and seven plus (7+) months. The NNECO (the licensee) application requests a 40-year operating license term for Millstone 1 in place of the currently shorter term. The licensee's request for extension of the operating license is based primarily on the fact that a 40-year service life was considered during the design and construction of the plant.

The licensee has determined that the structures, systems and components are designed and maintained to perform for the full 40 year operating term and are subject to detailed inspection, surveillance and maintenance requirements that assure detection of any abnormal degradation and provide for appropriate corrective action.

Only the reactor pressure vessel (RPV) is considered to be a nonreplaceable component. However, the licensee has determined that the RPV, consistent with its original design, will maintain its functional capability for the full 40-year operating term requested. The original design of the RPV and associated internals considered the effects of 40 years of operation within the cyclic limits identified in the Millstone 1 Final Safety Analysis Report (FSAR). These cyclic limits equate to 40 years of operation at full power (2011 MW thermal) with a plant capacity factor of 80%, including expected operational and thermal transients. The cummulative capacity factor at this point in time is 68%. The design of the RPV meets the intent of 10 CFR 50, Appendix A, General Design Criteria (GDC) 31, "Fracture Prevention of Reactor Coolant Pressure Boundary", and is therefore acceptable. In addition, the licensee has determined that total neutron fluence over the 40 year term of the proposed operating license will be no greater than 16 percent of the design limit for neutron fluence in the RPV wall. Limiting conditions of operation and surveillance requirements are identified in Technical Specifications 3.6 and 4.6. Included is the requirement for RPV test specimens (TS 4.6.B.5). In accordance with 10 CFR Part 50, Appendix H, the changes that appear in the mechanical and impact properties of the material contained in the surveillance capsules inside the reactor vessel are used to monitor the radiation-induced changes in the mechanical and impact properties of the RPV materials. This program provides a means of assuring that the cumulative effects of power operation are within design allowances.

In accordance with 10 CFR 50.49, the licensee has established programs for electrical equipment requiring environmental qualification. These programs assure that electrical equipment important to safety is maintained in a qualified state at all times during plant operation, regardless of the length of operation. The programs include: Aging analysis to determine qualified life, maintenance designed to preserve qualification, surveillance according to procedures, qualification of affected portions of plant modifications and scheduled replacement of the equipment at the end of its qualified life. These programs provide assurance that equipment will perform as required, if called upon to mitigate design basis events, regardless of the term of the license.

Based upon the above, the licensee concluded that extension of the operating license for Millstone to allow a 40-year service life is consistent with the safety analysis in that all issues associated with plant aging have already been addressed. Since the proposed amendment involves no changes in the technical specifications or safety analyses, the licensee concludes that the proposed amendment would not: (i) Involve any significant increase in the probability or consequences of an accident previously evaluated; or (ii) create a possibility of a new or different kind of accident from any accident previously evaluated; or (iii) involve any reduction in the margin of safety.

The staff has reviewed the licensee's determination and concurs with its conclusions. Therefore, based on the above, the Commission proposes to determined that the proposed amendment, which would provide a 40 year operating life for the Millstone Nuclear Power Station, Unit No. 1, involves no significant hazards considerations.

Local Public Document Room location: Waterford Public Library, 49 Rope Ferry Road, Waterford, Connecticut 06385.

Attorney for licensee: Gerald Garfield, Esquire, Day, Berry, & Howard, Counselors at Law, City Place, Hartford, Connecticut 06103–3499.

NRC Project Director: Christopher I. Grimes.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: January 7, 1986 [Sic] (1987).

Description of amendment request: Section 2.9.1(2)d of the Fort Calhoun Technical Specifications states that the hydrogen and oxygen monitors shall be monitoring the in-service gas decay tank during the transfer of waste gases to the gas decay tank. Whenever the monitors are inoperable, transfer of waste gases to a gas decay tank may continue provided grab samples are taken and analyzed in accordance with the frequency specified in Section 2.9.1(2)d. The purpose of monitoring the hydrogen and oxygen concentrations is to assure that these concentrations will be maintained below the flammability limits of these gases to prevent a potential rapid release of the radioactive waste gas. The proposed amendment would modify Section 3.12.1(2)d(i) of the surveillance requirements for the hydrogen and oxygen monitoring system for the gas decay tanks to clarify that a daily channel check is required for this system when it is in service.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The proposed changes will not:

(1) Involve a significant increase in the probability or consequences of an accident previously analyzed. Specifically, the proposed change does not increase the likelihood of an explosive concentration of hydrogen and oxygen in the waste gas decay tank. The proposed amendment would change the requirement for performing channel checks of the hydrogen and oxygen monitors from "daily" to "daily when in service." This change, for example, would not make it necessary to perform a daily channel check if the hydrogen and oxygen monitoring system was inoperable. As discussed above, whenever the hydrogen and oxygen monitors are inoperable, transfer of waste gases to a gas decay tank may continue provided grab samples are taken and analyzed in accordance with Section 2.9.1(2)d of the Technical Specifications. Therefore, this change does not affect the current requirements for monitoring hydrogen and oxygen concentration in the waste gas decay tanks. This change does not increase the probability or consequences of a previously evaluated accident.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated. Because the proposed chance does not modify the present design, the possibility of a different type of accident other than that previously analyzed has not been created.

(3) Involve a significant reduction in the margin of safety. Because the proposed change does not affect the requirement to monitor the hydrogen and oxygen concentrations during the transfer of waste gases to the gas decay tank, the proposed change will not involve a significant reduction in a margin of safety.

Based on the above discussion, the staff proposes to determine that the proposed change does not involve a significant hazards consideration.

Local Public Document Room location: W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102.

Attorney for licensee: LeBoeuf, Lamb, Leiby, and MacRae, 1333 New Hampshire Avenue, NW., Washington, DC 20036.

NRC Project Director: Ashok C. Thadani.

Pennsylvania Power and Light Company, Docket No. 50–387, Susquehanna Steam Electric Station, Unit 1, Luzerne County, Pennsylvania

Date of amendment request: December 12, 1986.

Description of amendment request: The proposed amendment would revise the Susquehanna Steam Electric Station (SSES) Unit 1 Technical Specifications (TS) to incorporate changes to: (a) General Electric (GE) fuel and Exxon Nuclear Company (ENC) fuel MAPLHGR Limits; (b) MCPR operating limits reflecting the results of the XCOBRA–T analyses; (c) set the single loop operation (SLO) MAPLHGR multiplier for ENC fuel to 0.0 to preclude extended operation with one recirculation loop out-of-service, and (d) change bases to provide consistency between Unit 1 and Unit 2 Technical Specifications.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The staff has reviewed and concurs with the following basis provided by the licensee in its December 12, 1986 submittal for its 50.92 determination.

(a) *MAPLHGR Limits.*

(i) GE Fuel. The current GE MAPLHGR limits are provided in the Technical Specifications to an average planar exposure of 33,069 MWD/MT. However, the GE fuel bundles are projected to attain average planar exposures greater than 33,069 MWD/MT in both Cycle 3 and Cycle 4 operation.

GE performed a LOCA analysis to determine the MAPLHGR limits for an average planar exposure of 40,675 MWD/MT. The analysis was performed based on the same plant conditions and systems analysis that were used as a basis for the derivation of the current MAPLHGR limits defined in the FSAR. Using a MAPLHGR limit of 9.2 kw/ft at an average planar exposure of 40,675 MWD/MT, the Peak Cladding Temperature (PCT) is 1621 °F and the local oxidation fraction is 0.3 percent. These values are not significantly different from the previous values (PCT range 1753 °F to 1823 °F and local oxidation 0.5 to 0.6 percent), when compared to 10 CFR 50.46 limits of 2200 °F and 17 percent local oxidation rate.

In addition, the projected peak bundle average exposure at the End-of-Cycle (EOC) 3 and EOC 4 was calculated to assure the fuel does not exceed the limits of the fuel mechanical design analysis (NEDE–20944–P, Revision 1, "Licensing Topical Report: BWR–4 and BWR–5 Fuel Design," October 1976). The projected EOC3 and EOC4 peak bundle average exposure for the GE fuel is 26,000 MWD/ST (28,600 MWD/MT) which is well within the design bundle average exposure limit of 30,000 MWD/ST.

(ii) ENC Fuel. The current MAPLHGR limits for ENC fuel are provided to assure that the PCT resulting from the LOCA analysis is less than 2000 °F and that during steady state operation, the fuel remains within the assumptions of the fuel mechanical design analyses. In the Unit 1 Cycle 3 (U1C3) reload analysis Technical Specification revision (Amendment 57 to license No. NPF–14, dated April 11, 1986), a Linear Heat Generation Rate (LHGR) Limit was added for the Exxon fuel to assure the fuel operates within the assumptions of the mechanical design analysis for steady state operation and anticipated operational occurrences. Therefore, the proposed MAPLHGRs are based only on the LOCA analysis.

The ENC LOCA Analysis showed that the LHGR limit currently in the Technical Specifications assures that the fuel remains within the assumptions of the fuel mechanical design analysis and the 10 CFR 50.46 limits are not exceeded with the revised MAPLHGR limits.

(b) *MCPR Operating Limits.*

During the review of the Unit 2 Cycle 2 reload analysis, the ENC method for calculating the MCPR operating limits was shown to be non-conservative for transients which involved recirculation pump trips (RPT). Therefore, administrative MCPR limits were implemented to assure that the Unit 1 core did not exceed the Safety Limit MCPR during a transient which resulted in a recirculation pump trip.

ENC has reanalyzed the U1C3 transients with an improved computer code, XCOBRA–T, to determine conservative MCPR operating limits. As shown in the XCOBRA–T documentation (SN–NF–84–105, Volume 1 and Revision 1 of Supplements 1 and 2, "XCOBRA–T: A computer Code for BWR Transient Thermal-Hydraulic Core Analysis," May, 1985 and March, 1986), XCOBRA–T has been benchmarked against power increase and flow decrease boiling transition tests. The results show that XCOBRA–T is conservative for predicting the onset of transition boiling. From the results of the XCOBRA–T analyses the transient delta CPR and the Rod Withdrawal Error delta CPR are added to the MCPR Safety Limit to obtain the MCPR operating limits shown in the new Technical Specification Figures 3.2.3–1 and 3.2.3–2. In addition, the Rod Block Monitor (RBM) setpoint Technical Specification can be changed since the MCPR operating limit is not decreased for a reduced setpoint. With these MCPR operating limits, 99.9 percent of the fuel rods are not expected to experience transition boiling during normal operation and anticipated operational occurrences. This result is the same as the previous calculated value of percent rods not expected to experience transition boiling.

(c) *MAPLHGR Multipliers for SLO.*

The Unit 1 Technical Specifications were revised to allow extended operation with one recirculation loop out-of-service. GE performed single loop safety analyses and ENC provided justification that the GE operating limits were applicable to the ENC fuel. However, while implementing the SLO Technical Specification, it was found that no explicit analyses were available to support ENC's justification of the applicability of the GE operating limits. Therefore, administrative limits were implemented which precluded extended single loop operation. This Technical Specification change set the SLOs MAPLHGR limit for ENC fuel to 0.0 which precludes extended operation with one recirculation pump out-of-service until ENC can perform the required analyses to determine operating limits for the ENC fuel.

(d) *TS Bases.*

Section 3/4 7.8 Bases were revised to provide a direct reference to the transient analyses. This change was made to provide a consistent description of the Bases between the Unit 1 and Unit 2 Technical Specifications.

Based on the above licensee evaluation, the staff finds that:

(1) The proposed changes do not involve a significant increase in the probability or the consequences of an accident previously evaluated because:

(a) Changes in the MAPLHGR for both GE and ENC fuels, when included in the LOCA analysis, result in PCT and local oxidation fractions well within the 10 CFR 50.46 limits;

(b) With proposed MCPR operating limits, the percentage of the fuel rods not expected to experience transition boiling during normal operation and anticipated operational occurrences is not changed;

(c) The TS for SLO has been changed to preclude extended operation in SLO mode until analyses can be performed to determine appropriate operating limits; and

(d) Changes to bases do not affect the probabilities and consequences of previously evaluated accidents.

(2) The proposed changes do not create the possibility of a new or different kind of accident because:

(a) The proposed MAPLHGR changes do not create any new events;

(b) The use of improved calculation methods do not create the possibility of any new events;

(c) The specification has been changed to preclude extended operation in SLO mode to prevent operation without appropriate operating limits; and

(d) The changes in the bases are administrative in nature and do not create any new events.

(3) The proposed changes do not involve a significant reduction in a margin of safety because:

(a) The LOCA analyses show that MAPLHGR changes will not result in a significant reduction in PCT and local oxidation safety margin;

(b) The use of the staff approved improved methodologies to determine MCPR limits were used to show that the changes will not result in a significant reduction in a margin of safety;

(c) Precluding extended operation in SLO mode is not expected to result in significant reduction in a margin of safety; and

(d) The changes in the bases are administrative in nature and do not affect any margin of safety.

Based on the above considerations, the Commission proposes to determine that the proposed changes do not involve a significant hazards consideration.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South

Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Attorney for licensee: Jay Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street NW., Washington, DC 20036.

NRC Project Director: Elinor G. Adensam.

Pennsylvania Power and Light Company, Docket No. 50–387 and 50–388, Susquehanna Steam Electric Station, Unit 1 and 2, Luzerne County, Pennsylvania

Date of amendments request: February 10, 1986, as supplemented March 4, June 24, and August 29, October 1, 1986, and January 21, 1987.

Description of amendments request: The licensee's request for the proposed amendments to revise the Susquehanna Steam Electric Station (SSES) Unit 1 and Unit 2 Technical Specifications (TS) was published in a bi-weekly **Federal Register** notice dated September 24, 1986, (51 FR 33956). As a result of the staff review of the licensee's request and subsequent staff discussions with the licensee, the licensee submitted a letter dated January 21, 1987, revising the request for TS changes.

In its January 21, 1987 submittal, the licensee requested (a) to add two tests of diesel startup using simulated signals for LOCA and loss of offsite power (LOOP), (b) a one time exception from testing requirements to verify diesel generator E's capability to synchronize with the offsite power source while the generator is loaded with emergency loads, and a substitution of the excepted test by an equivalent startup test, and (c) that it be permitted to change the earlier rating for the E diesel generator from 5000 kw to 4000 kw for the purposes of testing.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The staff has reviewed the licensee's request and concurs with the licensee's basis provided in January 21, 1987 submittal.

Based on its evaluation, the staff finds that:

(1) The proposed change to the licensee's February 10, 1986 request, as revised does not involve a significant increase in the probability or consequences of an accident previously evaluated because (a) the added tests are the same as those for the existing diesels, (b) one time exception from testing requirement to verify diesel generation E's capability to synchronize with the offsite power source while the generator is loaded with emergency loads will be substituted by an equivalent startup test which demonstrates that the intent of the test will be satisfied, and (c) derating of the E diesel generator from 5000 kw to 4000 kw still provides the diesel generator capability identical to each of the four existing diesel generators;

(2) The proposed revision does not create a possibility of a new or different kind of accident because (a) the added tests are the same as those for the existing diesels, (b) one time exception from testing requirement to verify diesel generator E's capability to synchronize with the offsite power source while the generator is loaded with emergency loads will be substituted by equivalent startup tests, and (c) derating of the E diesel generator from 5000 kw to 4000 kw will still provide rated power equal to any of the existing diesel generators; and

(3) the proposed revision does not involve a significant reduction in a margin of safety because (a) the added tests are the same as those for the existing diesels, (b) one time exception from a diesel generator E synchronization test is substituted by an equivalent startup test, and (c) derating of the diesel generator E from 5000 kw to 4000 kw will still provide diesel generator E capability equivalent to any of the four existing diesel generators.

Based on the above considerations, the Commission proposes to determine that the proposed changes, as revised, do not involve a significant hazards consideration.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Attorney for licensee: Jay Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street NW., Washington, DC 20036.

NRC Project Director: Elinor G. Adensam.

Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, Dockets Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Units Nos. 2 and 3, York County, Pennsylvania

Date of application for amendments: October 24, 1986.

Description of amendment request: The proposed amendments would modify the Peach Bottom Technical Specifications (TS) by changing the currently specified range for the drywell temperature indicator and recorder. The changes are necessary to reflect the new equipment to be installed during the next refueling outages to meet the NRC's requirements for wide-range accident monitoring instrumentation as specified in Regulatory Guide 1.97 (Instrumentation for Light Water-Cooled Nuclear Power Plants to Assess Plant and Environs During and Following an Accident).

Basis for proposed no significant hazards consideration determination: The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any previously evaluated; or (3) involve a significant reduction in a margin of safety. A discussion of these standards as they relate to the proposed amendments follows:

Currently, drywell temperature is displayed in the control room on a recorder which has a range of 0 to plus 240 °F. This recorder will be replaced with new recorder which has a range of 40 to 440 °F. The temperature indicator, which monitors drywell temperature and feeds its input to the recorder, has a current range of minus 150 to plus 300 °F. This temperature indicator will be modified to have a range of minus 300 °F to plus 750 °F. As a result of the TMI–2 accident, NRC has required that all plants have "wide-range" accident monitoring instrumentation so that during both normal and postulated accident conditions it would be highly unlikely that offscale readings will occur. The present TS specify not only the operability requirements on surveillance instrumentation such as the drywell temperature indicator and recorder but also the range over which

this instrumentation must be periodically calibrated.

In the same table (Table 3.2.F) listing the above drywell temperature instrumentation, there is an error in how the range for the suppression chamber water level is specified. The licensee has proposed a change to the TS to clarify this parameter. This is an administrative type change which does not change the actual range in which the water must be maintained and has no safety significance.

The proposed changes to the TS on the drywell temperature instrumentation are necessary to reflect the new modified instrumentation being installed to meet an NRC requirement. The changes do not involve a significant increase in the probability on consequences of any previously evaluated accident, create the possibility of a new or different kind of accident or involve a significant reduction is a margin of safety. In fact, in imposing the requirements for wide-range accident monitoring instrumentation, the NRC concluded that this would enhance the margin of safety in the event of an accident.

Accordingly, the staff proposes to determine that the proposed changes to the Technical Specifications do not involve a significant hazards consideration.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126

Attorney for Licensee: Troy B. Conner, Jr., 1747 Pennsylvania Avenue, NW. Washington, DC 20006.

NRC Project Director: Daniel R. Muller.

Portland General Electric Company, et al., Docket No. 50–344, Trojan Nuclear Plant, Columbia County, Oregon

Date of amendment request: October 31, 1986 as supplemented December 8, 1986.

Description of amendment request: This amendment proposes to revise the Trojan Technical Specifications, Section 3.1.3.4, "Shutdown Rod Insertion Limit," and 3.1.3.5, "Control Rod Insertion Limit," to redefine fully withdrawn rods as greater than 225 steps instead of the currently specified 228 steps. This change is proposed to minimize the likelihood of localized fretting wear which results from rubbing contact between the rod and its alignment card caused by flow induced vibration. Concentrated fretting wear which can occur at 228 steps may be eliminated by subjecting a different portion of the rod to wear against the alignment card, thereby significantly extending the rod life.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether license amendments involve no significant hazards considerations by providing certain examples (March 6, 1986, 51 FR 7751). One example of an amendment that is considered not likely to involve significant hazards considerations is Example (vi) a change which either may result in some increase to the probability or consequences of a previously analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan.

Rod insertion limits are imposed during operation to ensure that power distribution limits are not exceeded, and that minimum shutdown margin is maintained. Since neither the power distribution limit or minimum shutdown margin is changed, the proposed amendment does not result in an increase in the probability or consequences of an accident previously evaluated, nor does it create the possibility of a new or different kind of accident from any accident previously evaluated.

Redefining "fully withdrawn rods" to be greater than 225 steps represents approximately one inch of rod insertion. Because of the low rod worth in the top region of the core, the represented insertion has a negligible effect on power distribution. The available excess shutdown margin of approximately 400 pcm margin would be decreased by a negligible amount (4 to 6 pcm), and would not encroach the minimum shutdown margin requirement. As such, the proposed change does not significantly reduce a margin of safety. Since the proposed change does not alter the existing power distribution limit or minimum shutdown margin, the change is acceptable with respect to the criteria specified by SRP Section 4.3.

The staff has reviewed the licensee's no significant hazards analysis and concludes that the proposed change is within the scope of the Commission's cited example. Thus, the staff proposes to determine that the requested change does not involve a significant hazards consideration.

Local Public Document Room location: Multnomah County Library, 801 SW. 10th Avenue, Portland, Oregon.

Attorney for licensee: J.W. Durham, Senior Vice President, Portland General Electric Company, 121 SW. Salmon Street, Portland, Oregon 97204.

NRC Project Director: Steven A. Varga.

Rochester Gas and Electric Corporation, Docket No. 50–244, R. E. Ginna Nuclear Power Plant, Wayne County, New York

Date of amendment request: December 17, 1986.

Description of amendment request: The proposed changes to the technical specifications requested by Rochester Gas and Electric Corporation (the licensee) involve administrative changes in the licensee's Engineering organization and the Electric Transmission and Distribution organization. The Engineering organization changes involve the elimination of the position of Assistant Chief Engineer and the creation of a Research and Science Group. The function that reported to the Assistant Chief Engineer would under the proposed change report to the Chief Engineer directly or through the Research and Science Director or Manager of Divisional Services. The proposed changes associated with the Electric Transmission and Distribution organization involve duties currently assigned to Engineering and Electric Meter and Laboratory which would be shared under the proposed changes with the Electric Substations department. Another proposed change in the Ginna organization consists of the Ginna Quality Control Inspection Supervisor reporting directly to the Nuclear Assurance Manager in lieu of the Quality Control Engineer. Specifically, the proposed changes modify four figures in the Administrative Section of the technical specifications that describe the management organization, the Ginna Station organization, the Health Physics and Chemistry Group and the Maintenance and Nuclear Assurance Groups.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance for the application of standards for determining if a no significant hazards consideration exists by providing examples of amendments that are considered not likely to involve significant hazards consideration (51 FR 7751). One of these examples (i) is a purely administrative change to technical specifications: for example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature. The proposed changes

consist primarily of changes in nomenclature involving administrative functions that are normally under an organizational position and would be transferred to a new Research and Science Group. Other changes involving the sharing of duties between two organizations do not involve a reduction in the level of plant safety. These changes are administrative in nature and do not impact in any way the independent review of safety issues nor do they reduce the level of plant safety. In addition, the proposed changes do not relax the intent of the TS; involve a significant increase in the probability or consequences of an accident previously evaluated; or create the possibility of a new or different kind of accident from any accident previously evaluated. As a consequence of the above, the staff has made a proposed determination that the application for amendment involves no significant hazards consideration.

Local Public Document Room location: Rochester Public Library, 115 South Avenue, Rochester, New York 14610.

Attorney for licensee: Harry Voigt, LeBoeuf, Lamb, Leiby and McRae, Suite 1100, 1333 New Hampshire, NW., Washington, DC 20036.

NRC Project Director: George E. Lear, Director.

Southern California Edison Company, et al., Docket No. 50–206, San Onofre Generating Station, Unit No. 1, San Diego County, California

Date of amendment request: November 12, 1986.

Description of amendment request: The proposed change to the Technical Specifications would lower the pressurizer high level reactor trip setpoint from 70% to 50% in order to achieve consistency with the recently revised safety analysis for the loss of normal feedwater (LONF) accident. The previous LONF safety analysis relied upon the steamflow/feedflow mismatch reactor trip; however, recent operational experience has revealed that this reactor trip function is not single-failure proof. Thus, the safety analysis has been revised to rely upon the high pressurizer level trip signal, which is single-failure proof; however, the setpoint for this trip has been lowered from 70% to 50% to ensure that previously established acceptance criteria are met.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards (10 CFR 50.92(c)) for determining whether a significant hazards consideration exists. A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The licensee's November 12, 1986 submittal states the following with respect to these three factors:

This proposed change does not significantly increase the probability or consequences of an accident previously evaluated. As discussed in Attachment 1, the reanalysis of the events affected by the failure of PT–459, demonstrates that for the LONF event reducing the Pressurizer High Level Reactor Trip setpoint to 50% will result in a system response which is within the previously established acceptance criteria. This change does not affect the system response to a Feedwater Line Break event. In addition, the change does not impact the probability of occurrence of the affected transients since the reduction of the trip setpoint is not related to any of the event initiators such as loss of offsite power, feedwater system equipment failures and pipe break.

The proposed change does not create the possibility of a new or different kind of accident. The change will only lower the initiation setpoint of a safety trip system to provide for earlier initiation of the trip during a transient. The change is a move in the conservative direction with respect to this safety function.

Operation of the facility in accordance with this proposed change does not involve a significant reduction in a margin of safety. The reduction in the Pressurizer High Level Trip setpoint to 50% results in a transient system response for the affected event (LONF) which is within the previously established acceptance criteria for the event and therefore equivalent to the previously analyzed margin of safety.

The staff has reviewed the licensee's determination and agrees with their analysis. Therefore, the staff proposes to determine that the proposed amendment does not involve a significant hazards consideration.

Local Public Document Room location: Main Library, University of California, P.O. Box 19559, Irvine, California 92713.

Attorney for licensee: Charles R. Kocher, Assistant General Counsel, James Beoletto, Esquire, Southern Edison Company, P.O. Box 800, Rosemead, California 91770.

NRC Project Director: George E. Lear.

Southern California Edison Company, et al, Docket Nos. 50–361 and 50–362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California

Dates of amendment request: March 17, and June 13, and September 30, 1986 (Reference PCN–192).

Description of amendment request: The proposed change would revise Technical Specification (T.S.) 3/4.8.1.1 "Electrical Power Systems, AC Sources" to reduce the required number of fast cold start surveillance tests of the emergency diesel generators. The proposed change also would modify diesel fuel oil testing requirements to more accurately determine the quality of the diesel fuel oil and its ability to power the diesel generators. In addition, the proposed change would clarify the requirements for offsite power for each engineered safety features (ESF) train.

The purpose of Technical Specification 3/4.8.1.1 is to ensure that sufficient power will be available to supply the safety related equipment required for (1) the safe shutdown of the facility and (2) the mitigation and control of accident conditions within the facility. The proposed change to this technical specification consists of the following parts:

(a) Technical Specification 3.8.1.1.a currently requires two physically independent circuits between the offsite transmission network and the onsite Class IE distribution system. The proposed change would require two physically independent circuits between the offsite transmission network and each Class 1E 4kV bus. This change would also require that Action Statement "a" associated with T.S. 3.8.1.1 be entered on a bus-by-bus basis rather than a circuit-by-circuit basis. The proposed change would also modify Technical Specification 4.8.1.1.1 to be consistent with T.S. 3.8.1.1.a. This change would remove the existing requirement for cold start testing of a diesel generator on an unaffected Class IE 4kV bus, thereby reducing the number of fast cold start tests of the diesel generators.

(b) For Modes 1, 2, 3 and 4, existing Technical Specification 3.8.1.1 requires that if a diesel generator has become inoperable, it be restored to operable status within 72 hours or the plant be brought to cold shutdown within the next 36 hours. However, the existing technical specification does not provide any limitation on the frequency of diesel inoperability or the total number of days lost per year due to inoperability.

The proposed change would provide a limit of 800 hours on the combined out-of-service time available to the two diesel generators in one calendar year. Should additional time be needed in a specific situation, the proposed change would require that the NRC be notified of the circumstances. Having thus established a minimum availability goal, this proposed change would increase the existing 72 hour individual out-of-service limit to 7 days (168 hours), thereby permitting greater flexibility in handling diesel generator malfunction and/or servicing needs without recourse to plant shutdown. Both of these proposed limits would be applicable in Modes 1, 2, 3 and 4 only.

(c) Technical Specification 3.8.1.1 Action Statements (a) and (b) require the diesel generators to be demonstrated operable by fast cold start testing within one hour and once per eight hours thereafter when either one offsite AC circuit and/or diesel generator is inoperable. The proposed change would reduce the number of diesel generator fast cold start tests by requiring only one test of the diesel generators within 24 hours when one diesel generator or one offsite AC circuit is inoperable.

(d) Technical Specification 3.8.1.1 Action Statement (d) requires that with two offsite AC sources inoperable, two diesel generators must be demonstrated operable by fast cold start testing within one hour and once per eight hours thereafter. The proposed change would modify this action statement by requiring the two diesel generators to be verified operable by start testing within eight hours unless the diesels are already operating. This would reduce the number of fast cold start tests of the diesel generators.

(e) Technical Specification 4.8.1.1.2.a.4 currently requires the diesel generators to be verified operable by fast cold start testing in accordance with the frequency specified in Table 4.8.1. This testing requires the diesel generators to start from ambient conditions and accelerate to 900 rpm in less than or equal to 10 seconds.

Additionally, the generator voltage and frequency are required to be at 4,360±436 volts and 60±1.2 Hz within 10 seconds. The proposed change would require a fast cold start from ambient conditions only once per 184 days. For all other surveillance starts, the proposed change would allow the diesel generators to be started in accordance with the manufacturers recommendations regarding engine prelube and warmup procedures and allow the diesel generator to be gradually loaded. The proposed change would also specify that the diesel generators are to be started for the purpose of surveillance testing by the following signals only: (1) manual, (2) simulated loss of offsite power by itself and (3) simulated loss of offsite power in conjunction with an ESF actuation test signal.

(f) Technical Specification Table 4.8.1 prescribes the test frequency for diesel generators based on the number of failures in the last 100 valid demands. The proposed change would revise the diesel generator test base from the last 100 valid demands to the last 20 valid demands. The proposed change would also delete the last two tiers of test frequency, reducing the most frequent diesel generator testing from 3 days to 7 days.

(g) Technical Specification 4.8.1.1.2.c requires that diesel fuel oil be tested for water and sediment content, viscosity, and insolubles once every 92 days as well as from new fuel prior to addition to the fuel storage tanks. The proposed change would upgrade the testing methods to be consistent with current industry practice and would replace the current test for insolubles with a more accurate and effective test.

Basis for Proposed No Significant Hazards Consideration Determination: The NRC staff proposes to determine that the proposed change does not involve a significant hazards consideration because, as required by the criteria of 10 CFR 50.92(c), operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) Involve a significant reduction in the margin of safety.

1. The NRC staff proposes to determine that operation of the facility in accordance with these proposed changes does not involve a significant increase in the probability or consequences of any accident previously evaluated for the reasons given below.

(a) Surveillance Starts

As noted above, the proposed change affects only the surveillance requirements pertaining to the diesels and not those pertaining to the offsite circuits. Upon loss of required AC power, only one surveillance start is deemed necessary to confirm the operability of a diesel generator. By eliminating the repeat diesel surveillance starts at less than or equal to eight hour intervals, the proposed change would prevent premature diesel engine degradation and contribute to enhanced plant safety over the long term. Whereas the existing technical specifications require demonstration of diesel generator operability within one hour of the initial power loss, the proposed change permits a delay of up to 24 hours after losing one source and 8 hours after losing two sources. These new time limits conform to Generic Letter 84–15 and are consistent with the goal of minimizing wear on the diesel engine parts. These limits would permit the inoperable power source(s) to be repaired and restored, if possible, while avoiding an unscheduled diesel start. Although the new limits are a relaxation from the existing surveillance requirements, it is not considered a significant relaxation, in light of the requirement to test the offsite circuits within 1 hour of the initial power loss and every 8 hours thereafter for the duration of the loss. If the inoperable power source cannot be restored to service within the specified time interval, the technical specifications would require plant shutdown within the next 36 hours.

By enhancing both long term diesel reliability and immediate plant safety requirements under different power loss situations, a decrease in the probability and/or consequences of an accident will result from the proposed change.

(b) Out of Service Time Limits

Increasing the individual out of service limit from 72 hours to 7 days does not involve a significant increase in the probability or consequences of any accident previously evaluated, considering that:

(1) The safety requirement to be in cold shutdown within 36 hours if the out-of-service limit has been exceeded and the inoperable power source remains inoperable is unchanged.

(2) The annual limit will insure that the actual out-of-service time is in all cases within reasonable limits and unnecessary diesel out-of-service time is avoided.

(3) In the history of San Onofre Units 2 and 3, the switchyard has never been completely de-energized. Presently, eight offsite transmission circuits serve San Onofre, whereas only two circuits are required by the technical specifications.

The proposed 800 hour limit on the total annually allowed diesel out-of-service time in Modes 1, 2, 3 and 4 instead of the unlimited number of 72 hour outages currently allowed will serve as an incentive in scheduling and completing all diesel maintenance in such a manner that diesel availability

remains high. If downtime in excess of the 800 hour limit is needed, the technical specifications would require notification of the NRC instead of requiring plant shutdown. This provision is based on the recognition that exceeding the 800 hour limit in itself does not represent an unsafe condition. Rather, each individual case would be evaluated in the light of all the relevant factors and concerns. Based on the above, it is concluded that the introduction of an 800 hour annual out-of-service limit will not result in the probability or consequences of an accident previously evaluated being increased.

(c) Basis to Technical Specification 3.8.1.1. The changes to the Basis are only for the purposes of updating and clarifying the text to be consistent with the proposed configuration of the diesel generator systems.

(d) Diesel Fuel Oil Testing Requirements. By changing the current diesel fuel oil testing requirements to those that are in current industry use and that more accurately determine fuel oil quality, the probability of degraded fuel is reduced. Therefore, the probability or consequences of previously evaluated accidents would not be increased.

2. The NRC staff proposes to determine that operation of the facility in accordance with the proposed changes does not create the possibility of a new or different kind of accident from any accident previously evaluated because the proposed changes would not change the configuration of the plant, or its manner of operation. Rather, in order to prolong diesel engine life and provide better diesel maintenance, the proposed changes would reduce the amount of diesel testing and increase the time allowed for diesel repair and maintenance in individual cases. The safety requirement to complete cold shutdown within 36 hours if a limiting condition for operation is not met would not be changed. Based on these considerations, the proposed changes would not create the possibility of a new or different kind of accident from any previously evaluated.

3. The NRC staff proposes to determine that operation of the facility in accordance with these proposed changes does not involve a significant reduction in a margin of safety because the proposed changes affect only the surveillance requirements for fast cold starts of the diesel engines and fuel oil testing. The proposed changes would reduce premature diesel engine degradation and increase assurance of fuel oil quality and thus increase the overall reliability of the diesel generators. Therefore, operation in accordance with these proposed changes would not involve a reduction in a margin of safety.

Local Public Document Room Location: General Library, University of California at Irvine, Irvine, California 92713.

Attorney for licensees: Charles R. Kocher, Esq., Southern California Edison Company, 2244 Walnut Grove Avenue, P.O. Box 800, Rosemead, California 91770 and Orrick, Herrington & Sutcliffe, Attn.: David R. Pigott, Esq., 600 Montgomery Street, San Francisco, California 94111.

NRC Project Director: George W. Knighton.

Tennessee Valley Authority, Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of amendment request: December 17, 1986.

Description of amendment request: The licensee proposes to increase the loading sequence delay for the containment spray pumps onto the emergency power supply powered by the diesel generators. This technical specification change would increase the response time in seconds by 150 seconds from 58 to 208 seconds.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance (51 FR 7744) concerning the application of standards for determining whether a significant hazards consideration exists. Example (v) identifies a proposed change as having no significant hazard if it is as follows:

> Upon satisfactory completion of construction in connection with an operating facility, a relief granted from an operating restriction that was imposed because the construction was not yet completed satisfactorily. This is intended to involve only restrictions where it is justified that construction has been completed satisfactorily.

Since the proposed amendment makes the Technical Specifications consistent with the change of loading sequence of the containment spray, it is similar to Example (v).

Therefore, the Commission has proposed to find that the amendment contains no significant hazards consideration.

Local Public Document Room location: Chattanooga-Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37401.

Attorney for licensee: Mr. Lewis E. Wallace, Acting General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, EIIB33, Knoxville, Tennessee 37902.

NRC Project Director: B.J. Youngblood.

Tennessee Valley Authority, Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of amendment request: January 20, 1987.

Description of amendment request: The proposed change would add a requirement to limiting condition for operation (LCO) 3.3.1.1 for Unit 1 and 3.3.1 for Unit 2. This additional requirement in the LCOs would demonstrate the operability of the shunt trip attachment to the reactor trip breaker. Also, the amendment request would incorporate testing requirements in surveillance requirement 4.3.1.1 for both units for the reactor trip bypass breakers. This request was previously published on July 2, 1986 (FR 51 FR 24264).

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance in the form of examples of amendments that are not considered likely to involve a significant hazards determination (FR 51 7744). Example (ii) states "a change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications: for example, a more stringent surveillance requirement."

As discussed above, the licensee's request to add a requirement for the operability of the new shunt trip attachment to the reactor trip breakers to LCO 3.3.1.1 for Unit 1 and LCO 3.3.1 for Unit 2 would be based on NRC Generic Letters 83–28 and 85–09. Therefore, this proposed change is similar to example (ii) and does not involve a significant hazard consideration.

Local Public Document Room location: Chattanooga-Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37401.

Attorney for licensee: Lewis E. Wallace, Esquire, Acting General Counsel Tennessee Valley Authority, 400 Commerce Avenue, EIIB33, Knoxville, Tennessee 37902.

NRC Project Director: B.J. Youngblood.

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE

During the period since publication of the last bi-weekly notice, the Commission has issued the following amendments. The Commission has

determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with these actions was published in the **Federal Register** as indicated. No request for a hearing or petition for leave to intervene was filed following this notice.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendments, (2) the amendments, and (3) the Commission's related letters, Safety Evaluations and/or Environmental Assessments as indicated.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the local public document rooms for the particular facilities involved. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Licensing.

Carolina Power & Light Company, Docket Nos. 50–325 and 50–324, Brunswick Steam Electric Plant, Units 1 and 2, Brunswick County, North Carolina

Date of application for amendments: March 17, 1986, as supplemented October 13, 1986.

Brief description of amendments: The amendments change the Technical Specifications (TS) by deleting nonsafety-related instruments from the surveillance requirements related to reactor coolant system leakage and leakage detection systems. The nonsafety-related instrument tag numbers are deleted from the TS Sections 4.4.3.1.b and 4.4.3.2.a.

Date of issuance: January 21, 1987.

Effective date: January 21, 1987.

Amendments Nos.: 103 and 133.

Facility Operating Licenses Nos. DPR–71 and DPR–62. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 21, 1986 (51 FR 18679).

The October 13, 1986 submittal provided clarifying information and did not change the determination of the initial notice.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 21, 1987.

No significant hazards consideration comments received: No.

Local Public Document Room location: University of North Carolina at Wilmington, William Madison Randall Library, 601 S. College Road, Wilmington, North Carolina 28403–3297.

Carolina Power and Light Company, Docket No. 50–261, H.B. Robinson Steam Electric Plant, Unit No. 2, Darlington County, South Carolina

Date of application for amendment: October 13, 1986, as supplemented December 11, 1986.

Brief description of amendment: The amendment revises Technical Specification Section 5.3.13 to: increase the fuel enrichment from 3.5 w/o to 3.9 w/o; reformat and rewrite section 5.4 to mention the previously approved 21-inch center-to-center spacing of the new fuel storage racks; allow storage of fuel with a maximum axial plane enrichment of 3.9 w/o in both new and spent fuel racks; inclusion of the design k_{eff} for worst accident conditions; adding boron concentration for the spent fuel pit during fuel handling; and revising Table 4.1–2 to correct an error and specify a sampling requirement prior to new fuel movement in the spent fuel storage pit.

Date of issuance: January 20, 1987.

Effective date: January 20, 1987.

Amendment No. 112.

Facility Operating License No. DPR–23. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 19, 1986 (51 FR 41846). The December 11, 1986 letter, which supplemented the application did not change the initial determination published in the **Federal Register.**

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 20, 1987.

No significant hazards consideration comments received: No.

Local Public Document Room location: Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29535.

Commonwealth Edison Company, Docket Nos. STN 50–454 and STN 50–455, Byron Station, Units 1 and 2, Ogle County, Illinois

Date of application for amendments: August 13, 1986 and August 27, 1986.

Description of amendments: The amendment approves changes to the Technical Specifications that (1) replaces "86% of total volume" with "50%" for the water level in the ultimate heat sink cooling tower basin; (2) permits a crosstie between Units 1 and 2 Class IE 125-vdc buses; and (3) deletes two pages that are no longer effective.

Date of issuance: December 12, 1986.

Effective date: December 12, 1986.

Amendment No.: 5.

Facility Operating License Nos. DPR–37 and DPR–60. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 8, 1986 (50 FR 36084).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 12, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Rockford Public Library, 215 N. Wyman Street, Rockford, Illinois 61103.

Commonwealth Edison Company, Docket Nos. 50–254 and 50–265, Quad Cities Nuclear Power Station, Units 1 and 2, Rock Island County, Illinois

Date of application for amendments: June 28, 1985.

Brief description of amendments: The amendments change the technical specifications to delete certain emergency diesel generator surveillance testing requirements. A portion of the amendment request has been denied by the Commission and a separate Notice of Denial of Amendment has been forwarded to the Office of the Federal Register for publication.

Date of issuance: January 21, 1987.

Effective date: January 21, 1987.

Amendment Nos.: 99 and 96.

Facility Operating License Nos. DPR–29 and DPR–30. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 14, 1985 (50 FR 32790).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 21, 1987.

No significant hazards consideration comments received: No.

Local Public Document Room location: Moline Public Library, 504—17th Street, Moline, Illinois 61265.

Commonwealth Edison Company, Docket No. 50–265, Quad Cities Nuclear Power Station, Unit 2, Rock Island County, Illinois

Date of application for amendment: September 18, 1986, as clarified December 10 and 23, 1986.

Brief description of amendment: The amendment reflects Cycle 9 reload fuel transient analysis and amends the license to provide for Single Loop Operation as part of the Technical Specifications and not a specific License Condition.

Date of issuance: January 16, 1987.

Effective date: January 16, 1987.

Amendment No.: 95.

Facility Operating License No. DPR–30. Amendments revised the license and the Technical Specifications.

Date of initial notice in **Federal Register:** November 5, 1986 (51 FR 40278). By letters dated December 10 and 23, 1986, Commonwealth Edison submitted clarifying information and written confirmation of commitments made to NRC regarding related plant operation. These submittals did not significantly change the initial application nor did they change the initial no significant hazards consideration determination. Therefore, no renotice of the application was warranted.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 16, 1987.

No significant hazards consideration comments received: No.

Local Public Document Room location: Moline Public Library, 504—17th Street, Moline, Illinois 61265.

Consumers Power Company, Docket No. 50–155, Big Rock Point Plant, Charlevoix County, Michigan

Date of application for amendment: August 15, 1986.

Brief description of amendment: The amendment changes the Technical Specifications in support of the installation of new source range neutron monitoring instrumentation by changing the associated terminology of the previous existing system.

Date of issuance: January 28, 1987.

Effective date: January 28, 1987.

Amendment No. 87.

Facility Operating License No. DPR–6. This amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 24, 1986 (51 FR 33948).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 28, 1987.

No significant hazards consideration comments received: No.

Local Public Document Room location: North Central Michigan College, 1515 Howard Street, Petoskey, Michigan 49770.

Detroit Edison Company, Docket No. 50–341, Fermi-2, Monroe County, Michigan

Date of application for amendment: September 30, 1986.

Brief description of amendment: This amendment revises the Fermi-2 Technical Specifications changing the upper limit for the pressure detector's alarm calibration setpoint of each control rod drive scram accumulator to be greater than or equal to 940 psig.

Date of issuance: January 28, 1987.

Effective date: January 28, 1987.

Amendment No.: 5.

Facility Operating License No. NPF–43: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 3, 1986 (51 FR 43679).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 28, 1987.

No significant hazards consideration comments received: No.

Local Public Document Room location: Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

Duke Power Company, et al., Docket Nos. 50–413 and 50–414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of application for amendments: April 9, 1986, as supplemented June 5 and September 2, 1986.

Brief description of amendments: The amendments modify Technical Specification Table 3.3–6, Table Notations, to allow changing the alarm/trip setpoint for the containment radiation monitor EMF–39.

Date of issuance: January 29, 1987.

Effective date: January 29, 1987.

Amendment Nos.: 21 and 11.

Facility Operating License Nos. NPF–35 and NPF–52. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 27, 1986 (51 FR 30565).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 29, 1987.

No significant hazards consideration comments received: No.

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730.

Duke Power Company, Dockets Nos. 50–269, 50–270 and 50–287, Oconee Nuclear Station, Units Nos. 1, 2 and 3, Oconee County, South Carolina

Date of application for amendments: January 14, 1986, as supplemented on April 10 and June 18, 1986, and January 15, 1987.

Brief description of amendments: These amendments extended the duration of the licenses to 40 years from the date of issuance of the full power licenses. Therefore, the Oconee Operating Licenses were extended to February 6, 2013 for Unit 1; to October 6, 2013 for Unit 2; and to July 19, 2014 for Unit 3. All three Oconee Units would have expired on November 6, 2007 without these amendments.

Date of issuance: January 30, 1987.

Effective date: January 30, 1987.

Amendments Nos : 153, 153 and 150.

Facility Operating Licenses Nos. DPR–38, DPR–47 and DPR–55. Amendments revised the Facility Operating Licenses.

Date of initial notice in **Federal Register:** July 2, 1986 (51 FR 24254). Since the date of the initial notice, the licensee submitted clarifying information dated June 18, 1986, and January 15, 1987. This information did not change the original application in any way and, therefore, did not warrant renoticing. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 30, 1987.

No significant hazards consideration comments received: No.

Local Public Document Room location: Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina 29691.

Florida Power Corporation, et al., Docket No. 50–302, Crystal River Unit No. 3 Nuclear Generating Plant, Citrus County, Florida

Date of application for amendment: June 18, 1986, as amended July 23, 1986.

Brief description of amendment: This amendment increased the high pressure trip setpoint from 2300 psig to 2355 psig and added anticipatory reactor trips on turbine trip and trip of both main feedwater pumps.

Date of issuance: January 21, 1987.

Effective date: January 21, 1987.

Amendment No.: 95.

Facility Operating License No. DPR–72. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 22, 1986 (51 FR 37509) Since the date of the initial notice, the licensee submitted clarifying information dated October 24, 1986. This information did not change the original application in any way and, therefore, did not warrant renoticing.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 21, 1987.

No significant hazards consideration comments received: No.

Local Public Document Room Location: Crystal River Public Library, 668 N.W. First Avenue, Crystal River, Florida 32629.

Iowa Electric Light and Power Company, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of application for amendment: May 22, 1986.

Brief Description of amendment: The amendment revises the Duane Arnold Technical Specifications relative to diesel generator (DG) testing, to make them responsive to GL 83–30 and 84–15 and Information Notice 85–32 and includes changes which meet the intent of GL 84–15 to reduce unnecessary DG testing.

Date of issuance: January 20, 1987.

Effective date: January 20, 1987.

Amendment No.: 139.

Facility Operating License No. DPR–49. Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: July 2, 1986 (51 FR 24257).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 20, 1987.

No significant hazards consideration comments received: No

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street, S.E., Cedar Rapids, Iowa 52401.

Iowa Electric Light and Power Company, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of application for amendment: November 14, 1986 as clarified January 2, 1987.

Brief Description of amendment: The amendment revises the current TS requirements to allow an extension, on a one-time-only basis, of approximately 10 weeks to the surveillance test intervals for the functional testing of snubbers, the local leak rate testing of primary containment isolation valves and penetrations and the replacement of the T-ring seals in the primary containment purge and vent valves.

Date of issuance: January 30, 1987.

Effective date: January 30, 1987.

Amendment No.: 140.

Facility Operating License No. DPR–49. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 17, 1986 (51 FR 45204). The licensee's January 2, 1987, letter furnished clarification for staff review and decreased the extent of the original request. It did not, in any way, change the staff's conclusion in the above notice.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 30, 1987.

No significant hazards consideration comments received: No.

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street, S.E., Cedar Rapids, Iowa 52401.

Louisiana Power and Liqht Company, Docket No. 50–382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana

Date of applications for amendment: October 1, 1986, as supplemented by letters dated October 29 and November 19, 1986.

Brief description of amendment: The amendment changed the Technical Specification by revising the core protection calculator DNBR setpoint; (2) revising the core operating limit supervisory system out-of-service DNBR limits; (3) revising the peak linear heat rate; (4) revising the reactor protection instrumentation response times; and (5) revising the control element assembly insertion limits.

Date of issuance: January 16, 1987.

Effective date: January 17, 1987.

Amendment No.: 12.

Facility Operating License No.: NPF–38: Amendment revised the Technical Specifications.

Dates of initial notices in **Federal Register:** November 19, 1986 (51 FR 41860 and 51 FR 41861), December 3, 1986 (51 FR 43683) and December 17, 1986 (51 FR 45208).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 16, 1987.

No significant hazards consideration comments received: No.

Local Public Document Room location: University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana 70122.

Louisiana Power and Light Company, Docket No. 50–382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana

Date of applications for amendment: July 15, 1986.

Brief description of amendment: The amendment revised the Technical Specification by revising the axial shape index allowable ranges; revising the moderator temperature coefficient allowable range; revising the part-length control element assembly insertion limits; and allowing the suspension of the part-length control element assembly insertion limits during certain startup tests.

Date of issuance: January 16, 1987.

Effective date: January 16, 1987.

Amendment No.: 13.

Facility Operating License No.: NPF–38: Amendment revised the Technical Specifications.

Dates of initial notices in **Federal Register:** August. 27, 1986 (51 FR 30575), September 24, 1986 (51 FR 33952), and October 8, 1986 (51 FR 36093).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 16, 1987.

No significant hazards consideration comments received: No.

Local Public Document Room location: University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana 70122.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of application for amendment: October 23, 1986.

Brief description of amendment: The amendment deleted the short term reporting requirements related to primary coolant specific activity levels and no longer requires plant shutdown if the primary coolant specific activity exceeds the limit of 1.0 microcurie/gram dose equivalent I–131 for an accumulated period over 800 hours in a 12-month period.

Date of issuance: January 20, 1987.

Efffective date: January 20, 1987.

Amendment No.: 102.

Facility Operating License No. DPR–40. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 17, 1986 (51 FR 45191 at 45212).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 20, 1987.

No significant hazards consideration comments received: No.

Local Public Document Room location: W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102.

Rochester Gas and Electric Corporation, Docket No. 50-244, R. E. Ginna Nuclear Power Plant, Wayne County, New York

Date of application for amendment: October 15, 1986.

Brief description of amendment: The review and audit section (6.7) of the Technical Specifications (TS) requires the licensee to have an independent audit and review group known as the "Nuclear Safety Audit and Review Board (NSARB)". The NSARB provides an independent review and audit of activities dealing with plant operations, engineering design changes, radiological safety, and quality assurance practices. The amendment increased the membership of the plant staff to the NSARB from two to three members and to allow the three members to vote. A restriction was imposed to the quorum requirements for the board to assure that plant personnel would not make up a majority of the board members.

Date of issuance: January 28, 1987.

Effective date: January 28, 1987.

Amendment No.: 21.

Facility Operating License No. DPR-18: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 19, 1986 (51 FR 41868).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 28, 1987.

No significant hazards consideration comments received: No.

Local Public Document Room location: Rochester Public Library, 115 South Avenue, Rochester, New York 14610.

NRC Project Director: George E. Lear, Director.

Southern California Edison Company, et al., Docket Nos. 50-361 and 50-362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California

Dates of applications for amendments: March 2 and April 2, 1984.

Brief description of amendments: The amendments revise Technical Specification 3/4.3.3.8, "Radioactive Effluent Monitoring Instrumentation".

Date of issuance: January 20, 1987.

Effective date: January 20, 1987, to be implemented within 30 days of issuance.

Amendment Nos.: 57 and 46.

Facility Operating License Nos. NPF-10 and NPF-15: Amendments revise the Technical Specifications.

Date of initial notices in **Federal Register:** February 27, 1985 (50 FR 8007).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 20, 1987. No significant hazards consideration comments received: No.

Local Public Document Room location: General Library, University of California at Irvine, Irvine, California 92713.

Vermont Yankee Nuclear Power Corporation, Docket No. 50-271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of applications for amendment: November 2, 1984 as supplemented March 4, 1986, and application dated December 29, 1981.

Brief description of amendment: The amendment changes the Technical Specifications to provide trip settings, operability requirements and testing requirements for control and instrumentation circuitry which provides protection in case of degraded grid voltage. The amendment also provides limiting conditions of operation and surveillance requirements for noble gas effluent monitors.

Date of issuance: January 29, 1987.

Effective date: January 29, 1987.

Amendment No.: 98.

Facility Operating License No. DPR-28: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 27, 1985 (50 FR 8010) August 23, 1983 (48 FR 38425).

The March 4, 1986 submittal supplemented the November 2, 1984 application. That supplement provided clarifying information and did not change the determination of the initial notice.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 29, 1987.

No significant hazards consideration comments received: No.

Local Public Document Room location: Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301.

Washington Public Power Supply System, Docket No. 50-397, WNP-2, Richland, Washington

Dates of amendment request: April 8, 1986, and clarified November 20, 1986.

Brief description of amendment: This amendment revises Sections 3.3.7.8 and 4.3.7.8 (Chlorine Detection System), Section 4.7.2 (Control Room Emergency Filtration System) and Bases Section 3/4.3.7.8 (Chlorine Detection System) of the WNP-2 Technical Specifications by eliminating portions of these sections because chlorine gas is no longer stored in the immediate plant site area. As a result, the threat to control room habitability due to chlorine gas leakage has been eliminated; and the Technical Specification sections are no longer relevant.

Date of issuance: January 21, 1987.

Effective date: January 21, 1987.

Amendment No.: 36.

Facility Operating License No. NPF-21: Amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** September 10, 1986 (51 FR 32281).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 21, 1987.

No significant hazards consideration comments received: No.

Local Public Document Room location: Richland Public Library, Swift and Northgate Streets, Richland, Washington 99352.

Wisconsin Public Service Corporation, Docket No. 50-305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin

Date of application for amendment: August 1, 1986 and as supplemented October 1, 1986.

Brief description of amendment: The amendment corrects errors, replaces obsolete references with current references and reinserts an inadvertently deleted requirement in the Technical Specifications. The Operating License is updated to reflect a previous License Amendment.

Date of issuance: January 21, 1987.

Effective date: January 21, 1987.

Amendment No.: 71.

Facility Operating License No. DPR-43. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 10, 1986 (51 FR 32282).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 21, 1987.

No significant hazards consideration comments received: No.

Local Public Document Room location: University of Wisconsin Library Learning Center, 2420 Nicolet Drive, Green Bay, Wisconsin 54301.

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND FINAL DETERMINATION OF NO SIGNIFICANT HAZARDS CONSIDERATION AND OPPORTUNITY FOR HEARING (EXIGENT OR EMERGENCY CIRCUMSTANCES)

During the period since publication of the last bi-weekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual 30-day Notice of Consideration Determination and Opportunity for Hearing. For exigent circumstances, the Commission has either issued a Federal Register notice providing opportunity for public comment or has used local media to provide notice to the public in the area surrounding a licensee's facility of the licensee's application and of the Commission's proposed determination of no significant hazards consideration. The Commission has provided a reasonable opportunity for the public to comment, using its best efforts to make available to the public means of communication for the public to respond quickly, and in the case of telephone comments, the comments have been recorded or transcribed as appropriate and the licensee has been informed of the public comments.

In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant or in prevention of either resumption of operation or of increase in power output up to the plant's licensed power level, the Commission may not have had an opportunity to provide for public comment on its no significant hazards determination. In such case, the license amendment has been issued without opportunity for comment. If there has been some time for public comment but less than 30 days, the Commission may provide an opportunity for public comment. If comments have been requested, it is so stated. In either event, the State has been consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the application for amendment, (2) the amendment to Facility Operating License, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the local public document room for the particular facility involved.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Licensing.

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendments. By March 13, 1987, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

Since the Commission has made a final determination that the amendment involves no significant hazards

consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram. Identification Number 3737 and the following message addressed to (*Branch Chief*): petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)–(v) and 2.714(d).

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Dockets Nos. 50–321 and 50–366, Edwin I. Hatch Nuclear Plant, Units Nos. 1 and 2, Appling County, Georgia

Date of application for amendments: November 20, 1986, as supplemented January 27, 1987.

Brief description of amendments: The amendment changes the Technical Specifications to delete the requirement that snubbers are declared inoperable if visible signs of leakage are present.

Date of issuance: January 29, 1987.

Effective date: January 29, 1987.

Amendments Nos.: 134 and 72.

Facility Operating Licenses Nos. DPR–57 and NPF–5. Amendments revised the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration: No.

The Commission's related evaluation of the amendment and final determination of no significant hazards consideration are contained in a Safety Evaluation dated January 29, 1987.

Attorney for licensee: Bruce W. Churchill, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N. Street, NW., Washington, DC 20037.

Local Public Document Room Location: Appling County Public Library, 301 City Hall Drive, Baxley, Georgia.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket No. 50–366, Edwin I. Hatch Nuclear Plant, Unit No. 2, Appling County, Georgia

Date of application for amendment: January 27, 1987.

Brief description of amendment: The amendment adds a note to the Technical Specifications in support of a waiver granted orally on January 26, 1987, to restart following a forced outage that occurred earlier the same day. The waived requirement was one that prevents Unit 2 from changing modes of operation with the standby service water system inoperable.

Date of issuance: January 30, 1987.

Effective date: January 26, 1987.

Amendment No.: 73.

Facility Operating License No. NPF–5. Amendment revised the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration: No.

The Commission's related evaluation of the amendment and final determination of no significant hazards consideration are contained in a Safety Evaluation dated January 30, 1987.

Attorney for licensee: Bruce W. Churchill, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N. Street, NW., Washington, DC 20037.

Local Public Document Room Location: Appling County Public Library, 301 City Hall Drive, Baxley, Georgia.

Dated at Bethesda, Maryland this 5th day of February, 1987.

For the Nuclear Regulatory Commission.

R. Wayne Houston,

Acting Director, Division of BWR Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 87–2747 Filed 2–10–87; 8:45 am]

BILLING CODE 7590–01–M

Privacy Act of 1974; Report of New Routine Uses

AGENCY: Nuclear Regulatory Commission.

ACTION: Notification of new routine uses.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to amend two of its systems of records notices to add new routine uses to assure that each employee's name, address, and telephone number (both work and home) are as accurate and up-to-date as possible (NRC–36) and to reflect changes in NRC's regulations regarding criminal history checks of individuals who are to be granted unescorted access to nuclear power facilities or access to Safeguards information (NRC–39). Other minor amendments are also being made to these two systems of records.

EFFECTIVE DATE: The proposed new routine uses will take effect without further notice on February 27, 1987, unless comments received on or before that date cause a contrary decision. If, based on NRC's review of comments received, changes are made, NRC will publish a new final notice.

ADDRESSES: Send comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Copies of comments may be examined at the NRC Public Document Room at 1717 H Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Sarah N. Wigginton, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555; Telephone: 301–492–7752.

SUPPLEMENTARY INFORMATION: NRC–36, Employee Locator Records Files, is being revised in order to indicate dual system managers and, as part of an agency-wide effort, to have each employee's name, work address and telephone number, and home address (including zip code) and telephone number as accurate and up-to-date as possible. Since NRC is in the midst of a major consolidation effort, demographic studies will be conducted to show where employees originate their commute to the work place, how their movement to and from work affects established traffic patterns, etc. The expansion of the routine uses category will permit access to these types of statistics and thus facilitate preparation of these demographic studies. Other minor

revisions are also being made to NRC–36.

Pub. L. 99–399, "Omnibus Diplomatic Security and Anti-Terrorism Act of 1986," signed by the President on August 27, 1986, requires the NRC to issue final regulations to establish conditions for the use and control of criminal history data received from the Federal Bureau of Investigation no later than six months after the date of enactment of the Act. On November 7, 1986, the proposed rule entitled "Requirements for Criminal History Checks" was published in the Federal Register for a 30-day public comment period (51 FR 40438). The comment period expires on December 8, 1986. The NRC must have final regulations in place by February 27, 1987, the deadline in the Act. NRC–39, Personnel Security Files and Associated Records, must be expanded to include the new categories of records, new routine uses created for the criminal history data, new authorities for the system, and other minor revisions.

A report for each system of records, required by 5 U.S.C. 552a(o), as implemented by OMB Circular A–130, was sent to the President of the Senate, the Speaker of the House of Representatives, and the Office of Management and Budget on December 19, 1986.

1. NRC-36, Employee Locator Records Files—NRC, is being revised to read as follows to indicate dual systems managers and locations, new routine uses, and expanded storage descriptions.

NRC–36

* * * * *

SYSTEM LOCATION:

Primary system—Part A: Computer and Telephone Operations Branch, Division of Information Support Services, Office of Information Resource Management, 7920 Norfolk Avenue, Bethesda, Maryland.

Part B: Director, Division of Organization and Personnel, Office of Administration, 8120 Woodmont Avenue, Bethesda, Maryland.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used for:

a. Notification of employee in case of an emergency;

b. Notification of employee regarding matters of official business;

c. Verification of accuracy of and update of Automated Payroll System file on employee home addresses and zip codes;

d. Conducting statistical studies, and

e. The routine use specified in paragraph number 6 of the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained within a computerized telephone directory system.

* * * * *

SYSTEM MANAGERS AND ADDRESSES:

Part A: Chief, Computer and Telephone Operations Branch, Division of Information Support Services, Office of Information Resource Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Part B: Director, Division of Organization and Personnel, Office of Administration, U.S. Nuclear Regualtory Commission, Washington, DC 20555.

* * * * *

2. NRC–39, Personnel Security Files and Associated Records—39, is being revised to read as follows to indicate additions to the categories of individuals covered by the system, categories of records in the system, authorities for maintenance of the system, new routine uses, storage, retrievability, and retention and disposal.

NRC–39

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons including NRC employees, employment applicants, consultants, contractors, and licensees; other Government agency personnel (e.g., General Service Administration personnel), other persons who have been considered for a personnel clearance, special nuclear material access authorization, NRC building access, access to Federal automated information systems or data, or participants in the criminal history program; aliens who visit at NRC's facilities; and actual or suspected violators of laws administered by NRC.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain information relating to personnel, including name, address, date and place of birth, social security account number, citizenship, residence history, employment history, foreign travel, foreign contacts, education, personal references, organizational membership, and security clearance history. These records also contain copies of personnel security investigative reports from other agencies (primarily from the Office of Personnel Management or the Federal Bureau of Investigation), summaries of investigative reports, results of Federal agency indices checks, records necessary for participation in the criminal history program, reports of personnel security interviews, clearance actions information (e.g., grants and terminations), access approval/disapproval actions related to NRC building access, or access to Federal automated information systems or data, violations of laws, reports of security infraction, "Request for Visit or Access Approval" (Form NRC–277), and other related personnel security processing documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM

* * * * *

e. 10 CFR Part 11 (1981);

f. Pub. L. 99–399, "Omnibus Diplomatic Security/Anti-Terrorism Act";

g. 40 U.S.C. 318;

h. OMB Circular No. A–130, December 12, 1985; Federal Personnel Manual 732 and authorities cited therein; and

i. Pub. L. 99–500.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

a. To determine clearance or access authorization eligibility;

b. To determine eligibility for access to NRC buildings or access to Federal automated information systems or data;

c. To certify clearance or access authorization;

d. To maintain the NRC personnel security program;

e. To provide licensees information needed for their unescorted access or access to safeguard information determinations; and

f. For any of the routine uses specified in the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained primarily in file folders, on tape, disk, diskette, microfiche, and index cards.

RETRIEVABILITY:

Indexed and accessed by name, social security account number, docket number, or case file number or a combination thereof.

* * * * *

RETENTION AND DISPOSAL:

* * * * *

b. Request for Visit or Access Approval—Maximum security areas retained 5 years after final entry or after date of document, as appropriate; Other areas: Retained 2 years after final entry or after date of document, then destroyed by an approved method of destruction;

c. Other security clearance/access authorization administration files—retained 2 years after final entry or after date of document, then destroyed by an approved method of destruction;

d. Criminal history record files will be retained by name for 1 year while the Federal Bureau of Investigation actions are completed and submitter has been notified; retained in statistical format for 4 years, then destroyed by an approved method of destruction.

* * * * *

Dated at Bethesda, MD, this 5th day of February 1987.

For the Nuclear Regulatory Commission.

Victor Stello, Jr.,

Executive Director for Operations.

[FR Doc. 87-2911 Filed 2-10-87; 8:45 am]

BILLING CODE 7590-1-M

Abnormal Occurrences for Second Quarter CY 1986; Dissemination of Information

Section 208 of the Energy Reorganization Act of 1974, as amended, requires the NRC to disseminate information on abnormal occurrences (i.e., unscheduled incidents or events which the Commission determines are significant from the standpoint of public health and safety). The following incidents at NRC licensees were determined to be abnormal occurrences (AOs) using the criteria published in the **Federal Register** on February 24, 1977 (42 FR 10950). These abnormal occurrences are described below, together with the remedial actions taken. These events are also being included in NUREG-0090, Vol. 9, No. 2 ("Report to Congress on Abnormal Occurrences: April-June, 1986"). This report will be available in the NRC's Public Document Room, 1717 H Street NW., Washington, DC, about three weeks after the publication date of this **Federal Register** Notice.

Nuclear Power Plants

AO 86-8 Out of Sequence Control Rod withdrawal

One of the examples of abnormal occurrence criteria notes that a serious deficiency in management or procedural control in major areas can be considered an abnormal occurrence.

Date and Place—On March 18, 1986, during a startup of Peach Bottom Unit 3, personnel errors by four licensed operators resulted in a control rod being withdrawn out-of-sequence without being detected by these operators. The next operating shift detected the error and manually scrammed the unit. Peach Bottom Unit 3 is a General Electric-designed boiling water reactor (BWR) operated by Philadelphia Electric Company (the licensee) and located in York Country, Pennsylvania.

Nature and Probable Consequences—To limit reactivity additions during startup and low power operations, BWRs utilize a variety of procedural controls and monitoring systems. The reactor operator follows a control rod withdrawal sequence procedure developed by reactor engineers. A rod worth minimizer (RWM) computer system monitors this sequence and blocks control rod movement upon significant deviation from the prescribed sequence. A rod sequence control system (RSCS) complements and backs up the RWM in restricting control rod movement. A major purpose of these controls is to limit the consequences of a control rod drop event during the startup.

On March 17, 1986, a startup was begun on Peach Bottom Unit 3. The RWM was bypassed due to a computer hardware fault. As allowed by technical specifications, a second licensed reactor operator was assigned to monitor another licensed reactor operator as the latter withdrew control rods in accordance with the sequence prescribed by procedure. At 1:28 a.m. on March 18, 1986, the operator withdrew control rod 10-23 out of sequence instead of rod 02-23. The second operator monitoring the rod withdrawals failed to notice the error.

Later, at its prescribed place in the procedure, both operators signed off the withdrawal of control rod 10-23. Shortly afterward, the reactor attained criticality. At 2:30 a.m., withdrawal of additional control rods in an attempt to increase reactor power was blocked by the RSCS since rod 02-23 was not in its prescribed position. The Shift Superintendent and Shift Supervisor then bypassed the RSCS rod 02-23 full out logic with a keylock switch without verifying the rod position and conformance to the rod withdrawal sequence as required by the procedure for bypassing RSCS logic.

Rod withdrawal and startup continued with rod 02-23 fully inserted instead of being fully withdrawn as required.

After 7:00 a.m., the oncoming shift requested that the RWM be returned to service. This was accomplished at 7:38 a.m.; the operators noted an insert error for rod 02-23. The rod was confirmed to be out of position for the sequence. The Shift Supervisor returned the RSCS bypass for control rod 02-23 to normal. Two control rods were inserted and then the reactor was manually scrammed from approximately 3% power at 8:55 a.m. The NRC Senior Resident Inspector and Duty Officer were notified of the scram and the out-of-sequence rod shortly afterward.

The licensee presented an analysis of potential consequences of a rod drop event for various rod pairs for the March 18 event. The peak enthalpy deposition in a fuel pin, had a rod drop occurred with rod 02-23 inserted, for the worst case was calculated to be 118 cal/gm. This is less than the peak enthalpy deposition of 215 cal/gm from the reload analysis for the current fuel cycle and the 280 cal/gm design criterion.

Cause of Causes—The out-of-sequence control rod withdrawal resulted from numerous personnel errors by four licensed operators. One licensed reactor operator withdrew the wrong control rod from the core. The RWM, designed to detect such an occurrence, was inoperable. A second licensed operator was assigned to independently verify the correct rod withdrawal sequence as required by Peach Bottom Technical Specifications; he did not identify the error. When the point in the sequence to withdraw the rod already incorrectly withdrawn was reached, neither reactor operator identified the previous error. The Shift Supervisor and Shift Superintendent who were overseeing the startup activities failed to note the error. Further, they bypassed the RSCS without assuring that the bypassed control rod was in its correct position, as required by the procedure for use of the bypass keys. These personnel errors by four licensed individuals showed an inattention to detail and failures to adhere to procedural requirements, possibly resulting from complacent attitudes.

Actions Taken to Prevent Recurrence

Licensee—The four individuals involved in this event were disciplined. Plant staff management meetings were held with all operations personnel to discuss the event and their individual responsibilities. Procedural controls were strengthened to, among other things, use best efforts to place the RWM in service, dedicate a second operator to sequence verification if RWM is bypassed, generate rod position maps at specific withdrawal points and compare with prepared rod position

maps and require positive rod position verification prior to RSCS bypass.

NRC—After notification of the out-of-sequence control rod withdrawal by the licensee on March 18, a special safety inspection into the event was conducted at Peach Bottom Atomic Power Station on March 18–21, 1986. The inspection results were forwarded to the licensee in a letter dated March 25, 1986.

An enforcement conference was held at NRC Region I on March 27, 1986, between NRC and licensee personnel to discuss the causes of the event and the corrective actions taken and planned. A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of $200,000, dated June 9, 1986, was sent to the licensee describing the violations resulting from numerous personnel errors by several licensed personnel.

The enforcement letter stated that these personnel errors indicate that a pattern of inattention to detail, failure to adhere to procedural requirements, and a generally complacent attitude of staff toward performance of their duties continues to exist at Peach Bottom. Since 1983, the licensee has been cited three times, and civil penalties imposed, for violations pertaining to personnel not following procedures. The latest incident demonstrates that the actions taken to correct this pattern have not been effective. Such problems are indicative of a lack of management involvement in and attention to station activities to assure that the station personnel respect, understand the need for, and adhere to licensee policies and precedures for the safe operation of the facility. The proposed civil penalty of $200,000 represented a 100% escalation because: (1) In each case, an opportunity existed for a licensed individual to detect and correct the rod pull error, but the error was not recognized, and (2) the enforcement history at Peach Bottom regarding personnel adherence to procedures has been poor.

AO 86–9 Boiling Water Reactor Emergency Core Cooling System Design Deficiency

One of the general abnormal occurrence criteria notes that major deficiencies in design, construction, use of, or management controls for licensed facilities or material can be considered an abnormal occurrence. In addition, one of the abnormal occurrence examples notes that a major deficiency in design having safety implications requiring immediate remedial action can be considered an abnormal occurrence; another example notes that incidents with implications for similar facilities (generic incidents) which create major safety concern can be considered an abnormal occurrence.

Date and Place—On May 19, 1986, the Boston Edison Company (BECO) notified the NRC that a significant design deficiency in the residual heat removal (RHR) system minimum flow protection logic at the Pilgrim Nuclear Power Station (PNPS) had been discovered. Pilgrim is a General Electric (GE)-designed boiling water reactor (BWR) located in Plymouth County, Massachusetts. Later, it was found that some other GE-designed BWRs also contained the same design deficiency.

Background—The RHR system, which operates at low pressure, functions in different modes to remove reactor decay heat under normal and emergency situations (e.g., loss-of-coolant accident, LOCA). For normal situations, the RHR system can be operated in the shutdown cooling/head spray mode and the steam condensing mode. For emergency situations, the RHR system functions as part of the emergency core cooling system [at Pilgrim, this system is called the core standby cooling system (CSCS)] operating in the containment spray/cooling mode and the low pressure coolant injection [LPCI] mode.

At Pilgrim, to prevent the RHR pumps from running dead headed, each pair of pumps is provided with a minimum flow bypass capability. The minimum flow bypass consists of an orifice flow bypass which allows a flow of approximately 10 percent of rated flow to bypass the reactor vessel and be returned to the suction source. The minimum flow bypass line for each pair of RHR pumps is connected to a single line and controlled by a single minimum flow bypass valve. The minimum flow bypass valves are normally open. The valves will close upon sensing flow in either of the RHR loops.

Prior to the deficiency found at Pilgrim, the NRC had issued on December 13, 1985, Inspection and Enforcement Information Notice No. 85–94, "Potential for Loss of Minimum Flow Paths Leading to ECCS Pump Damage During a LOCA" to all nuclear power reactor facilities holding an operating license or a construction permit. The Notice alerted licensees of recent instances at various BWR and pressurized water reactor (PWR) plants where it was discovered that minimum flow requirements might not or could not be met for some ECCS pumps under small-break LOCA conditions. The Notice suggested that licensees review the information for applicability to their facilities and consider actions, if appropriate, to preclude similar problems at their facilities.

Nature and Probable Consequences—While reviewing Information Notice No. 85–94 for applicability to Pilgrim, BECO discovered that a single failure under certain accident sequences could result in all RHR minimum flow bypass valves being signaled to close while all other pump discharge valves also closed. The current logic configuration for Pilgrim minimum flow bypass valves is that a high flow signal from either the A or B RHR loops will close both A and B bypass valves. Thus, a postulated single failure of a flow sensing instrument may result in all RHR pumps running without flow. This condition would lead to the pumps running dead headed with potential for pump damage in a few minutes.

The design deficiency is significant to public health or safety because if this single failure occurred in conjunction with an automatic start of the RHR system, RHR pump damage may occur if unrecognized by the operator. This event could disable RHR functions including LPCI, head spray, drywell spray, shutdown cooling, torus spray and suppression pool cooling. As a result of the loss of suppression pool cooling over a long period of time, core spray pumps could ultimately lose net positive suction head and also be unavailable. Thus, systems designed to remove decay heat under both normal and accident conditions could be severely degraded.

Cause or Causes—The deficiency is attributed to error in design of the logic for RHR mini-flow control. The NRC Staff believes that the error was most likely the result of inadequate consideration of the effects of mini-flow isolation during design of logic for determining the proper (intact) coolant loop into which emergency core coolant would be injected following a LOCA.

Actions Taken to Prevent Recurrence

Licensee—Following discovery of the deficiency, all operating shifts at Pilgrim were briefed on the problem. In addition to this, the licensee performed a design review of other CSCS systems to determine if they had a similar deficiency. The results of the review confirmed that only the RHR minimum flow protection logic was deficient. Since the plant was in the cold shutdown condition at the time of the discovery of the deficiency, no other immediate mitigative actions were deemed necessary. The licensee is currently evaluating short-term and long-term modifications to correct the problem. In a May 30, 1986, letter to the NRC Staff, the licensee made a commitment to implement the short-term

modifications prior to restart from the current outage.

NRC—The NRC Staff was first notified of the deficiency by the licensee in a report made to the NRC Headquarters Operation Center per 10 CFR 50.72 on May 19, 1986. A followup letter, pursuant to 10 CFR 21.21, was submitted on May 23, 1986. Followup discussions between the staff, licensee, and GE indicated a high likelihood that other GE BWRs in operation also had the problem.

Based on the generic applicability and the potentially significant consequences of such a failure, the NRC sent on May 23, 1986, Inspection and Enforcement Compliance Bulletin No. 86–1, "Minimum Flow Logic Problems that Could Disable RHR Pumps" to all GE BWR facilities holding an operating license or a construction permit. Recipients were required to:

1. Promptly determine whether or not their facility has this single failure vulnerability.

2. If the problem exists, immediately instruct all operating shifts of the problem and measures to recognize and mitigate the problem.

3. Within seven days of receipt of the Bulletin, provide (a) a written report to the NRC which identifies whether or not this problem exists at their facility, and (b) if the problem exists, identify the short-term modifications to plant operating procedures or hardware that have been or are being implemented to assure safe plant operations.

4. If the problem exists, provide a written report within 30 days of receipt of the Bulletin informing the NRC of the schedule for long-term resolution of problems that are identified as a result of the Bulletin.

The Bulletin noted that one of the potential fixes being proposed by GE is to remove the automatic closing signal from the RHR minimum flow bypass valves. This fix will result in some of the LPCI flow being diverted through the minimum flow line. For other RHR modes of operation, the values may be manually closed. However, the Bulletin also cautioned that although safety analyses may justify this interim fix, there are a number of problems that need to be considered. For example, on many plants the minimum flow bypass valves must be closed during shutdown cooling in order to prevent draining the reactor vessel inventory to the torus. The minimum flow bypass valves are considered containment isolation valves on some plants.

Review of the short-term responses required by the Bulletin showed that four plants other than Pilgrim also have the subject RHR minimum flow protection logic error. These plants are Quad Cities Units 1 and 2 (located in Rock Island County, Illinois) and Dresden Units 2 and 3 (located in Grundy County, Illinois). Both the Quad Cities and Dresden facilities are operated by Commonwealth Edison Company.

Short-term correction actions and plans for long term correction actions proposed for the plants are currently under review by the Staff.

Fuel Cycle Facilities (Other Than Nuclear Power Plants)

The NRC is reviewing events reported by these licensees during the second calendar quarter of 1986. As of the date of this report, the NRC had not determined that any events were abnormal occurrences.

Other NRC Licensees (industrial Radiographers, Medical Institutions, Industrial Users, etc.)

AO–86–10 Willful Failure to Report a Diagnostic Medical Misadministration

The general abnormal occurrence criterion notes that an event involving a moderate or more severe impact on public health or safety can be considered an abnormal occurrence. In addition, one of the abnormal occurrence examples notes that serious deficiencies in management or procedural controls can be considered an abnormal occurrence.

Date and Place—On May 8, 1985, a patient at Mercy Hospital, Wilkes-Barre, Pennsylvania, received an injection of a radiopharmaceutical (a diagnostic dose of technetium-99m) intended for another patient. The misadministration was willfull not reported to the NRC as required by 10 CFR 35.43.

Nature and Probable Consequences—An anonymous allegation was received by NRC Region I on May 8, 1985. The alleger stated that a misadministration had occurred that morning at Mercy Hospital when the Chief Nuclear Medicine Technician mistakenly injected the wrong patient with a radiopharmaceutical. Further, the alleger stated that the misadministration would not be reported to the NRC. The required report of the misadministration was due to the NRC by July 10, 1985.

On July 17, 1985, two NRC Region I inspectors performed a routine unannounced inspection and followup of the allegation at the licensee's facility. During the inspection, the Chief Nuclear Medicine Technician stated that no misadministrations had occurred since the one reported to the NRC in 1984.

However, the inspectors noted that records showed one patient had received two radiopharmaceutical injections in a one-hour period on May 8, 1985. The Chief Nuclear Medicine Technician stated that this was not because of a misadministration.

On August 7, 1985, an investigator from the NRC's Office of Investigations (OI) went to Mercy Hospital. During an interview with the Chief Nuclear Medicine Technician, she admitted she had lied to the NRC on July 17, 1985. The Chief Nuclear Medicine Technician also stated she was told that the Medical Director of Radiology, who is also the licensee's Radiation Safety Officer (RSO), did not want the misadministration reported. The RSO stated during an interview with the OI investigator on August 7, 1985, that he had informed some of his staff not to report the misadministration.

The consequences of the licensee's actions in this incident are that (1) it decreases the NRC's confidence that this licensee will report incidents as required by regulations, and (2) it delays implementation of procedures to prevent further misadministrations of a similar nature.

The effects on the patient, mistakenly receiving the radiopharmaceutical, would be expected to be small due to the relatively low levels of exposure involved. However, it did represent an unnecessary exposure.

Cause or Causes—The cause is due to the deliberate failure of the RSO to follow the NRC requirements for reporting misadministrations and instructing the hospital staff not to report this particular misadministration.

Actions Taken to Prevent Recurrence

Licensee—The licensee, as well as another licensee in which the RSO is involved, requested an extension to respond to the NRC enforcement actions described below.

NRC—On June 17, 1986, the NRC forwarded to Mercy Hospital (1) an Order requring the licensee to show cause why the Chief Nuclear Technician and the RSO should not be prohibited from the performance or supervision of any licensed activities, and (2) a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of $5,000.

The RSO at Mercy Hospital is also listed as an authorized user of NRC licensed material on the license of Valley Radiology Associates, Inc., Kingston, Pennsylvania. Therefore, on June 17, 1986, the NRC issued a similar Order to this licensee.

Information regarding these enforcement actions was sent to all NRC medical licensees on October 3, 1986 by

Inspection and Enforcement Information Notice No. 86–85.

AO 86–11 Therapeutic Medical Misadministration

The general abnormal occurrence criterion notes that an event involving a moderate or more severe impact on public health or safety can be considered an abnormal occurrence.

Date and Place—On April 9, 1986, at Maryview Hospital, Portsmouth, Virginia, a patient received a therapy dose in a chemical form other than that intended. This resulted in an unintended dose of several hundred rads to the patient's bone marrow.

Nature and Probable Consequences—A physician asked the Nuclear Medicine Department to order a dose of phosphorus-32 as colloidal chromic phosphate on April 7, 1986, for administration to a kidney carcinoma patient for abdominal ascites reduction on April 9, 1986, This verbal order was relayed to Nuclear Medicine through a third party, and the chemical form of phosphorus-32 was not made clear. Nuclear Medicine proceeded to order 15 millicuries of phosphorus-32 as sodium phosphate because this chemical form was used more frequently that the colloidal form. The order was processed and received in the hospital in the normal manner.

On April 9, 1986, the physicist drew up the dose in a syringe, assayed it in the dose calibrator, and then put it aside. Shortly thereafter, a physician (other than the physician who ordered the dose) administered the dose intraperitoneally to the patient. Later the same day, the Chief Nuclear Medicine Technologist, while discussing this particular patient with a nurse, discovered that the soluble form, in lieu of the colliodal form of the phosphorus-32, was administered intraperitoneally. Subsequently, the radionuclide was no longer confined in the peritoneal cavity. This information was relayed to several physicians and was also reported later that day to the NRC.

On April 10, 1986, the patient was administered stable phosphorus to accelerate excretion of the phosphorus-32. Blood counts for leucocytes, red blood cells, hematocrits and platelets showed no significant depression as of April 21, 1986.

The consequences of the misadministration was a significant unintended dose to the patient's bone marrow. The licensee estimated the dose to be at least 150 rads. However, the NRC's medical consultant believes the dose could have been as much as 700–800 rads to the patient's bone marrow with an increased chance of the patient contracting leukemia.

The misadministration constituted a significant failure to comply with NRC regulatory requirements. The patient was subjected to a procedure unrelated to the authorized uses of phosphorus-32 as sodium phosphate.

Cause or Causes—The root cause was the lack of written prescriptions for ordering therapeutic doses.

Actions Taken to Prevent Recurrence

License—The licensee established written procedures and forms to provide for written prescriptions and therapeutic radionuclide procedures. The licensee's agreement to establish procedures for ordering and administering therapy doses had been previously documented in an NRC Confirmation of Action Letter, dated April 10, 1986.

NRC—In addition to engaging a medical consultant and issuing the Confirmation of Action Letter, the NRC Region II conducted a special inspection at the hospital on April 11, 1986. An Enforcement Conference with the licensee was held on May 2, 1986, to discuss NRC concerns regarding the inspection findings. At the conference, the licensee presented the previously mentioned written procedures and forms.

On August 7, 1986, the NRC issued to the licensee (1) a Confirmatory Order Modifying License, and, (2) a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of $2,500. The Order, effective immediately, was issued to confirm implementation of corrective procedures and to ensure their continued implementation. The license paid the civil penalty.

NRC Region will review the effectiveness of the procedures during subsequent inspections.

AO 86–12 Willful Failure to Report Diagnostic Medical Misadministrations

The general abnormal occurrence criterion notes that an event involving a moderate or more severe impact on public health or safety can be considered an abnormal occurrence. In addition, one of the abnormal occurrence examples notes that serious deficiency in management or procedural controls in major areas can be considered an abnormal occurrence.

Date and Place—On April 22, 1986, the NRC Office of Inspection and Enforcement issued an Order, effective immediately, removing a physician from the position of Radiation Safety Officer (RSO) and Authorized User at Bloomington Hospital, Bloomington, Indiana.

Nature and Probable Consequences—On October 12, 1984, NRC Region III received an allegation that five diagnostic misadministrations had occurred at Bloomington Hospital and that they had not been reported to the NRC as required. (A diagnostic misadministration involves an error in the administration of a radioactive pharmaceutical used for a diagnostic medical test.) During a subsequent inspection, the physician serving as RSO informed the NRC that only one misadministration had occurred. After further interviews were conducted, and additional information gathered by the inspectors, the physician admitted that the other four diagnostic misadministrations did occur.

During the inspection, however, the physician obstructed the inspection and misled the inspectors by instructing hospital employees to inform the inspectors that the misadministrations had not occurred and by withholding or concealing nuclear medicine films from the inspectors.

Because of the low levels of radiation exposures to the patients in diagnostic tests, no detrimental medical effects are anticipated as a result of these misadministrations.

Cause or Causes—The NRC determined that the failure to report the misadministrations was willful.

Actions Taken To Prevent Recurrence

Licensee—As required by the NRC Order dated April 22, 1986, the licensee removed the physician from the position of RSO and as an Authorized User designated in the NRC license. Another individual on the hospital staff was place in the position of RSO with the approval of NRC Region III.

NRC—The NRC (including the Office of Investigations) investigated the allegation and the RSO's subsequent actions described above and concluded that there was no longer reasonable assurance that the physician could be relied upon to comply with Commission requirements in the performance or supervision of licensed activities, or that the licensee would comply with Commission requirements while the physician is conducting or supervising licensed activities as an Authorized User or as the RSO at the hospital. The license was subsequently amended to designate the new RSO.

Information regarding this enforcement action was sent to all NRC medical licensees on October 3, 1986 by Inspection and Enforcement Information Notice No. 86–85.

AO 86–13 Diagnostic Medical Misadministration

The general abnormal occurrence criterion notes that an event involving a moderate or more severe impaction public health or safety can be considered an abnormal occurrence.

Date and Place—On May 16, 1986, NRC received written notification that on May 7, 1986, an out-patient of the Robert Packer Hospital and Guthrie Clinic in Sayre, Pennsylvania, received 10 millicuries of iodine-131 rather than the prescribed radiopharmaceutical for a bone scan, technetium-99m.

Nature and Probable Consequences—Approximately two weeks before the scheduled appointment, an out-patient was mistakenly scheduled for a whole body iodine-131 scan rather than a whole body bone scan. At the time of scheduling, a verbal confirmation for an iodine-131 whole body scan was received from the doctor's office.

The patient arrived without a requisition for the study and the technician administered 10 millicuries of iodine-131 without the consultation with a radiologist required by department policy. The patient was instructed to return the following day for the imaging procedure. On return to the hospital the following morning, the patient produced an order from her physician requesting that technetium-99m bone scan be performed. The technician proceeded to perform the whole body iodine-131 scan and then notified the radiologist of the misadministration.

The licensee informed the NRC of the misadministration and the probable medical effects were explained to the patient. The misadministration would result in a considerable dose to the thyroid. The patient was given Lugol's Solution (to help reduce the uptake of the iodine-131 by the thyroid) and instructed to take six milliliters four times per day for four days. Arrangements were made for the patient's thyroid function to be evaluated and followed.

Cause or Causes—The cause was failure on the part of a nuclear medicine technologist to adhere to department policy on the prerequisites required for radiopharmaceutical administration.

Actions Taken To Prevent Recurrence

Licensee—All concerned personnel have been retrained on the policy of not administering radioisotopes without a written requisition and of the requirement to obtain the specific consent of a radiologist for all cases requiring the administration of greater than 300 microcuries of iodine-131.

NRC—The incident was reviewed by an NRC medical consultant who concluded there was a probability of inducing hypothyroidism and that the medical care provided the individual was adequate. NRC Region I plans to review the incident as part of a routine inspection.

AO 86–14 Diagnostic Medical Misadministration

The general abnormal occurrence criterion notes that an event involving a moderate or more severe impact on public health or safety can be considered an abnormal occurrence.

Date and Place—On June 17, 1986, at the Tripler Army Medical Center, Tripler AMC, Hawaii, a patient received a dose of 3.09 mci of I–131 instead of a prescribed dose of 50 uCi for a thyroid imaging procedure.

Nature and Probable Consequences—A 54 year old female patient was given a 3.09 mci dose of I–131 by mistake. The patient was scheduled for a thyroid imaging procedure which utilizes only 50 uCi of I–131. The radiation exposure received by the patient due to the 3.09 mci I–131 dose is estimated to be 2472 rad to the thyroid, 0.43 rad to the ovaries, and 1.45 rad to the whole body.

Contact with the licensee was made on July 9, 1986, regarding any possible clinical symptoms or adverse health effects due to the 3.09 mci I–131 dose. The licensee stated that the patient had been hospitalized for observation. On July 6, 1986, the patient was discharged due to the lack of any clinical symptoms. The patient has been scheduled for 90 days interval checkups at her duty station on Guam. An annual medical workup has also been scheduled. The high exposure to the thyroid may result in some degree of impairment in its function.

Cause or Causes—This misadministration was the result of an isolated incident of misreading the consultation sheet.

Actions Taken To Prevent Recurrence

Licensee—Effective immediately, the dispensing procedure for radioactive iodine is as follows:

(a) In all cases, the final dispensing and checking of the dose will be done by a staff physician or radiology resident assigned to Nuclear Medicine Service.

(b) The identification of the patient as well as the final amount dispensed will be co-signed by the physician involved in that particular procedure.

(c) The quality assurance manual for Nuclear Medicine Service is being updated to stipulate the new review procedures.

NRC—The circumstances of the misadministration were discussed in detail with the licensee on July 3, 1986 by a member of the NRC Region V management staff. The licensee's corrective actions appear to be acceptable. The NRC will not issue any further requirements in this matter at this time. The matter will be reviewed again during the next inspection.

Dated in Washington, DC, this 6th day of February 1987.

Samuel J. Chilk,

Secretary of the Commission.

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Cleveland Electric Illuminating Co. et. al.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

[Docket No. 50–440]

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–58 issued to Cleveland Electric Illuminating Company (CEI), Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, and Toledo Edison Company for operation of the Perry Nuclear Power Plant Unit No. 1, located in Lake County, Ohio.

The proposed amendment would allow sale and leaseback transactions by Ohio Edison Company (OE) relating to its 30.0% ownership interest in Perry Unit 1 and common facilities, in accordance with the licensee's application for amendment dated January 23, 1987. Specifically, the application requests authorization for OE's transfer of a portion of its interests in Perry Unit 1 to equity investors and for the simultaneous transfer by the equity investors back to OE of a long term (approximately 29½ years) possessory leasehold interest of these shares under the terms described in the application and other identified documents.

It is comtemplated that the equity investors will be third parties not affiliated with OE. These equity investors might include electric utilities, or affiliates or subsidiaries thereof, in which case antitrust considerations may be present. Under the proposed transaction, it is represented that OE will remain in possession of its partial interests in the Perry facilities under leaseholds rather than by virtue of ownership. CEI would continue to be the

sole licensed operator of the facility. OE will have the full and exclusive authority and responsibility to exercise and perform all of its rights and duties as a party to the Perry Unit 1 operating agreement. OE will also retain its responsibility to comply with the antitrust license conditions contained in the Perry license and for the payment of its share of the operating and maintenance expenses and costs of capital improvements during the term of the leaseholds and thereafter, in the absence of other Commission action, for its share of the cost of decommissioning Perry Unit 1.

The proposed amendment is similar to a request filed on October 18, 1985, by Arizona Public Service Company (APS) regarding the sale and leaseback transactions by Public Service Company of New Mexico (PNM) of a portion of PNM's ownership interests in Palo Verde Nuclear Generating Station (PVNGS) Unit 1. See 50 FR 45955. By Order of December 12, 1985, the Commission approved the proposed sale and leaseback transactions and authorized the amendment of the PVNGS unit 1 license subject to certain conditions. On December 26, 1985, the PVNGS Unit 1 license was amended and conditioned pursuant to the Commission's order. See 51 FR 1883.

The Commission has received and approved requests for additional similar transactions related to sale and leaseback of Palo Verde Units 1 and 2 ownership shares by PNM (see 51 FR 8259, 51 FR 8587, 51 FR 9125 and 51 FR 40275) and requests for smiliar transactions related to sale and leaseback of Palo Verde Unit 2 ownership shares by El Paso Electric Company (see 51 FR 20366 and 51 FR 40275) and by Arizona Public Service Company (see 51 FR 20367 and 51 FR 40275). On June 2, August 12 and 15, and December 11, 1986, the PVNGS Units 1 and 2 licenses were amended to allow the requested sale and leaseback transactions.

This application proposes that the Perry Unit 1 license be amended and conditioned in the same manner, by adding the following new paragraph 2.B(7):

(a) Ohio Edison company is authorized to transfer any portion of its 30.0% ownership share in PNPP Unit 1 and a proportionate share of its interest in the PNPP common facilities to certain equity investors identified in its submission of ———, and at the same time to lease back from such purchasers such interest sold in the PNPP Unit 1 facility. The term of the lease is for approximately 29½ years subject to a right of renewal. Such sale and leaseback transactions are subject to the representations and conditions set forth in the aforementioned application of January 23, 1987, as well as the letter of the Director of the Office of Nuclear Reactor Regulation dated ———, consenting to such transactions. Specifically, a lessor and anyone else who may acquire an interest under these transactions are prohibited from exercising directly or indirectly any control over the licensees of PNPP, Unit 1. For purposes of this condition the limitations in 10 CFR 50.81, as now in effect and as may be subsequently amended, are fully applicable to the lessor and any successor in interest to that lessor as long as the license for PNPP Unit 1 remains in effect; the financial transactions shall have no effect on the license for the Perry Nuclear facility throughout the term of the license.

(b) Further, the licensees are also required to notify the NRC in writing prior to any change in: (i) The terms or conditions of any lease agreements executed as part of these transactions, (ii) the PNPP Operating Agreement, (iii) the existing property insurance coverage for PNPP, Unit 1, and (iv) any action by a lessor or others that may have an adverse effect on the safe operation of the facility.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The above determination is based upon the fact that the proposed amendment would not change or affect any aspect of the plant design, criteria or operation. The amendment would maintain OE in possession of its present interests in the Perry Nuclear Power Plant and OE would continue to be obligated to pay its share of all costs of construction, maintenance, operation, capital improvements and decommissioning. The equity investors would not have any rights of possession in, absent further license amendment, or control over Perry. The Cleveland Electric Illuminating Company would continue to be the sole licensee authorized to use and operate the facility.

Based on the above considerations, the staff concluded that the proposed amendment meets the criteria in 10 CFR 50.92(c). The Commission, therefore, proposes to determine that the requested amendment does not involve significant hazards considerations.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 4000, Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland from 8:15 a.m. to 5:00 p.m. Copies of written comments received may be examined at the NRC Public Document Room, 1717 H Street, NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By March 13, 1987, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be

made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Att: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Walter R. Butler, Director, BWR Project Directorate No. 4, Division of BWR Licensing: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to David R. Lewis, Esq., Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated January 23, 1987, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC 20555, and at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081.

Dated at Bethesda, Maryland, this 5th day of February 1987.

For the Nuclear Regulatory Commission.

Ralph Caruso,

Acting Director, BWR Project Directorate No. 4, Division of BWR Licensing.

[FR Doc. 87–2912 Filed 2–10–87; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–315 and 50–316]

Indiana and Michigan Electric Co., Donald C. Cook Nuclear Plant, Units 1 and 2; Withdrawal of Application for Amendments to Facility Operating Licenses

The United States Nuclear Regulatory Commission (the Commission) has granted the request of Indiana and Michigan Electric Company (the licensee) to withdraw its December 3, 1984, amendment application for the Donald C. Cook Nuclear Plant, Units 1 and 2, located in Berrien County, Michigan. The proposed amendments would have changed the Technical Specifications to require that at least two reactor coolant loops be in operation during mode 3 unless the reactor trip breakers were disconnected and to require that at least one reactor coolant loop be in operation if the reactor trip breakers are disconnected. The Commission issued a Notice of Consideration of Issuance of the Amendments in the **Federal Register** on January 23, 1985 (50 FR 3051). By letter dated January 9, 1987, the licensee withdrew its application for the proposed amendments. The Commission has determined that permission to withdraw the December 3, 1984, application for amendments should be granted.

For further details with respect to this action, see: (1) The application for amendment dated December 3, 1984, (2) the licensee's letter dated January 9, 1987, withdrawing the application for amendments, and (3) our letter dated February 2, 1987. All of the above documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Dated at Bethesda, Maryland, this 6th day of February 1987.

For the Nuclear Regulatory Commission.

B.J. Youngblood,

Director, PWR Project Directorate No. 4 Division of PWR Licensing-A.

[FR Doc. 87–2913 Filed 2–10–87; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50-286]

Power Authority of the State of New York, Indian Point Nuclear Generating Unit No. 3; Exemption

I

The Power Authority of the State of New York (the licensee) is the holder of Facility Operating License No. DPR-64 which authorizes operation of the Indian Point Nuclear Generating Unit No. 3 (IP3). This license provides, among other things, that it is subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

The facility consists of one pressurized water reactor at the licensee's site located in Westchester County, New York.

II

On November 19, 1980, the Commission published a revised Section 10 CFR 50.48 and a new Appendix R to 10 CFR Part 50 regarding the fire protection features of nuclear power plants (45 FR 76602). The revised § 50.48 and Appendix R became effective on February 17, 1981. Section 50.48(c) established the schedules for satisfying the provisions of Appendix R. Section III of Appendix R contains fifteen subsections, lettered A through O, each of which specifies requirements for a particular aspect of fire protection features at a nuclear power plant. Two of the fifteen subsections, III.G and III.J, are the subjects of this exemption request.

By letter dated August 16, 1984, as supplemented September 10, 1986, the licensee submitted the results of a re-evaluation of Indian Point 3 to the technical requirements of Section III.G, and III.L. Four new exemptions to Section III.G were requested. By letter dated June 14, 1985, the licensee also requested an exemption from the requirements of Section III.J. Additional information was provided by letters dated March 15 and September 19, 1985. In the September 19, 1985 letter, the licensee requested approval for 2 additional exemptions to Section III.G. Exemptions for the following areas were requested.

1. Primary Auxiliary Building.
2. Cable Tunnel.
3. Auxiliary Feedwater Pump Room.
4. 8-hour battery powered emergency lighting in the yard area.
5. Yard Area-Service Water Pumps.
6. Turbine Building.

The exemption requested for the Turbine Building was determined by the staff to be not necessary. Therefore, only exemptions for the first five areas are summarized herein. Details of these exemptions are discussed in the Safety Evaluation enclosed with this Exemption.

1. Primary Auxiliary Building (Fire Area PAP-2)

The exemption was requested from Section III.G.2(b) of Appendix R to 10 CFR Part 50 to the extent that redundant shutdown systems be separated by 20 feet, free of intervening combustibles, and protected by an automatic sprinkler system. An exemption was also requested from the requirements of Section III.G.3 to the extent that it requires a fixed fire protection system in an area for which an alternate shutdown capability has been provided.

2. Electric Cable Tunnels (Fire Area ETN-4)

The exemption was requested from Section III.G.2 of Appendix R to 10 CFR Part 50 to the extent that it requires that redundant shutdown systems be separated by more than 20 feet, free of intervening combustibles or fire hazards and to the extent that it requires that redundant systems be separated by a 1-hour fire barrier in an area which is protected by automatic fire detection and suppression systems.

3. Auxiliary Boiler Feedwater Pump Room (Fire Area AFW-6)

The exemption was requested from Section III.G.2.(b) of Appendix R to 10 CFR Part 50 to the extent that it requires that redundant shutdown systems be separated by more than 20 feet, free of intervening combustible materials.

4. Emergency Lighting

An exemption was requested from Section III.J of Appendix R to 10 CFR Part 50 to the extent that it requires that all areas needed for operation of safe shutdown equipment and in access and egress routes thereto be provided with 8-hour battery powered emergency lighting units.

5. Yard Area—Service Water Pumps

The exemption was requested from Section III.G.2.b of Appendix R to the extent it requires that redundant shutdown systems be protected by automatic fire detection and suppression systems.

Based on our evaluation, we conclude that the level of fire safety in the areas listed is equivalent to that achieved by compliance with the technical requirements of Appendix R and, therefore, the licensee's request for exemption in these areas should be granted.

By letter dated October 31, 1986, the licensee provided information relevant to the "special circumstances" finding required by revised 10 CFR 50.12(a) (see 50 FR 50764). The licensee stated that existing and proposed fire protection features at Indian Point 3 accomplish the underlying purpose of the rule. Implementing additional modifications to provide additional suppression systems, detection systems, and fire barriers would require the expenditure of engineering and construction resources as well as the associated capital costs which would represent an unwarranted burden on the licensee. The licensee stated that the costs to be incurred would be as follows:

1. Engineering and installation of fire barriers to:

—Isolate the common stairway enclosure between the Upper and Lower Electrical Cable Tunnels,
—Wrap exposed cable insulation considered intervening combustibles between Auxiliary Feedwater Pumps (AFW),
—Separate redundant Residual Heat Removal Pumps (RHR) and Charging Pumps in lieu of the existing configuration consisting of full or partial height and width concrete barriers in the Primary Auxiliary Building, and
—Separate redundant Component Cooling (CCW) Pumps with a fully rated barrier in lieu of the installed radiant energy shield.

2. Engineering and installation of additional piping, sprinkler heads, and supporting structures to provide:

—Full area automatic suppression on the 15 ft, 41 ft and 55 ft elevations of the Primary Auxiliary Building,
—Fixed automatic suppression where alternate shutdown capability has been provided for motor control centers for Charging Pumps, CCW and Diesel Ventilation systems,
—Detection and automatic suppression for Atmospheric Steam Dump Valves in the Turbine Building, and
—Detection and automatic suppression for Service Water Pumps and Backup Service Water Pumps in the Yard Area.

3. Installation and maintenance of eight hour battery powered lighting for the access route through the yard to the Appendix R diesel which is currently provided by yard security lighting.

4. Significant rerouting of power, control and instrumentation cabling along with associated conduits, ducts and supports for:

—Atmospheric Relief Valves, Charging Pumps, CCW, AFW and RHR Pumps in Electrical Cable Tunnels, and

—RHR, Charging and CCW Pumps in the Primary Auxiliary Building.

5. Increased surveillance on new or extended fire suppression and fire detection systems.

6. Evaluation of and possible need to provide additional fire main capacity if the fire main system is modified.

7. Consideration of the increased congestion that will result from additional modifications in numerous plant locations which will complicate future plant modifications/operations.

The licensee stated that these costs are significantly in excess of those required to meet the underlying purpose of the rule. The staff concludes that "special circumstances" exist for the licensee's requested exemptions in that application of the regulation in these particular circumstances is not necessary to achieve the underlying purposes of Appendix R to 10 CFR Part 50. See 10 CFR 50.12(a)(2)(ii).

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), (1) these exemptions as described in Section II are authorized by law and will not present an undue risk to the public health and safety, and are consistent with the common defense and security and (2) special circumstances are present for the exemptions in that application of the regulation in these particular circumstances is not necessary to achieve the underlying purposes of Appendix R to 10 CFR Part 50. Therefore, the Commission hereby grants exemptions from the requirements of Section III.G and III.J of Appendix R to 10 CFR Part 50.

A copy of the Safety Evaluation dated January 7, 1987, related to this action is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC 20555, and at the Local Public Document Room, White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of the Exemption will have no significant impact on the environment (51 FR 45824).

This exemption is effective upon issuance.

Dated at Bethesda, Maryland this 7th day of January, 1987.

For the Nuclear Regulatory Commission.

Thomas M. Novak,

Acting Director Division of PWR Licensing-A Office of Nuclear Reactor Regulation.

[FR Doc. 87-2914 Filed 2-10-87; 8:45am]

BILLING CODE 7590-01-M

[Docket No. 50-346]

Toledo Edison Co. and the Cleveland Electric Illuminating Co.; Correction

On February 2, 1987, the **Federal Register** published (52 FR 3182) "Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing" related to Toledo Edison Company's January 21, 1987, application for amendment of Facility Operating License No. NPF-3 for the Davis-Besse Nuclear Power Station, Unit No. 1 located in Ottawa County, Ohio. The requested amendment involves the DC electrical power distribution system.

This Notice stated March 2, 1987, as the date by which the licensees may request a hearing and interested parties may file a written petition for leave to intervene. This date was based on an anticipated publication date of January 30, 1987; however, the Notice was not published until February 2, 1987. Accordingly, the date by which the licensees may request a hearing and interested parties may file a written petition for leave to intervene is hereby extended to March 4, 1987.

Dated at Bethesda, Maryland, this 5th day of February, 1987.

For the Nuclear Regulatory Commission.

John E. Stolz,

Director, PWR Project Directorate #6, Division of PWR Licensing-B.

[FR Doc. 87-2915 Filed 2-10-87; 8:45 am]

BILLING CODE 7590-01-M

Bi-Weekly Notice; Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations; Correction

In order to correct several typographical errors, in FR Doc. 87-1765, beginning on page 2870 in the issue of Wednesday, January 28, 1987, make the following corrections:

1. On page 2882, in the third column, beginning with the bold type that begins with "Indiana and Michigan Electric Company", remove the entire entry under that heading that ends at the bottom of the first column on page 2883.

2. On page 2894, in the first column, in the second complete paragraph under the bold type that begins with "Union Electric Company, Docket No. 50-", in the sixth line, the letters "FT" should read "GT".

3. On page 2895, in the first column, in the second complete paragraph under the bold type that begins with "Vermont Yankee Nuclear Power", in the sixth line, the number "200" should read "2000".

Dated at Bethesda, Maryland, this 5th day of February, 1987.

For the Nuclear Regulatory Commission.

Donnie H. Grimsley,

Director, Division of Rules and Records, Office of Administration.

[FR Doc. 87-2910 Filed 2-10-87; 8:45 am]

BILLING CODE 7590-01-M

State of Illinois; Staff Assessment of Proposed Agreement Between the NRC and the State of Illinois

[Editorial Note: The following document was originally published at page 2309 in the issue of Wednesday, January 21, 1987. The document is being republished at the request of the agency.]

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of proposed agreement with State of Illinois.

SUMMARY: Notice is hereby given that the U.S. Nuclear Regulatory Commission is publishing for public comment the NRC staff assessment of a proposed agreement received from the Governor of the State of Illinois for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended. Comments are requested on the public health and safety aspects of the proposal.

A staff assessment of the State's proposed program for control over sources of radiation is set forth below as supplementary information to this notice. A copy of the proposed agreement, program narrative, including the referenced appendices, applicable State legislation and Illinois regulations, is available for public inspection in the Commission's public document room at 1717 H Street NW., Washington, DC, the Commission's Region III Office, 799 Roosevelt Road, Building No. 4, Glen Ellyn, Illinois, and the Illinois Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois. Exemptions from the Commission's regulatory authority, which would implement this proposed agreement, have been published in the **Federal Register** and codified as Part 150 of the Commission's regulations in Title 10 of the Code of Federal Regulations.

DATE: Comments must be received on or before January 30, 1987 * .

* The Nuclear Regulatory Commission revised the deadline for comments to February 20, 1987, in a document published at page 2309 in the issue of Wednesday, January 21, 1987.

ADDRESSES: Written comments may be submitted to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Comments may also be delivered to Room 4000, Maryland National Bank Building, Bethesda, Maryland from 8:15 a.m. to 5:00 p.m. Monday through Friday. Copies of comments received may be examined at the NRC Public Document Room, 1717 H Street NW., Washington DC.

FOR FURTHER INFORMATION CONTACT: Joel O. Lubenau, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone: 301–492–9887.

SUPPLEMENTARY INFORMATION: Assessment of Proposed Illinois Program to Regulate Certain Radioactive Materials Pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

The Commission has received a proposal from the Governor of Illinois for the State to enter into an agreement with the NRC whereby the NRC would relinquish and the State would assume certain regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

Section 274e of the Atomic Energy Act of 1954, as amended, requires that the terms of the proposed agreement be published for public comment once each week for four consecutive weeks. Accordingly, this notice will be published four times in the **Federal Register.**

I. Background

A. Section 274 of the Atomic Energy Act of 1954, as amended, provides a mechanism whereby the NRC may transfer to the States certain regulatory authority over agreement materials [1] when a State desires to assume this authority and the Governor certifies that the State has an adequate regulatory program, and when the Commission finds that the State's program is compatible with that of the NRC and is adequate to protect the public health and safety. Section 274g directs the Commission to cooperate with the States in the formulation of standards for protection against radiation hazards to assure that State and Commission programs for radiation protection will be coordinated and compatible. Further, section 274j provides that the Commission shall periodically review such agreements and actions taken by the States under the agreements to ensure compliance with the provisions of this section.

B. In a letter dated October 2, 1986, Governor James P. Thompson of the State of Illinois requested that the Commission enter into an agreement with the State pursuant to section 274 of the Atomic Energy Act of 1954, as amended. The Governor certified that the State of Illinois has a program for control of radiation hazards which is adequate to protect the public health and safety with respect to the materials within the State covered by the proposed agreement, and that the State of Illinois desires to assume regulatory responsibility for such materials. The text of the proposed agreement is shown in Appendix A.

The specific authority requested is for (1) byproduct material as defined in section 11e.(1) of the Act, (2) source material, (3) special nuclear material in quantities not sufficient to form a critical mass and (4) permanent disposal of low-level waste containing one or more of the foregoing materials but not containing uranium and thorium mill tailings (byproduct material as defined in section 11e.(2) of the Act. The State does not wish to assume authority over uranium recovery activities. The State, however, reserves the right to apply at a future date to NRC for an amended agreement to assume authority in this area. The nine articles of the proposed agreement cover the following areas:

I. Lists the materials covered by the agreement.

II. Lists the Commission's continued authority and responsibility for certain activities.

III. Allows for future amendment of the agreement.

IV. Allows for certain regulatory changes by the Commission.

V. References the continued authority of the Commission for common defense and security for safeguard purposes.

VI. Pledges the best efforts of the Commission and the State to achieve coordinated and compatible programs.

VII. Recognizes reciprocity of licenses issued by the respective agencies.

VIII. Sets forth criteria for termination or suspension of the agreement.

IX. Specifies the effective date of the agreement.

C. Ill. Rev. Stat. 1985, ch. 127, par. 63b17, the enabling statute for the Illinois Department of Nuclear Safety authorizes the Department to issue licenses to, and perform inspections of, users of radioactive materials under the proposed agreement and otherwise carry out a total radiation control program. Illinois regulations for radiation protection were adopted on September 25, 1986 under authority of the enabling statute and provide standards, licensing, inspection, enforcement and administrative procedures for agreement and non-agreement materials. Pursuant to § 330.360 the regulations will apply to agreement materials on the effective date of the agreement. The regulations provide for the State to license and inspect users of naturally-occurring and accelerator-produced radioactive materials.

D. Illinois is one of two States with a cabinet-level agency devoted exclusively to radiation safety and control. Illinois' role in radiation safety is traceable to 1955 when the Illinois General Assembly created the Atomic Power Investigating Commission. The Illinois Department of Nuclear Safety Program provides a comprehensive program encompassing radiation protection regulation for radioactive materials and machine produced radiation, lasers, low-level radioactive waste management, surveillance of transportation of radioactive materials and environmental radiation, coordination of State government functions concerning nuclear power and emergency preparedness.

E. The proposed illinois Agreement will cover several unique facets. It will include (1) regulation of a low-level waste disposal site which is no longer accepting low-level radioactive waste for disposal (Sheffield), (2) regulation of a new regional low-level waste disposal facility, (3) regulation of one of only two licensed uranium conversion plants in the United States (Allied-Chemical) and (4) assumption of regulatory responsibility for off-site source material resulting from operation of the Kerr-McGee West Chicago Rare Earths Facility (including such material which is, or may be, stored on the Kerr-McGee site). Jurisdiction over the tailings materials at this site (by-product material as defined by section 11e(2) of the Act) will remain with NRC. The State's proposed programs for low-level radioactive waste disposal and the Allied Chemical plant are assessed under Criteria nos. 9, "Radioactive Waste Disposal" and 20 "Personnel." The disposition of the regulatory responsibility for the Kerr-McGee radioactive materials resulting from the operation of the Rare Earths Facility is covered in the assessment under

[1] A. Byproduct materials as defined in 11e(1)
B. Byproduct materials as defined in 11e(2)
C. Source materials; and
D. Special nuclear materials in quantities not sufficient to form a critical mass

Crtierion 25, "Existing NRC Licenses and Pending Applications."

Under the proposed agreement jurisdiction for health and safety for Allied Chemical's plant would be transferred to Illinois. The Allied Chemical plant is one of 2 plants in the United States licensed to convert uranium "yellowcake" to UF_6. NRC staff is reviewing the common defense and security significance of the Allied Chemical plant in consultation with appropriate Federal agencies. Section 274 agreements are approved by the Commission when, among other things, the proposed State program is adequate to protect the public health and safety. The NRC staff assessment finds the proposed Illinois program will provide adequately for public health and safety. The Atomic Energy Act, as amended, however, states that such agreements shall not affect the Commission's authority to protect the common defense and security. The decision on whether to exclude the Allied Chemical plant from the Agreement will be made by the Commission concurrent with its decision on the Illinois request for an Agreement.

II. NRC Staff Assessment of Proposed Illinois Program for Control of Agreement Materials

Reference: Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement.[2]

Objectives

1. Protection. A State regulatory program shall be designed to protect the health and safety of the people against radiation hazards.

Based upon the analysis of the State's proposed regulatory program the staff believes the Illinois proposed regulatory program for agreement materials is adequately designed to protect the health and safety of the public against radiation hazards.

Reference: Illinois Program Statement, Application for Agreement State Status.

Radiation Protection Standards

2. *Standards.* The State regulatory program shall adopt a set of standards for protection against radiation which shall apply to byproduct, source and special nuclear materials in quantities not sufficient to form a critical mass.

Statutory authority to formulate and promulgate rules for controlling exposure to sources of radiation is contained in the enabling statute. In accordance with that authority, the State adopted radiation control regulations on September 25, 1986 which include radiation protection standards which would apply to byproduct, source and special nuclear materials in quantities not sufficient to form a critical mass upon the effective date of an agreement between the State and the Commission pursuant to section 274b of the Atomic Energy Act of 1954, as amended.

Reference: 32 ILL. ADM. CODE Parts 310, 320, 330, 340, 341, 350, 351, 370, 400 and 601.

3. *Uniformity in Radiation Standards.* It is important to strive for uniformity in technical definitions and terminology, particularly as related to such things as units of measurement and radiation dose. There shall be uniformity on maximum permissible doses and levels of radiation and concentrations of radioactivity, as fixed by 10 CFR Part 20 of the NRC regulations based on officially approved radiation protection guides.

Technical definitions and terminology contained in the Illinois Radiation Control Regulations including those related to units of measurement and radiation doses are uniform with those contained in 10 CFR Part 20.

Reference: 32 ILL. ADM. CODE 310.20, 3410.20, 350.30, 351.30, 370.20, and 601.20.

4. *Total Occupational Radiation Exposure.* The regulatory authority shall consider the total occupational radiation exposure of individuals, including that from sources which are not regulated by it.

The Illinois regulations cover all sources of radiation within the State's jurisdiction and provide for consideration of the total radiation exposure of individuals from all sources of radiation in the possession of a licensee or registrant.

Reference: 32 ILL. ADM. CODE 340.1010 to 340.1060.

5. *Surveys, Monitoring.* Appropriate surveys and personnel monitoring under the close supervision of technically competent people are essential in achieving radiological protection and shall be made in determining compliance with safety regulations.

The Illinois requirements for surveys to evaluate potential exposures from sources of radiation and the personnel monitoring requirements are uniform with those contained in 10 CFR Part 20. Additionally, for personnel dosimeters (except extremity dosimeters and pocket ionization chambers) that require processing, the accreditation criteria in the January 1, 1985 revision of 15 CFR 7b and in American National Standards Institute N13.11-1983, 1983 edition, must be met.

References: 32 ILL. ADM. CODE 340.2010, 340.2020 and 340.2070.

6. *Labels, Signs, Symbols.* It is desirable to achieve uniformity in labels, signs, and symbols, and the posting thereof. However, it is essential that there be uniformity in labels, signs, and symbols affixed to radioactive products which are transferred from person to person.

The prescribed radiation labels, signs and symbols are uniform with those contained in 10 CFR Parts 20, 30 thru 32 and 34. The Illinois posting requirements are also uniform with those of Part 20.

References: 32 ILL. ADM. CODE 330.220(g), 330.220(i), 330.280(d), 330.280(g), 340.2030 and .2040, 350.1050.

7. *Instruction.* Persons working in or frequenting restricted areas shall be instructed with respect to the health risks associated with exposure to radioactive materials and in precautions to minimize exposure. Workers shall have the right to request regulatory authority inspections as per 10 CFR 19, Section 19.16 and to be represented during inspections as specified in Section 19.14 of 10 CFR 19.

The Illinois regulation contain requirements for instruction and notices to workers that are uniform with those of 10 CFR Part 19.

Reference: 32 ILL. ADM. CODE Part 400.

8. *Storage.* Licensed radioactive material in storage shall be secured against unauthorized removal.

The Illinois regulations contain a requirement for security of stored radioactive material.

Reference: 32 ILL ADM. CODE 340.2060.

9. *Radioactive Waste Disposal.* (a) Waste disposal by material users. The standards for the disposal of radioactive materials into the air, water and sewer, and burial in the soil shall be in accordance with 10 CFR Part 20. Holders of radioactive material desiring to release or dispose of quantities or concentrations of radioactive materials in excess of prescribed limits shall be required to obtain special permission from the appropriate regulatory authority.

Requirements for transfer of waste for the purpose of ultimate disposal at a land disposal facility (waste transfer and manifest system) shall be in accordance with 10 CFR Part 20.

The waste disposal standards shall include a waste classification scheme and provisions for waste form, applicable to waste generators, that is

[2] NRC Statement of Policy published in the Federal Register January 23, 1981 (46 FR 7540–7546), a correction was published July 16, 1981 (46 FR 36969) and a revision of Criterion 9 published in the Federal Register July 21, 1983 (48 FR 33376).

equivalent to that contained in 10 CFR Part 61.

(b) Land Disposal of waste received from other persons. The State shall promulgate regulations containing licensing requirements for land disposal of radioactive waste received from other persons which are compatible with the applicable technical definitions, performance objectives, technical requirements and applicable supporting sections set forth in 10 CFR Part 61. Adequate financial arrangements (under terms established by regulation) shall be required of each waste disposal site licensee to ensure sufficient funds for decontamination, closure and stabilization of a disposal site. In addition, Agreement State financial arrangements for long-term monitoring and maintenance of a specific site must be reviewed and approved by the Commission prior to relieving the site operator of licensed responsibility (section 151(a)(2), Pub. L. 97—425).

The Illinois regulations contain provisions relating to the disposal of radioactive materials into the air, water and sewer and burial in soil which are essentially uniform with those of 10 CFR Part 20. Waste transfer and manifest system requirements for transfer of waste for ultimate disposal at a land disposal facility are included in the Illinois regulations. The waste disposal requirements include a waste classification scheme and provisions for waste form equivalent to that in 10 CFR Part 61.

The Illinois regulations provide for land disposal of low—level radioactive waste received from other persons which are compatible with the applicable technical definitions, performance objectives, technical requirements and supporting sections set out in 10 CFR Part 61. The Illinois regulations include provisions for financial arrangements for decontamination, closure and stabilization. Under the Nuclear Waste Policy Act of 1982 (Pub. L. 97—425) the financial arrangements for long-term monitoring and maintenance at specific sites in Illinois will be subject to Commission review and approval prior to Illinois relieving the site operator of licensed responsibility.

References: 32 ILL. ADM. CODE 340.1060, 340.3010 to 340. 3110, Part 601; Section 151(a)(2), Pub. L. 97–425.

10. *Regulations Governing Shipment of Radioactive Materials.* The State shall to the extent of its jurisdiction promulgate regulations applicable to the shipment of radioactive materials, such regulations to be compatible with those established by the U.S. Department of Transportation and other agencies of the United States whose jurisdiction over interstate shipment of such materials necessarily continues. State regulations regarding transportation of radioactive materials must be compatible with 10 CFR Part 71.

The Illinois regulations are uniform with those contained in NRC regulations 10 CFR Part 71.

References: 32 ILL. ADM. CODE Part 341.

11. *Records and Reports.* The State regulatory program shall require that holders and users of radioactive materials (a) maintain records covering personnel radiation exposures, radiation surveys, and disaposals of materials; (b) keep records of the receipt and transfer of the materials; (c) report significant incidents involving the materials, as prescribed by the regulatory authority; (d) make available upon request of a former employee a report of the employee's exposure to radiation; (e) at request of an employee advise the employee of his or her annual radiation exposure; and (f) inform each employee in writing when the employee has received radiation exposure in excess of the prescribed limits.

The Illinois regulations require the following records and reports licensees and registrants:

(a) Records covering personnel radiation exposures, radiation surveys, and disposals of materials.

(b) Records of receipt and transfer of materials.

(c) Reports concerning incidents involving radioactive materials.

(d) Reports to former employees of their radiation exposure.

(e) Reports to employees of their annual radiation exposure.

(f) Reports to employees of radiation exposure in excess of prescribed limits.

Reference: 32 ILL. ADM. CODE 310.40, 340.4010, 340.4030, 340.4050 and 400.130.

12. *Additional Requirements and Exemptions.* Consistent with the overall criteria here enumerated and to accommodate special cases and circumstances, the State regulatory authority shall be authorized in individual cases to impose additional requirements to protect health and safety, or to grant necessary exemptions which will not jeopardize health and safety.

The Illinois Department of Nuclear Safety is authorized to impose upon any licensee or registrant by rule, regulation, or order such requirements in addition to those established in the regulations as it deems appropriate or necessary to minimize danger to public health and safety or property.

Reference: 32 ILL. ADM. CODE 310.70.

The Department may also grant such exemptions from the requirements of the regulations as it determines are authorized by law and will not result in undue hazard to public health and safety or property.

Reference: 32 ILL. ADM. CODE 310.30.

Prior Evaluation of Uses of Radioactive Materials

13. *Prior Evaluation of Hazards and Uses, Exceptions.* In the present state of knowledge, it is necessary in regulating the possession and use of byproduct, source and special nuclear materials that the State regulatory authority require the submission of information on, and evaluation of, the potential hazards and the capability of the user or possessor prior to his receipt of the materials. This criterion is subject to certain exceptions and to continuing reappraisal as knowledge and experience in the atomic energy field increase. Frequently there are, and increasingly in the future there may be, categories of materials and uses as to which there is sufficient knowledge to permit possession and use without prior evaluation of the hazards and the capability of the possessor and user. These categories fall into two groups—those materials and uses which may be completely exempt from regulatory controls, and those materials and uses in which sanctions for misuse are maintained without pre-evaluation of the individual possession or use. In authorizing research and development or other activities involving multiple uses of radioactive materials, where an institution has people with extensive training and experience, the State regulatory authority may wish to provide a means for authorizing broad use of materials without evaluating each specific use.

Prior to the issuance of a specific license for the use of radioactive materials, the Illinois Department of Nuclear Safety will require the submission of information on, and will make an evaluation of, the potential hazards of such uses, and the capability of the applicant.

References: 32 ILL. ADM. CODE 330.240 to 330.340 and Part 601; Illinois Program Statement, Sections II.B.1(a)(1) "Licensing," II.C.1(a)(3) "Regulating Low-Level Waste Disposal" and III.B. "Licensing."

Provision is made for the issuance of general licenses for byproduct, source and special nuclear materials in situations where prior evaluation of the licensee's qualifications, facilities, equipment and procedures are not required. The regulations grant general

licenses under the same circumstances as those under which general licenses are granted in the Commission's regulations.

References: 32 ILL. ADM. CODE 330.210 and 330.220.

Provision is made for exemption of certain source and other radioactive materials and devices containing radioactive materials. The exemptions for materials covered by the Agreement are the same as those granted by NRC regulations.

References: 32 ILL. ADM. CODE 330.30 and 330.40.

14. *Evaluation Criteria.* In evaluating a proposal to use radioactive materials, the regulatory authority shall determine the adequacy of the applicant's facilities and safety equipment, his training and experience in the use of the materials for the purpose requested, and his proposed administrative controls. States should develop guidance documents for use by license applicants. This guidance should be consistent with NRC licensing and regulatory guides for various categories of licensed activities.

In evaluating a proposal to use agreement materials, the Illinois Department of Nuclear Safety will determine that:

(1) The applicant is qualified by reason of training and experience to use the material in question for the purpose requested in accordance with the regulations in such a manner as to minimize danger to public health and safety or property;

(2) The applicant's proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property; and

(3) The issuance of the license will not be inimical to the health and safety of the public.

Other special requirements for the issuance of specific licenses are contained in the regulations.

References: 32 ILL. ADM. CODE 330.250 to 330.280 and Part 601; Illinois Program Statement, Sections II.B.1.a(1) "Licensing" II.C.1.(a) "Low-Level Radioactive Waste Management" and III.B "Licensing."

15. *Human Use.* The use of radioactive materials and radiation on or in humans shall not be permitted except by properly qualified persons (normally licensed physicians) possessing prescribed minimum experience in the use of radioisotopes or radiation.

The Illinois regulations require that the use of radioactive materials (including sealed sources) on or in humans shall be by a physician having substantial experience in the handling and administration of radioactive material and, where applicable, the clinical management of radioactive patients.

Reference: 32 ILL. ADM. CODE 330.260(a), (b), and (c).

Inspection

16. *Purpose, Frequency.* The possession and use of radioactive materials shall be subject to inspection by the regulatory authority and shall be subject to the performance of tests, as required by the regulatory authority. Inspection and testing is conducted to determine and to assist in obtaining compliance with regulatory requirements. Frequency of inspection shall be related directly to the amount and kind of material and type of operation licensed, and it shall be adequate to insure compliance.

Illinois materials licensees will be subject to inspection by the Department of Nuclear Safety. Upon instruction from the Department, licensees shall perform or permit the Department to perform such reasonable tests and surveys as the Department deems appropriate or necessary. The frequency of inspections is dependent upon the type and scope of the licensed activities and will be at least as frequent as inspections of similar licensees by NRC. Generally, inspections will be unannounced.

References: 32 ILL. ADM. CODE 310.50, 310.60, 310.70 and 400.140(a); Illinois Program Statement, Section II.B.1.(a)(2) "Inspection and Compliance," Section III.C, "Inspection and Enforcement" and Section IV.C., "Division of Responsibilities."

17. *Inspections Compulsory.* Licensees shall be under obligation by law to provide access to inspectors.

Illinois regulations state that licensees shall afford the Department at all reasonable times opportunity to inspect sources of radiation and the premises and facilities wherein such sources of radiation are used or stored.

Reference: 32 ILL. ADM. CODE 310.50.

18. *Notification of Results of Inspection.* Licensees are entitled to be advised of the results of inspections and to notice as to whether or not they are in compliance.

Following Department inspections, each licensee will be notified in writing of the results of the inspection. The letters and written notices indicate if the licensee is in compliance and if not, list the areas of noncompliance.

Reference: Illinois Program Statement, Section II.B.1.(a)(2) "Inspection and Compliance," Section III.C, "Inspection and Enforcement" and Section IV.C., "Division of Responsibilities."

Enforcement

19. *Enforcement.* Possession and use of radioactive materials should be amenable to enforcement through legal sanctions, and the regulatory authority shall be equipped or assisted by law with the necessary powers for prompt enforcement. This may include, as appropriate, administrative remedies looking toward issuance of orders requiring affirmative action or suspension or revocation of the right to possess and use materials, and the impounding of materials; the obtaining of injunctive relief; and the imposing of civil or criminal penalties.

The Illinois Department of Nuclear Safety is equipped with the necessary powers for prompt enforcement of the regulations. Where conditions exist that create a clear presence of a hazard to the public health that requires immediate action to protect human health and safety, the Department may issue orders to reduce, discontinue or eliminate such conditions. The department actions may also include impounding of radioactive material, imposition of a civil penalty, revocation of a license, and requesting the State Attorney General to seek injunctions and convictions for criminal violations.

References: 32 ILL. ADM. CODE 310.70, 310.80, 310.90, 330.500; Ill. Rev. Stat. 1985, ch. 111½, pars. 219, 222, 223 and 224; Illinois Program Statement, Section II.B.1.(a)(2), "Inspection and Compliance," Section III.C, "Inspection and Enforcement" and Section IV.C., "Division of Responsibilities."

Personnel

20. *Qualifications of Regulatory and Inspection Personnel.* The regulatory agency shall be staffed with sufficient trained personnel. Prior evaluation of applications for licenses or authorizations and inspection of licensees must be conducted by persons possessing the training and experience relevant to the type and level of radioactivity in the proposed use to be evaluated and inspected.

To perform the functions involved in evaluation and inspection, it is desirable that there be personnel educated and trained in the physical and/or life sciences, including biology, chemistry, physics and engineering, and that the personnel have had training and experience in radiation protection. The person who will be responsible for the actual performance of evaluation and inspection of all of the various uses of byproduct, source and special nuclear material which might come to the regulatory body should have substantial

training and extensive experience in the field of radiation protection.

It is recognized that there will also be persons in the program performing a more limited function in evaluation and inspection. These persons will perform the day-to-day work of the regulatory program and deal with both routine situations as well as some which will be out of the ordinary. These people should have a bachelor's degree or equivalent in the physical or life sciences, training in health physics, and approximately two years of actual work experience in the field of radiation protection.

The foregoing are considered desirable qualifications for the staff who will be responsible for the actual performance of evaluation and inspection. In addition, there will probably be trainees associated with the regulatory program who will have an academic background in the physical or life sciences as well as varying amounts of specific training in radiation protection but little or no actual work experience in this field. The background and specific training of these persons will indicate to some extent their potential role in the regulatory program. These trainees, of course, could be used initially to evaluate and inspect those applications of radioactive materials which are considered routine or more standardized from the radiation safety standpoint, for example, inspection of industrial gauges, small research programs, and diagnostic medical programs. As they gain experience and competence in the field, the trainees could be used progressively to deal with the more complex or difficult types of radioactive material applications. It is desirable that such trainees have a bachelor's degree or equivalent in the physical or life sciences and specific training in radiation protection. In determining the requirement for academic training of individuals in all of the foregoing categories, proper consideration should be given to equivalent competency which has been gained by appropriate technical and radiation protection experience.

It is recognized that radioactive materials and their uses are so varied that the evaluation and inspection functions will require skills and experience in the different disciplines which will not always reside in one person. The regulatory authority should have the composite of such skills either in its employ or at its command, not only for routine functions, but also for emergency cases.

a. *Radioactive Materials Program.*

i. *Personnel.*

There are approximately 890 NRC specific licenses in the State of Illinois. Under the proposed agreement, the State would assume responsibility for about 800 of these licenses. The Department's Division of Nuclear Materials is currently staffed with 13 professional persons and has one vacancy. Including the Manager of the Office of Radiation Safety (in which the Division of Nuclear Materials is located), four individuals will be assigned management and supervisory duties in the materials program. Exclusive of the low-level radioactive waste regulatory program and the regulatory oversight for a uranium conversion plant (discussed below) we estimate the State will need to apply between 7.9 to 12 staff-years of professional effort to the radioactive materials program. Illinois will apply about 14.4 staff-years to this program. The personnel together with summaries of their assigned responsibilities, training and experience are as follows (except as noted percentage of time devoted to the radioactive materials program will be 90% or more):

Terry R. Lash: Director, Illinois Department of Nuclear Safety, Governor's Designated Liaison to NRC. (10% of time devoted to materials program).

Training:

Ph.D.—Yale University (1970)
—Molecular Biophysics and Biochemistry, Yale University
M.Ph.—Molecular Biophysics and Chemistry
—Yale University (1967)
B.A.—Reed College (1965)
—Physics Major

Experience:

1984—Present: Director, Illinois Department of Nuclear Safety
1983—1984: Deputy Director, Illinois Department of Nuclear Safety
1983—1983: Independent Consultant
1982—1983: Science Director, Scientists' Institute for Public Information, New York City
1981—1982: Independent Consultant
1980—1981: Director, Science and Public Policy, The Keystone Center, Dillon, Colorado
1972—1980: Staff Scientist, Natural Resources Defense Council, San Francisco, California
1970—1972: Postdoctoral Research Fellow, Yale University Medical School, New Haven, Connecticut

Paul D. Eastvold: Manager, Office of Radiation Safety. Responsible for managing the programs, functions and activities of four technical divisions: Nuclear Materials, Electronic Products, Radiologic Technologist Accreditation and Medical Physics (33% of time devoted to materials program).

Training:

B.S.—University of Iowa (1970)
—General Science/Nuclear Medicine Technology
"Special Topics in Licensing: Contingency Plans," US NRC, San Francisco, CA (1986)
"Impact of Proposed Changes to 10 CFR 20," Technical Management Services, Inc., Gaithersburg, Maryland (1986)
"Large Irradiation Radiation Safety Workshop," US NRC, New Jersey (1985)
"Incinertion of Radioactive Material Workshop," University of California (1984)
"Transportation of Radioactive Materials," US NRC, Illinois (1983)
"Recognition, Evaluation, and Control of Non-Ionizing Radiation," US Dept. of Labor, Illinois (1981)
"Inspection Procedures," US NRC, Illinois (1980)
"Safety Aspects of Industrial Radiography," US NRC, Louisiana (1980)
"Quality Assurance in Nuclear Medicine," US FDA, Maryland (1979)
"Health Physics in Radiation Accidents," Oak Ridge Associated Universities, Tennessee (1979)
"Laser Safety Seminar," US Food and Drug Admin., Wisconsin (1979)
"Radiological Response Operations Training Course," US NRC, Nevada (1978)
"Radiopharmacies—Problems and Solutions," Univ. of Southern California, California (1978)
"Radiological Emergency Response Planning Course," US NRC, Minnesota (1977)
"Health Physics and Radiation Protection," US NRC, Tennessee (1977)
"Fundamentals of Non-Ionizing Radiation Protection," U.S. Food and Drug Administration, Maryland (1973)
"Licensing Course—Byproduct, Source, and Special Nuclear Materials," US NRC, Maryland (1972)

Experience:

1980—Present: Illinois Department of Nuclear Safety
1971—1980: Illinois Department of Public Health, Division of Radiological Health
1970—1971: University of Iowa Radiation Protection Office

Michael Ewan: Chief, Division of Nuclear Materials. Manages the Division including supervision of staff and establishment of program objectives.

Training:

M.A.—Sangamon State University , IL (1980)
—Business Administration
B.S.—University of Iowa (1971)
—General Science/Nuclear Medicine Technology
"Uranium and Thorium: A Perspective on the Hazard," Radiation Safety Associates, Inc., Springfield, Illinois (1986)
"Special Topics in Licensing: Contingency Plans," US NRC, San Francisco, CA (1986)
"Incineration Basics," Univ. of California, Irvine, Charlotte, N.C. (1986)
"Basic Supervision," Keye Productivity Center, Springield, Illinois (1986)
"Impact of Proposed Changes to 10 CFR 20," Technical Management Services, Inc., Gaithersburg, Maryland (1986)
"Transportation of Radioactive Materials," US DOE, Illinois (1985)
"Technical Writing," Richmond Staff Development, Illinois (1985)
"Health Physics and Radiation Protection," Oak Ridge Associated Universities, Tennessee (1985)
"Gas and Oil Well Logging," US NRC, Texas (1984)
"Licensing Practices and Procedures," US NRC, Maryland (1984)
"Transportation of Radioactive Materials," US NRC, Illinois (1983)
"Current Applications of Nuclear Imaging," Siemens Gammasonics, Inc., Illinois (1981)
"Nuclear Cardiology," Univ. of Wisconsin, Wisconsin (1980)

Experience:

1982–Present: Illinois Department of Nuclear Safety
1973–1982: St. John's Hospital, Springfield, Illinois
1981: Lincoln Land Community College, Springfield, Illinois (Instructor)
1973–1977: Nuclear Medicine Institute, Ohio (Affiliate Instructor)
1971–1973: Wesley Medical Center, Kansas

Jou-Guang (Joe) Hwang: Licensing Section Head, Division of Nuclear Materials. Responsible for supervising the review of radioactive material license applications.

Training:

Ph.D.—Purdue University (1985)
—Health Physics
MSPH—University of South Carolina (1981)
—Industrial Hygiene and Environmental Quality Assessment
B.S.—National Taiwan University (1978)
—Pharmacy
"Uranium and Thorium: A Perspective on the Hazard," Radiation Safety Associates, Inc., Springfield, Illinois (1986)
"External Dosimetry," Health Physics Society, State College, Pennsylvania (1986)
"Introduction to Licensing Practices and Procedures," US NRC, Bethesda, Maryland (1986)
"Medical Uses of Radionuclides for State Regulatory Personnel," US NRC, Oak Ridge Tennessee (1986)

Experience:

1986–Present: Illinois Department of Nuclear Safety
1983–1986: Purdue University, Graduate Teaching Instructor, School of Pharmacy, Nursing and Health Sciences
1980–1982: Purdue University, Graduate Research Instructor, School of Health Sciences
1980–1981: University of South Carolina, Graduate Teaching Assistant, Department of Environmental Health Sciences
1980–1980: University of South Carolina, Graduate Research Assistant, Department of Environmental Health Sciences
1978–1979: The Church of Taipei, Minister, Taipei, Taiwan
1978–1979: Yun-Fu Pharmaceutical Ltd., Pharmacist, Taipei, Taiwan
1977–1977: National Taiwan University, Hospital, Pharmacy Intern, Taipei, Taiwan
1977–1977: Pfizer Pharmaceutical Company, Assistant Pharmacist (Intern), Tan-Shui, Taiwan ROC

Y. David La Touche: Radioactive Materials License Reviewer, Division of Nuclear Materials. Performs reviews of radioactive material license applications and performs inspections of radioactive materials licensees.

Training:

Ph.D.—Oregon State University (1981)
—Radiation Biology
M.S.—Oregon State University (1978)
—Biological Science
B.S.—Concordia University, Montreal, Canada (1976)
—Biology
"Special Topics in Licensing: Contingency Plans," US NRC, San Francisco, CA (1986)
"Health Physics and Radiation Protection," US NRC, Oak Ridge, Tennessee (1986)
"Uranium and Thorium: A Perspective on the Hazard," Radiation Safety Associates, Inc., Springfield, Illinois (1986)
"Introduction to Licensing Practices and Procedures," US NRC, Bethesda, Maryland (1986)

Experience:

1986—Present: Illinois Department of Nuclear Safety
1982–1986: Oregon State University, Corvallis, Oregon Research Associate
1979–1981: Oregon State University, Corvallis, Oregon Graduate Research Associate
1977–1979: Oregon State University, Corvallis, Oregon Graduate, Teaching Assistant

Yu-Ann Stephen Hsu: Radioactive Materials License Reviewer, Division of Nuclear Materials. Performs reviews of radioactive material license applications and performs inspections of radioactive materials licensees.

Training:

M.S.—Old Dominion University (1982)
—Norfolk, Virginia
—Physics
B.S.—Tam Kang college of Arts and Sciences
—Physics
"Introduction to Air Toxics," US EPA, Kansas City, Missouri (1985)
"Health Physics and Radiation Protection," US NRC, Oak Ridge, Tennessee (1984)
"Safety Aspects of Industrial Radiography for State Regulatory Personnel," US NRC, Baton Rouge, Louisiana (1984)
"Cobalt Teletherapy Calibration," US NRC, Houston, Texas (1984)
"Medical Use of Radionuclides for State Regulatory Personnel," US NRC, Tennessee (1984)
"Gas and Oil Well-Logging for State Regulatory Personnel," US NRC, (1983)
"Hazardous Waste Management," Old Dominion University, Virginia Beach, Virginia (1982)
"Inspection Procedures," US NRC, Atlanta, Georgia (1986)

Experience:

1986—Present Illinois Department of Nuclear Safety
1985—1986: Iowa Electric Light & Power Company, Cedar Rapids, Iowa, Radiological Engineer
1982—1985: Kansas Department of Health and Environment, Topeka, Kansas, Radiation Control Inspector
1981—1982: Eastern Virginia Medical Authority, Norfolk, Virginia, Assistant Radiation Safety Officer
1980—1981: Eastern Virginia Medical Authority, Norfolk, Virginia, Radiation Safety Research Technician
1979—1980: Old Dominion University Norfolk, Virginia, Research Assistant

Steve Meiners: Radioactive Materials License Reviewer, Division of Nuclear Materials. Performs reviews of radioactive material license applications and performs inspections of radioactive materials licensees.

Training:
M.S.—University of Arkansas for Medical Sciences (1985)
—Radiation Health Physics
B.A.—Harding University (1981)
—Biology
"Medical Uses of Radionuclides for State Regulatory Personnel," US NRC, Oak Ridge, Tennessee (1986)

Experience:
1985—1985: Texas Tech University, Radiation Safety Officer
1984—1984: University of Arkansas, Graduate Assistant
1981—1984: University of Ankansas, Laboratory Technologist
1981—1983: University of Arkansas, Aquatic Ecologist
1980—1981: Harding University, Teaching Assistant

Sheryl O. Soderdahl: Support Services Section Head, Division of Nuclear Materials. Responsible for the Division's data processing system and registration program, assists in license reviews and inspections, assists in review and revision of regulations and standards and serves as the Department's Radiation Safety Officer.

Training:
B.S.—Purdue University, Indiana (1980) Health Physics
"Inspection Procedures," US NRC, Atlanta, Georgia (1985)
"Writing for Results," Sangamon State University, Springfield, Illinois (1985)
"Introduction to Licensing Practices and Procedures," US NRC, Washington, D.C. (1985)
"Environmental Health Practices," University of Massachusetts, Amherst, Massachusetts (1982)

Experience:
1985—Present: Illinois Department of Nuclear Safety
1980—1985: University of Massachusetts, Department of Environmental Health and Safety, Amherst, Massachusetts, Staff Health Physicist
1979—1979: Fermi National Accelerator Laboratory, Proton Department, Batavia, Illinois

Bruce J. Sanza: Inspection and Enforcement Section Head, Division of Nuclear Materials. Manages the inspection and enforcement program.

Training:
M.S.—Texas A & M University (1985)
—Nuclear Engineering (Health Physics)
B.S.—University of Virginia (1979)
—Nuclear Engineering
"Uranium and Thorium: A Perspective on the Hazard," Radiation Safety Associated, Springfield, Illinois (1986)
"Inspection Procedure," US NRC, Atlanta, Georgia (1986)
"Gas & Oil Well Logging for Regulatory Personnel," (Accepted for attendance at November, 1986 course, Houston, Texas)

Experience:
1986—Present: Illinois Department of Nuclear Safety
1983—1986: Texas A & M University, Health Physicist, College Station, Texas
1980—1983: Carolina Power & Light Company, Radiation Control Specialist, Hartsville, South Carolina

George E. Merrihew: Radioactive Materials License Inspector. Performs reviews of radioactive materials license applications and performs inspections of radioactive materials licensees.

Training:
M.A.—Sangamon State University (1972)
—Biology/Psychology
B.A.—Sangamon State University (1971)
—Biology/Psychology
A.A.—Springfield, College in Illinois (1969)
—General Secience
"Radiological Emergency Response Operation," FEMA, Las Vegas, Nevada (1986)
"Medical Uses of Radionuclides," US NRC, Oak Ridge, Tennessee (1986)
"Gas and Well Logging for Regulatory Personnel," US NRC, Houston, Texas (1985)
"Radioactive Material Training Course: Hazardous Material Regulations of the United States Department of Transportation," Chicago, Illinois (1985)
"Safety Aspects of Industrial Radiography," US NRC, Baton Rouge, Louisiana (1985)
"Introduction to Licensing Practices and Procedures," US NRC, Bethesda, Maryland (1984)
"Inspection Procedures," US NRC, Atlanta, Georgia (1984)
"Health Physics and Radiation Protection," US NRC, Oak Ridge, Tennessee (1984)
"Radiation Protection Technology," Rockwell International, Energy Systems Group (1983)
"Transportation of Nuclear Materials," US NRC Illinois (1983)
"Executive Development Academy," Illinois Department of Personnel, Illinois (1981)
"ANS Cobol Course," (1980); "Basic Systems Analysis: (1980); "General Introduction to Statistical Package for the Social Sciences" (1979): "DP Concepts" (1979); "IMS Environment Course" (1979); "Easytrieve/IMS Class" (1979); "Basics in Easytrieve," State of Illinois Data Processing Training Center (1977)
"Air Pollution Control Orientation," US EPA (1978)
"Community Hygiene," US HEW, Georgia (1978)
University of Illinois, School of Clinical Medicine, (1974)
University of Illinois, School of Basic Medical Sciences (1973)

Experience:
1983–Present: Illinois Department of Nuclear Safety
1974–1983: Illinois Department of Public Health, Division of Engineering
1971–1972: Sangamon State University, Department of Biology, Graduate Assistant
1965–1967: Memorial Medical Center, Clinical Laboratory

Lori Kim Podolak: Radioactive Materials License Inspector. Performs reviews of radioactive materials license applications and performs inspections of radioactive materials licensees.

Training:
M.S.—University of Lowell (1986)
—Radiological Sciences
B.S.—Kentucky Wesleyan College (1984)
—Physics

Experience:
1986–Present: Illinois Department of Nuclear Safety
1984–1986: University of Lowell
1985: Brookhaven National Laboratory
1983: Oak Ridge National Laboratory

Andrew S. Gulczynski: Chicago Inspection and Enforcement Section Head, Division of Nuclear Materials. Supervises Chicago office materials license inspectors.

Training:
B.S—Northeastern Illinois University (1981)
—Biology
"Five Week Health Physics and Radiation Protection Course," US NRC, Oak Ridge, Tennessee (1986)
"Internal Dose Assessment," Technical Management Services, Inc., Illinois (1985)
"Transportation of Radioactive Materials," US DOE, Chicago, Illinois (1985)
"Medical Uses of Radionuclides for State Regulatory Personnel," US NRC, Oak Ridge, Tennessee (1984)
"Safety Aspects of Industrial Radiography for State Regulatory Personnel," US NRC, Baton Rouge, Louisiana (1983)
"Inspection Procedures for State Regulatory Personnel," US NRC, Atlanta, Georgia (1983)
"Radiological Emergency Response Operations," FEMA, Las Vegas, Nevada (1983)

Experience:

1985–Present: Illinois Department of Nuclear Safety
1982–1985: Kansas Department of Health and Environment, Bureau of Radiation Control, Topeka, Kansas,
1981–1982: Argonne National Laboratory, Argonne, Illinois
1977–1981: Northeastern Illinois University, Chicago, Illinois

John D. Papendorf: Radiocative Materials License Inspector. Performs reviews of radiactive materials license applications and performs inspections of radioactive materials licensees.

Training:

N.M.T.—Oak Park Hospital (1975)
—Nuclear Medicine Technologist Certification
R.T.—Hines V.A. Hospital (1972)
—X-Ray Technologist Certification
A.S.—Central YMCA College (1972)
"Inspection of Transportation of Radioactive Materials," U.S. NRC, Glen Ellyn, Illinois (1985)
"Nuclear Transportation for State Regulatory Personnel," US NRC, Columbia South Carolina (1984)
"Hazardous Materials Training Course," U.S. DOE, Chicago, Illinois (1983)
"Radiation Safety," Northwestern University, Evanston, Illinois (1982)
"Radiation Therapy Workshop, Medical Linear Accelerators," US Public Health Service, Chicago, Illinois (1981)
"Acceptance Testing of Radiological Imaging Equipment," American Association of Physicists in Medicine, American College of Radiology and Society for Radiological Engineering, Chicago, Illinois (1981)
"Safety Aspects of Industrial Radiography for State Programs," US NRC, Baton Rouge, Louisiana (1981)
"Inspection Procedures," US NRC, Glen Ellyn, Illinois (1980)
"Quality Assurance in Nuclear Medicine Departments," US Food and Drug Administration, Rockville, Maryland (1979)
"Radiological Emergency Response Operations Training Course for State and Local Government Emergency Preparedness Personnel," FEMA, Las Vegas, Nevada (1979)
"Special Procedures on CT Scanners" US Public Health service, Chicago, Illinois (1976)
"Radiological Workshop," US Public Health Service, Chicago, Illinois (1976)

Experience:

1980–Present: Illinois Department of Nuclear Safety
1976–1980: Illinois Department of Public Health, Division of Radiological Health
1973–1976: Oak Park Hospital, Nuclear Medicine Technologist, Oak Park, Illinois
1972–1973: Oak Park Hospital, X-Ray Technologist, Oak Park, Illinois

Robin Gehrhardt Bauer: Radioactive Materials License Inspector. Performs reviews of radioactive materials license applications and performs inspections of radioactive materials licensees.

Training:

M.S.—Emory University (1985)
—Radiological Physics
B.S.—University of Miami (1983)
—Biology
"Health Physics and Radiation Protection," US NRC, Oak Ridge, Tennessee (1986)

Experience:

1986–Present: Illinois Department of Nuclear Safety
1985–1985: Georgia Baptist Hospital, Internship, Medical Physics, Atlanta, Georgia
1985–1985: Emory University, X-Ray, Nuclear Medicine, Calibration, Atlanta, Georgia
19893–1984: Loyola University, Research Technician, Maywood, Illinois

Joanne B. Kark: Radioactive Materials License Inspector. Performs reviews of radioactive materials license applications and performs inspections of radioactive materials licensees.

Training:

Graduate work toward M.S.—Colorado State University (1985)
—University of Tennessee (1982)
—Health Physics
B.S.—Villanova University (1975)
—Biology
Certificate—St. Joseph's Hospital and Medical Center School of Nuclear Medicine Technology Paterson, New Jersey (1977)
"Inspection Procedures," US NRC, Atlanta, Georgia (1986)

Experience:

1986–Present: Illinois Department of Nuclear Safety
1981–1984: Oak Ridge National Laboratory, Health and Safety Research Division, Senior Laboratory Technician
1979–1981: Oak Ridge National Laboratory, Biology Division, Biological Technician
1977–1979: Radiology Associates, Albert Einstein Medical Center, No. Division, Nuclear Medicine Technologist.
1976–1977: SpectroChem Laboratories, Inc., Analytical Chemistry Technician

John W. Cooper: Manager, Office of Environmental Safety. Provides technical support to the Division of Nuclear Materials on an as needed basis.

Training:

Ph.D—University of Iowa (1971)
—Radiation Biology
M.S.—University of Iowa (1966)
—Pharmacy
B.S.—Drake University (1960)
—Pharmacy
"Industrial Ventilation Systems," OSHA Training Institute, Illinois (1983)
"Respirator Safety for CSHO's," OSHA Training Institute, Illinois (1982)

Experience:

1981–Present: Illinois Department of Nuclear Safety
1975–1981: U.S. Nuclear Regulatory Commission, Region III, Inspector and license reviewer
1971–1975: Allegheny General Medical Center, Radiation Biology Laboratory
1964–1971: University of Iowa, Radiation research and teaching

Apparao Devata: Chief, Division of Medical Physics. Provides technical support to the Division of Nuclear Materials on an as needed basis.

Training:

Ph.D.—University of New Orleans (1975)—Physics
M.S.—University of New Orleans (1972)—Physics
MSc.—Andhra University (1968)—Applied Physics
BSc.—Andhra Loyola College (1965)—Mathematics

Experience:

1985–Present: Illinois Department of Nuclear Safety
1985: Medical Physics Consultant
1983–1985: St. James Hospital Medical Center, Chicago Heights, Illinois, Medical physicist
1975–1983: St. Joseph's Hospital, Elgin, Illinois, Medical physicist
1975: Mt. Sinai Hospital, Chicago, Illinois, Medical physicist
VA Hines Hospital, Hines, Illinois, Medical physicist
1969–1975: University of New Orleans Research and teaching

Reference: Illinois Program Statement, Section III, "Implementation of the Agreement State Program for Materials Licenses," Section IV.A.3, "Staff Requirements" and Appendix 5, "Current Agreement State Staff Positions: Byproduct Material, Source Material and Special Nuclear Materials in Quantities Not Sufficient to Form a Critical Mass."

b. Regulatory Oversight of Uranium Conversion Plant

i. *Personnel*

There are two plants in the United States which convert natural uranium oxide (yellowcake) to uranium hexafluoride. These activities are

conducted pursuant to source materials licenses issued by the NRC. Under the proposed Agreement, the source material license for the Allied Chemical uranium conversion facility located in Metropolis will be transferred to Illinois.* The Office of Radiation Safety, Division of Nuclear Materials will be responsible for regulatory oversight with technical support from the Offices of Environmental Safety and Nuclear Facility Safety. Overall IDNS will commit 0.6 full-time equivalent professionals effort to this program. Key staff assigned to this program together with summaries of their duties and training and experience are:

(a) Staff previously identified in the materials program (Section 20.a)

Jou-Guang (Joe) Hwang, Y. David La Touche, Bruce J. Sanza, John W. Cooper.

(b) Other IDNS staff:

Lih-Ching Chu: Chief, Division of Radiochemistry Laboratories, Office of Environmental Safety. Supervises analytical support for all Department programs. Provides technical support in radiochemistry and radioanalysis.

Training:

Ph.D—Washington University (1981)—Chemistry
M.A.—Washington University (1981)—Chemistry
M.S.—East Texas State University (1976)—Chemistry
B.S.—Tamkang College of Arts and Sciences (1971)—Chemistry
"Vax Applications Manager," Canberra Industries, Inc., CT, 1984
"Introduction to S–90–VMS Apogee System Operations," Canberra Industries, Inc., CT, 1984

Experience:

1984–Present: Illinois Department of Nuclear Safety
1981–1984: Illinois Department of Energy and Natural Resources
1976–1981: Washington University, St. Louis, Missouri
1974–1976: East Texas State University, Commerce, Texas
1973–1974: Young-Ho Middle School, Young-Ho, Taiwan, ROC
1971–1973: Military Service, Taiwan, ROC

David A. Filler: Assistance Chief, Division of Radiochemistry Laboratories, Office of Environmental Safety. Provides radiochemistry support.

Training:

Ph.D.—University of Michigan, (1976)—Biochemistry
M.S.—University of Michigan, (1973)—Biochemistry
B.S.—Purdue University (1969)—Chemistry
"Vax Applications Manager," Canberra Industries, Inc., Connecticut (1984)
"Introduction to S–90–VMS Apogee System Operations," Canberra Industries, Inc., Connecticut (1984)
"Auditor Training," Gilbert/Commonweath (1984)
"Radiological Monitor," Indiana Department of Civil Defense and Emergency Management (1983)
"Radiochemistry for State Regulatory Personnel," NRC (1983)
"Radiological Monitoring, Sampling and Analysis of Nuclear Facilities," US DOE (1983)
"Radiological Emergency Response Training for State Government Emergency Preparedness Personnel," FEMA/US DOE (1982)

Experience:

1984–Present: Illinois Department of Nuclear Safety
1981–1984: Indiana State Board of Health, Radiochemistry Lab, Indianapolis, Indiana
1977–1981: Indiana University Medical Center, Indianapolis, Indiana
1976–1977: St. Jude Children's Research Hospital, Memphis, Tennessee

James F. Scheweitzer: Health Physicist, Office of Environmental Safety. Serves as a specialist in environmental monitoring and will provide technical support and guidance in this area.

Training:

Ph.D.—Purdue University (1985)—Environmental Toxicology
M.S.—Purdue University (1981)—Health Physics
B.S.—Randolph-Macon College (1976)—Biology
Environmental Laws and Compliance Course
Short Course: Uranium and Thorium: A Perspective on the Hazard (1986)

Experience:

1986–Present: Illinois Department of Nuclear Safety
1985–1986: Purdue University, Office of Radiological and Chemical Control
1980–1980: Purdue University, Office of Radiological and Chemical Control

Michael H. Momeni: Chief, Low-Level Waste Siting Section, Office of Environmental Safety. Provides radiological and environmental support for the Office of Environmental Safety and will provide technical support for Allied Chemical regulatory actions.

Training:

Ph.D—University of Iowa—Biophysics/Radiation Biology
M.S.—University of Iowa—Nuclear Physics
B.A.—Luther College—Physics-Mathematics

Experience:

1986–Present: Illinois Department of Nuclear Safety
1985–1986: Scientist, Oak Ridge Associated Universities, Oak Ridge, Tennessee
1983–1985: Professor-Director of Health Physics Program, San Diego State University, San Diego, California
1975–1983: Senior Scientist, Argonne National Laboratory, Argonne, Illinois
1970–1975: Biophysicist-Lecturer, The University of California, Davis, California
1962–1963: Science Teacher, Urbana Consolidated Schools, Iowa

Gary Wright: Manager, Office of Nuclear Facility Safety. Provides technical assistance concerning engineering principles and emergency planning and response.

Training:

—Sangamon State University (1974)
—Degree approx. half complete in Public Administration
M.S.—University of Illinois (1965)—Nuclear Engineering
B.S.—Millikin University (1964)—Physics/Mathematics
"Management Education Workshop," Ill. Dept. of Personnel, Champaign (1978)
"International Symposium on Migration of Tritium in the Environment," International Atomic Energy Agency, California (1978)
"Radiological Emergency Response Operations," US NRC, Nevada (1977)
"Workshop on Collective Bargaining for Public Employees," Ill. Dept. of Personnel (1976)
"Administrative and Organizational Behavior," Ill. Dept. of Public Health (1975)
"Professional Engineering Review," Univ. of Ill. (1974)
"Response of Structures to External Forces, i.e., Earthquakes, Tornados, etc.," Penn. State Univ. (1968)

Experience:

1980–Present: Illinois Department of Nuclear Safety
1973–1980: Illinois Department of Public Health
1967–1973: Sangamo-Weston Electronics Company, Springfield, Illinois
1965–1967: Westinghouse Electric Company, Forrest Hills, Pennsylvania

Reference: Illinois Program Statement, Section III.D." Allied Chemical Uranium Conversion Facility," Appendix 5, and Appendix 9, "Current Agreement State Staff Positions: Low-Level Radioactive

*The Commission is considering whether continued NRC regulation of the Allied Chemical Plant is necessary in the interest of the common defense and security of the United States.

Waste Management Program, Office of Environmental Safety."

c. Licensing and Regulation of Permanent Disposal of Low-Level Radioactive Waste

i. Personnel

The Office of Environmental Safety has responsibility for the low-level waste (LLW) management regulatory program which includes the Sheffield site and the regional waste disposal facility. The assessment of the regulatory framework is included under Criterion 9, "Radioactive Waste Disposal." The LLW and transportation management program is staffed by 13 technical staff members. The Manager of the Office of Environmental Safety will provide overall supevision and management and the Chief of the Office's Division of Nuclear Chemistry will provide laboratory support. Technical support will also be available from the Division of Nuclear Materials. These personnel and summaries of their duties are:

(a) Staff previously identified in the materials or uranium conversion plant regulatory oversight programs (Section 20 a and b):

Michael H. Momeni, Lih-Ching Chu, John W. Cooper, James F. Schweitzer.

(b) Other IDNS Staff:

Robert A. Lommler: Chief, Division of Waste and Transportation. Has responsibilities for implementing the Illinois LLW management act, supervises staff in the LLW program and manages the spent nuclear fuel and LLW shipment inspection program.

Training:

B.S.—Kent State University (1971)—Chemistry
"10 CFR 61," US NRC, Springfield, Illinois (1986)
"Incinerator Basics," Univ. of California, Charlotte, N.C. (1986)
"Radioactive Material Transportation Workshop," US DOE, Chicago, Illinois (1985)
"10 CFR 61 Compliance," TMS, Inc., Washington, D.C. (1984)
"Radiological Protection Officer Course," U.S. Army (1978)
"Chemical Officer Advanced Course," U.S. Army (1978–1979)
"Transportation of Hazardous Materials by Air," US DOT (1972)
"Chemical Officer Basic Course," U.S. Army (1971)

Experience:

1984–Present: Illinois Department of Nuclear Safety
1979–1983: U.S. Army, Radiation Safety Officer, Ft. Riley, Kansas
1975–1978: U.S. Army, Mannehim, West Germany
1971–1975: U.S. Army, Edgewood, Maryland

Michael Klebe: Nuclear Safety Engineer. Serves as technical resource on LLW management environmental problems, decomissioning and disposal facility siting.

Training:

M.S.—Montana College of Mineral Science and Technology (1982)—Mining Engineering
B.S.—Montana College of Mineral Science and Technology (1980)—Mining Engineering

Experience:

1986–Present: Illinois Department of Nuclear Safety
1982–1986: Shell Mining Company, Houston, Texas and Elkhart, Illinois, Mining Engineer

David Flynn: Geologist. Evaluates geological and hydrologic factors relating to LLW management.

Training:

B.S.—Southern Illinois University (1979)—Geology
"Uranium and Thorium: A Perspective on the Hazard," Radiation Safety Associates, Springfield, Illinois (1986)
"Corrective Actions for Containing and Controlling Ground Water Contamination," National Water Well Association, Columbus, Ohio (1986)
"A Standardized System for Evaluation of Groundwater Pollution Potential Using Hydrogeologic Setting," National Water Well Association, Denver, Colorado (1986)
"Groundwater Pollution and Hydrology," Princeton & Associates, Miami, Florida (1986)
"Engineering and Design of Waste Disposal Systems," Civil Engineering Department, Colorado State University, Fort Collins, Colorado (1985)
""Groundwater Monitoring Workshop," Illinois Department of Energy and Natural Resources, Champaign, Illinois (1984)
"Radiological Emergency Response Training for State and Local Government Emergency Preparedness Personnel," FEMA, Nevada Test Site (1983)

Experience:

1983–Present: Illinois Department of Nuclear Safety
1981–1983: Mine Geologist, Atlas Minerals Corporation, Moab, Utah
1980–1981: Associate Mine Geologist, Rancher's Exploration & Development Corporation, Albuquerque, New Mexico
1979–1980: Junior Geologist, Rancher's Exploration & Development Corporation, Albuquerque, New Mexico

Shannon M. Flannigan: Geologist. Reviews, interprets and evaluates geologic hydrologic, physical and environmental data related to environmental impact, design, location, construction and decommissioning of facilities.

Training:

B.S.–Drake University (1978) Geology
A.A.–Springfield College in Illinois (1976)–Business
"Radiological Emergency Response," FEMA, Nevada (1986)
"Groundwater Contaminant Transport Modeling," Princeton University, Princeton, New Jersey (1986)
"A standardized System for Evaluating Groundwater Pollution Using Hydrogeologic Setting," Denver, Colorado (1986)
"Groundwater Pollution & Hydrology," Princeton Associates, Princeton, New Jersey (1986)
"Borehole Geophysics Techniques for Solving Groundwater Problems," National Water Well Association, Denver, Colorado (1986)
"Soil Mechanics and Foundations," Lincoln Land Community College, Springfield, Illinois (1981)
"Environmental Risk Assessment," Sagamon State University, Springfield, Illinois (1985)
"Recognition, Evaluation, and Control of Ionizing Radiation," OSHA Training Institute, Illinois (1985)

Experience:

1985–Present: Illinois Department of Nuclear Safety
1984–1985: Hanson Engineers, Inc. Springfield, Illinois
1981–1984: Veesay Geoservice, Inc. Denver, Colorado
1978–1981: Hanson Engineers, Inc. Springfield, Illinois.

George T. FitzGerald: Nuclear Safety Engineer I. Principally responsible for geology.

Training:

B.A.–Humboldt State University, California (1968)–Geology
Post-Graduate Work: Education, Humboldt State University, Economic Evaluation, Colorado School of Mines, Golden, Colorado

Experience:

1986–Present: Illinois Department of Nuclear Safety
1984–1986: Boliden Minerals, Inc., Silver City, New Mexico
1980–1984: Minatome Corporation, Denver, Colorado
1975–1980: SOHIO, Seboyeta, New Mexico

1968–1975: Kerr McGee Corporation Grants, New Mexico

Dana M. Willaford: Nuclear Safety Supervisor. Responsible for overall operation of waste generator registration and inspection program.

Training:

M.P.A.–Sangamon State University (1983)

B.A.–University of Illinois (1981)–Political Science, Math/Physics Minor

"Radioactive Materials Transportation Course," US DOE, Kansas City, Missouri (1986)

"Uranium and Thorium: A Perspective on the Hazard," Radiation Safety Associates, Inc., Springfield, Illinois (1986)

"Recognition, Evaluation, and Control of Ionizing Radiation," OSHA, Des Plaines, Illinois (1985)

"Environmental Laws and Regulations Compliance Course," government institutes, Washington, D.C. (1985)

"Radiological Emergency Response Operations Course," FEMA, Nevada (1983)

Experience:

1983–Present: Illinois Department of Nuclear Safety

1981–1983: Illinois Department of Nuclear Safety/Sangamon State University (Graduate Public Service Intern)

1977–1981: University of Illinois (Student Worker)

Tim Runyon: Nuclear Safety Inspector. Assists the Chief, Waste & Transportation Management.

Training:

A.S.–Illinois Central College–Radiologic Technology

"Hazardous Materials Transportation Course," ISP, Illinois State Policy Academy, Springfield, Illinois (1985)

"Review of USDOT Regulations," US NRC, Hanford, Washington (1985)

"Evaluation and Control of Ionizing Radiation," OSHA, Argonne National Laboratory (1981)

"Emergency Response for Radiological Accidents," REECO, Las Vegas, Nevada (1981)

Experience:

1985–Present: Illinois Department of Nuclear Safety, Office of Environmental Safety

1979–1985: Illinois Department of Nuclear Safety, Office of Radiation Safety

Stephen B. Shafer: Nuclear Safety Inspector II. Performs inspections and health physics Surveys.

Training:

Graduate Classes (non-degree) University of Illinois (1984)

B.S.–Western Illinois University (1983)–Geophysics

Hazardous Materials Transportation Enforcement Course, Illinois State Police, Springfield, Illinois (1986)

Radiological Emergency Response Operations Course, FEMA, Nevada (1986)

Short Course: Uranium and Thorium: A Perspective on the Hazard (1986)

Experience:

1986–Present: Illinois Department of Nuclear Safety

1984–1984: Illinois Department of Nuclear Safety, Summer Intern

Eric Schwing: Attorney. Provides legal counsel to the Director and technical staff in low-level radioactive waste management.

Training:

Ph.D. Candidate (presently enrolled), Michigan State University, Resource Development/Environmental Toxicology

Doctor of Laws (1982), Thomas M. Cooley Law School

B.A.—Michigan State University (1976) —Chemistry

Experience:

1986–Present: Illinois Department of Nuclear Safety

1978–1986: Michigan Department of Public Health

1973–1978: Michigan State University

1971–1972: William Beaumont Geneal Hospital (U.S. Army)

Gregory P. Crouch: Chief, Division of Radioecology. Directs the Office's environmental surveillance program.

Training:

M.P.H.—University of Minnesota (1986) —Environmental Health

M.S.—Purdue University (1977) —Bionucleonics/Health Physics

B.S.—Purdue University (1975) —Biology

"Seminar on the Transportation of Nuclear Materials," US NRC, Springfield, Illinois (1983)

"Radiological Emergency Response Course," US DOE/FEMA, Nevada Test Site (1983)

"Inspection Procedures Course," US NRC, Atlanta, Georgia (1982)

Experience:

1986–Present: Illinois Department of Nuclear Safety

1981–1984: Illinois Department of Nuclear Safety

1977–1978: Indiana University Medical Center, Assistant Radiation Safety Officer

1976–1977: Purdue University, Radiological Services, Graduate Assistant

Gregory J. Shott: Nuclear Safety Supervisor. Supervises the Department's—Mobile Radiochemistry Laboratory.

Training:

M.S.—University of Michigan (1985), Fisheries

B.S.—University of New Hampshire (1981), Biology

Experience:

1986–Present: Illinois Department of Nuclear Safety

1985–1986: Environmental & Chemical Sciences, Inc.; Environmental Scientist

1984: Lawrence Livermore National Laboratory; Research Associate, Environmental Intern Program

1981–1984: University of Washington, Laboratory of Radiation Ecology, Research Assistant

David D. Ed: Assistant Manager, Office of Environmental Safety.

Training:

B.S.—University of Illinois, Urbana (1971) —Chemistry

"Radon Training for State Personnel," US EPA (1986)

"Comprehensive Health Physics," Rockwell International (1985)

"Biological Effects of Ionizing Radiation," Harvard University, School of Public Health (1982)

"Dose Projection, Accident Assessment and Protective Action Decision Making for Radiological Emergency Response," US NRC, FEMA (1980)

"Environmental Radiation Surveillance," Georgia Institute of Technology (1977)

"Radiological Emergency Response Operations Training," US NRC, ERDA (1977)

"Environmental Source Term Modeling," University of Chicago, Argonne National Laboratory (1971)

Experience:

1980–Present: Illinois Department of Nuclear Safety

1973–1980: Illinois Department of Public Health

1972–1973: Illinois Environmental Protection Agency

Abdul Khalique: Nuclear Safety Scientist I. Plans, implements and participates in radioanalytical programs.

Training:

Ph.D.—University of Birmingham, England (1976), Analytical Chemistry

M.S.—University of Karachi, Pakistan (1967), Chemistry

B.S.—University of Karachi, Pakistan (1964)

Quality Control Course, University of Business Administration, University of Karachi, Pakistan 1964)

Experience:

1986–Present Illinois Department of Nuclear Safety

1981–1986: Department of Pharmacology, Southern Illinois University School of Medicine
1975–1980: Glaxo Laboratories (Pakistan), Ltd.
1968–1970: Opal Laboratories, Ltd. (Pakistan)

Melanie A. Hamel: Health Physicist. Functions as a health physics specialist in the environmental monitoring division.

Training:

B.S.—University of Lowell, MA (1977), Health Physics
University of Lowell, MA (1977), Environmental Monitoring and Surveillance, Health Physics Certification Review, Medical Health Physics
"Environmental Law and the Citizen," Sangamon State University, Springfield, Illinois
"Post-Accident Radiation Assessment," Northwestern University, Illinois
"Radiation Protection Instrumentation," Harvard University, Boston, MA
"Radon Training Session for State Personnel," US EPA

Experience:

1982–Present: Illinois Department of Nuclear Safety
1977–1981: Yankee Atomic Electric Company
1975: University of Lowell, Research Reactor Facility, Health Physics Technician

Michael V. Madonia: Nuclear Safety Associate. Performs technical duties concerning nuclear facility monitoring and environmental radiation control.

Training:

B.S.—University of Illinois
—Nuclear Engineering, Radiation Protection and Shielding
"Air Sampling for Radioactive Materials," Oak Ridge Associated Universities; Oak Ridge, Tennessee (1986)
"Personal Computer Applications in Health Physics," TMS, Inc.; Boston, MA (1986)
Nuclear-General Employee Training (NGET), Commonwealth Edison, Chicago, Illinois (1985)
"Radiation Detection and Measurement—Advanced Course," Eberline Analytical, Albuquerque, New Mexico (1985)
"Fundamentals of Ground Water Contamination," Geraghty & Miller, Chicago, Illinois (1985)

Experience:

1985–Present: Illinois Department of Nuclear Safety
1983–1984 (Summers): Illinois Department of Nuclear Safety

Richard Walker: Nuclear Policy Analyst. Performs review and analysis of Federal and State regulations.

Training:

Ph.D—Purdue University (1976)
—Sociology (Research Methods and Statistics)
M.S.—Purdue University (1974)
—Sociology
B.S.—Marietta College (1972)
—Sociology
Environmental Radiation Surveillance, Harvard University, Massachusetts (1985)
"Fundamentals of Radiation Safety," Radiation Safety Associates (1985)

Experience:

1985–Present: Illinois Department of Nuclear Safety
1978–1984: Chairman, Department of Sociology, Blackburn College, Carlinville, Illinois
1976–1978: Department of Sociology Muhlenberg College, Allentown, Pennsylvania

Teresa A. Adams: Nuclear Policy Analyst. Performs staff functions coordinating and assisting with the direction of office programs.

Training:

B.A.—Wellesley College (1981)
—German
Massachusetts Institute of Technology, Department of Urban Studies and Planning (1982–1984)
University of Hanover, West Germany; Department of Planning and Architecture (1981–1982)
Additional coursework in decision analysis, fundamentals of radiation protection, hazardous waste minimization

Experience:

1985–Present: Illinois Department of Nuclear Safety
1984: Parliamentary Research Service; Bonn, West Germany
1982–1984: Worked on a variety of projects dealing with policy development and dispute resolution in environmental issues

Paul E. Seidler: Nuclear Policy Analyst. Responsible for implementing the Illinois public participation plan, also performs as liaison with local government groups.

Experience:

M.A.—University of Chicago (1986)
—Public Policy
B.A.—University of Illinois (1983)
—Political Science, Communications Studies
Urban & Regional Information Systems Association, 1986 Annual Conference (1986)

Experience:

1986–Present: Illinois Department of Nuclear Safety
1985–1986: University of Chicago, Office of the Comptroller
1985–1985: Illinois Bureau of the Budget
1984–1985: Compass Health Plans
1984–1984: U.S. Senator Paul Simon
1982–1982: Creative Research Associates

Reference: Illinois Program Statement, (Section II.C.1.a), "Low-Level Waste Management," (Section II.C.1.b) "Sheffield Low-Level Waste Disposal Facility," Section IV.B, "Low-Level Radioactive Waste Management Program," and Appendices 5 and 9.

21. *Conditions Applicable to Special Nuclear Material, Source Material, and Tritium.* Nothing in the State's regulatory program shall interfere with the duties imposed on the holder of the materials by the NRC, for example, the duty to report to the NRC, on NRC prescribed forms (1) transfers of special nuclear material, source material, and tritium; and (2) periodic inventory data.

The State's regulations do not prohibit or interfere with the duties imposed by the NRC on holders of special nuclear material owned by the U.S. Department of Energy or licensed by NRC, such as the responsibility of licensees to supply to the NRC reports of transfer and inventory.

Reference: 32 ILL. Adm. Code 310.10.

22. *Special Nuclear Material Defined.* The definition of special nuclear material in quantities not sufficient to form a critical mass, as contained in the Illinois regulations, is uniform with the definition in 10 CFR Part 150.

Reference: 32 ILL. Adm. Code 310.20, Definition of Special Nuclear Material in Quantities Not Sufficient to Form a Critical Mass.

Administration

23. *Fair and Impartial Administration.* The Illinois statute and regulations provide for administrative and judicial review of actions taken by the Department of Nuclear Safety.

Reference: 32 Ill. Adm. Code Parts 200, 310.90, 310.110, 330.500, Part 400.

24. *State Agency Designation.* The Illinois Department of Nuclear Safety has been designated as the State's radiation control agency.

References: Enabling statute for Illinois Department of Nuclear Safety, Ill. Rev. Stat. 1985, ch. 127, par. 63b17.

25. *Existing NRC Licenses and Pending Applications.*

The Department has made provision to continue NRC licenses in effect temporarily after the transfer of jurisdiction. Such licenses will expire on

the date of expiration specified in the NRC license.

With respect to the radioactive materials covered by the NRC license issued to Kerr-McGee Chemical Corporation for the West Chicago Rare Earth's Facility (Docket No. 40–2061–SC) the NRC staff has determined that the radioactive materials at the facility are most appropriately treated as thorium mill tailings, i.e., byproduct materials are defined in Section 11e.(2) of the Atomic Energy Act of 1954, as amended, whereas the thorium-bearing materials recovered from off-site residential properties and sewer treatment plant in West Chicago and stored at the Kerr-McGee facility are source material. The former material [11e(2) by product material] will not be subject to the Agreement and NRC will retain regulatory jurisdiction. The latter material will be regulated by IDNS when the Agreement becomes effective.

Radiologically contaminated materials in Kress Creek and in Reed-Keppler Part, West Chicago have also been determined by NRC staff to be source material. The former is the subject of an Atomic Safety and Licensing Board (ASLB) Proceeding [Docket 40–2061–SC (ASLBP No 84–502–01–SC)]. In the Kress Creek proceeding, in which Kerr-McGee and the People of the State of Illinois are parties, the ASLB found that the presence of this material in Kress Creek and the West Branch of the DuPage River probably resulted from the conduct of an NRC (and AEC) licensed activity at the West Chicago Rare Earths Facility. The ASLB, however, declined to require clean-up of the Creek and River based upon its analysis of the hazard posed by the radiologically contaminated material. The NRC staff has appealed that decision to the Atomic Safety and Licensing Appeal Board, but a decision on appeal has not yet been issued. Jurisdiction over source material in Kress Creek and the West Branch of the DuPage River will be relinquished to Illinois when the Agreement becomes effective. At that time, the NRC staff will request termination of the ASLB proceeding. Jurisdiction over the source material in Reed-Keppler Park will also be relinquished to Illinois when the Agreement becomes effective.

With respect to the Sheffield low-level radioactive waste disposal site, jurisdiction will be relinquished by the NRC to Illinois when the Agreement becomes effective. At that time, NRC staff will request termination of the ASLB proceeding [Docket 27–39–SC (ASLB No. 78–374–01–OT)].

Reference: 32 ILL. ADM. CODE 330.360.

26. *Relations With Federal Government and Other States.* There should be an interchange of Federal and State information and assistance in connection with the issuance of regulations and licenses or authorizations, inspection of licensees, reporting of incidents and violations, and training and education problems.

The proposed agreement declares that the State will use its best efforts to cooperate with the NRC and the other Agreement States in the formulation of standards and regulatory programs for the protection against hazards of radiation and to assure that the State's program will continue to be compatible with the Commission's program for the regulation of like materials.

Reference: Proposed Agreement between the State of Illinois and the Nuclear Regulatory Commission, Article VI.

27. *Coverage, Amendments, Reciprocity.*

The proposed Illinois agreement provides for the assumption of regulatory authority over the following categories of materials within the State:

(a) Byproduct material, as defined by Section 11e(1) of the Atomic Energy Act, as amended.

(b) Source materials.

(c) Special nuclear materials in quantities not sufficient to form a critical mass.

(d) The land disposal of source, by-product and special nuclear material received from other persons.

Reference: Proposed Agreement, Article I.

Provision has been made by Illinois for the reciprocal recognition of licenses to permit activities within Illinois of persons licensed by other jurisdictions. This reciprocity is like that granted under 10 CFR Part 150.

Reference: 32 ILL. ADM. CODE 330.900.

28. *NRC and Department of Energy Contractors.*

The State's regulations provide that certain NRC and DOE contractors or subcontractors are exempt from the State's requirements for licensing and registration of sources of radiation which such persons receive, possess, use, transfer, or acquire.

Reference: 32 ILL. ADM. CODE 310.30.

III. Staff conclusion

Section 274d of the Atomic Energy Act of 1954, as amended, states;

> The Commission shall enter into an agreement under subsection b of this section with any State if:
>
> (1) The Governor of that State certifies that the State has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by the proposed agreement, and that the State desires to assume regulatory responsibility for such materials; and
>
> (2) The Commission finds that the State program is in accordance with the requirements of subsection o, and in all other respects compatible with the Commission's program for the regulation of such materials, and that the State program is adequate to protect the public health and safety with respect to the materials covered by the proposed amendment.

The staff has concluded that the State of Illinois meets the requirements of Section 274 of the Act. The State's statutes, regulations, personnel, licensing, inspection and administrative procedures are compatible with those of the Commission and adequate to protect the public health and safety with respect to the materials covered by the proposed agreement. Since the State is not seeking authority over uranium milling activities, subsection o, is not applicable to the proposed Illinois agreement.

Dated at Bethesda, Maryland, this 24th day of December 1986.

For the U.S. Nuclear Regulatory Commission.

G. Wayne Kerr,

Director, Office of State Programs.

Appendix A—Proposed Agreement Between the United States Nuclear Regulatory Commission and the State of Illinois for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State Pursuant To Section 274 of the Atomic Energy Act of 1954, as Amended

WHEREAS, the United States Nuclear Regulatory Commission (hereinafter referred to as the Commission) is authorized under Section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7 and 8, and Section 161 of the Act with respect to byproduct materials as defined in Sections 11e.(1) and (2) of the Act, source materials and special nuclear materials in quantities not sufficient to form a critical mass; and,

WHEREAS, the Governor of the State of Illinois is authorized under Illinois Revised Statutes, 1985, ch. 111 ½, par. 216b and ch. 111 ½, par. 241–19 to enter into this Agreement with the Commission; and,

WHEREAS, the Governor of the State of Illinois certified on _____ that the

State of Illinois (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and,

WHEREAS, the Commission found on _____ that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and,

WHEREAS, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and,

WHEREAS, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemptions from licensing of those materials subject to this Agreement; and,

WHEREAS, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

NOW, THEREFORE, IT IS HEREBY AGREED between the Commission and the Governor of the State, acting in behalf of the State as follows:

Article I

Subject to the exceptions provided in Articles II, IV and V, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7 and 8, and Section 161 of the Act with respect to the following:

A. Byproduct material as defined in section 11e.(1) of the Act;

B. Source materials;

C. Special nuclear materials in quantities not sufficient to form a critical mass; and,

D. The land disposal of source, byproduct and special nuclear material received from other persons.

Article II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with rspect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission; and,

E. The extraction or concentration of source material from source material ore and the management and disposal of the resulting byproduct material.

Article III

This Agreement may be amended, upon application by the State and approval by the Commission, to include the additional area specified in Article II, paragraph E, whereby the State can exert regulatory control over the materials stated therein.

Article IV

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

Article V

This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

Article VI

The Commission will use its best efforts to cooperate with the State and other Agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other Agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria and to obtain the comments and assistance of the other party thereon.

Article VII

The Commission and the State agree that it is desirable to provide reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any Agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations and procedures by which such reciprocity will be accorded.

Article VIII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend all or part of this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that (1) such termination or suspension is required to protect the public health and safety, or (2) the State has not complied with one or more of the requirements of Section 274 of the Act. The Commission may also, pursuant to Section 274j of the Act, temporarily suspend all or part of this Agreement if, in the judgment of the Commission, an emergency situation exists requiring immediate action to protect public health and safety and the State has failed to take necessary steps. The Commission shall periodically review this Agreement and actions taken by the State under this Agreement to ensure compliance with Section 274 of the Act.

Article IX

This Agreement shall become effective on _____, and shall remain in effect unless and until such time as it is terminated pursuant to Article VIII.

Done at _____, in triplicate, this _____ day of _____.

For the United States Nuclear Regulatory Commission.

_____

Chairman

For the State of Illinois.

_____

Governor

[FR Doc. 86-29382 Filed 12-30-86; 8:45 am]

BILLING CODE 7590-01-T

POSTAL RATE COMMISSION

[Order No. 743, Docket No. A87-9]

Fackler, Alabama 35746; Order Accepting Appeal and Establishing Procedural Schedule

Issued February 5, 1987.

Before Commissioners: Janet D. Steiger, Chairman; Bonnie Guiton, Vice-Chairman; John W. Crutcher; Henry R. Folsom; Patti Birge Tyson.

Docket number: A87-9.

Name of affected post office: Fackler, Alabama 35746.

Name(s) of petitioner(s): Charles E. Stewart, Jr.

Type of determination: Consolidation.

Date of filing of appeal papers: February 2, 1987.

Categories of issues apparently raised:

1. Effect on community [39 U.S.C. 404(b)(2)(A)].

2. Effect on postal services [39 U.S.C. 404(b)(2)(C)].

Other legal issues may be disclosed by the record when it is filed; or conversely, the determination made by the Postal Service may be found to dispose of one or more of these issues.

In the interest of expedition, in light of the 120-day decision schedule [39 U.S.C. 404(b)(5)], the Commission reserves the right to request of the Postal Service memoranda of law on any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the request; a copy shall be served on the Petitioners. In a brief or motion to dismiss or affirm, the Postal Service may incorporate by reference any such memoranda previously filed.

The Commission orders: (A) The record in this appeal shall be filed on or before February 17, 1987.

(B) The Secretary shall publish this Notice and Order and Procedural Schedule in the **Federal Register.**

By the Commission.

Cyril J. Pittack,

Acting Secretary.

Appendix

February 2, 1987—Filing of Petition
February 5, 1987—Notice and Order of Filing of Appeal
February 27, 1987—Last day of filing of petitions to intervene [*see* 39 CFR 3001.111(b)].
March 9, 1987—Petitioner's Participant Statement or Initial Brief [*see* 39 CFR 3001.115(a) and (b)].
March 30, 1987—Postal Service Answering Brief [*see* 39 CFR 3001.115(c)].
April 14, 1987—Petitioner's Reply Brief should petitioner choose to file one [*see* 39 CFR 3001.115(d)].
April 21, 1987—Deadline for motions by any party requesting oral argument. The Commission will schedule oral argument only when it is a necessary addition to the written filings [*see* 39 CFR 3001.116].
June 2, 1987—Expiration of 120-day decisional schedule [*see* 39 U.S.C. 404(b)(5)].

[FR Doc. 87-2789 Filed 2-10-87; 8:45 am]
BILLING CODE 7715-01-M

[Order No. 742; Docket No. A87-10]

Rogers, Nebraska 68659; Order Accepting Appeal and Establishing Procedural Schedule

Before Commissioners: Janet D. Steiger, Chairman; Bonnie Guiton, Vice-Chairman; John W. Crutcher; Henry R. Folsom; Patti Birge Tyson.

Issued February 4, 1987.

Docket number: A87-10.

Name of affected post office: Rogers, Nebraska 68659.

Name(s) of petitioner(s): Charlotte L. Keller.

Type of determination: Consolidation.

Date of filing of appeal papers: February 2, 1987.

Categories of issues apparently raised:

1. Effect on community [39 U.S.C. 404(b)(2)(A)].

2. Effect on postal services [39 U.S.C. 404(b)(2)(C)].

Other legal issues may be disclosed by the record when it is filed; or conversely, the determination made by the Postal Service may be found to dispose of one or more of these issues.

In the interest of expedition, in light of the 120-day decision schedule [39 U.S.C. 404(b)(5)], the Commission reserves the right to request of the Postal Service memoranda of law on any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the request; a copy shall be served on the Petitioners. In a brief or motion to dismiss or affirm, the Postal Service may incorporate by reference any such memoranda previously filed.

The Commission orders: (A) The record in this appeal shall be filed on or before February 17, 1987.

(B) The Secretary shall publish this Notice and Order and Procedural Schedule in the **Federal Register.**

By the Commission.

Cyril J. Pittack,

Acting Secretary.

Appendix

February 2, 1987—Filing of Petition
February 4, 1987—Notice and Order of Filing of Appeal
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March 30, 1987—Postal Service Answering Brief [*see* 39 CFR 3001.115(c)].
April 14, 1987—Petitioners' Reply Brief should petitioners choose to file one [*see* 39 CFR 3001.115(d)].
April 21, 1987—Deadline for motions by any party requesting oral argument. The Commission will schedule oral argument only when it is a necessary addition to the written filings [*see* 39 CFR 3001.116].
June 2, 1987—Expiration of 120-day decisional schedule [*see* 39 U.S.C. 404(a)(5)].

[FR Doc. 87-2804 Filed 2-10-87; 8:45 am]
BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-24049; File No. SR-OCC-86-27]

Self-Regulatory Organization; Filing of Proposed Rule Change by Options Clearing Corp.

The Options Clearing Corporation ("OCC"), on December 31, 1986, filed a proposed rule change with the Commission under section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") concerning the pledge of non-equity options under OCC's options pledge program. As decribed in greater detail below and in OCC's filing, the proposed rule change authorizes OCC to offer its non-equity options pledge program to all clearing members on a permanent basis [1] and permits clearing members to exercise or sell pledged non-equity options. The Commission is publishing this notice to solicit comments on the proposed rule change.

I. Background

The proposal amends OCC Rule 614, which governs pledges of option positions and which previously applied only to equity options.[2] The proposal

[1] On October 31, 1986, OCC filed a similar proposal that provided the non-equity options pledge program with temporary effectiveness through February 28, 1987, at which time the program would terminate. *See* Securities Exchange Act Rel. No. 23960 (January 7, 1987), 52 FR 3187 (File No. SR-OCC-86-24). The instant proposal, if approval by the Commission, would allow the non-equity options pledge program to become permanent.

[2] OCC began its Option Pledge Program for equity options in March 1983 with the adoption of OCC Rule 614. *See* Securities Exchange Act Rel. No. 19956 (July 19, 1983), 48 FR 33956 (File No. SR-OCC-82-25).

follows a pilot program that OCC introduced in March 1986.[3] The pilot permitted a limited number of clearing members to pledge non-equity options, but the pilot prohibited clearing members from selling or exercising pledged non-equity options.

II. Description

A. Rights of Parties

OCC is expanding its Rule 614 to cover the rights and obligations of the pledgees, clearing members, and OCC, in the event a pledged option is sold or exercised. First, under the rule, OCC must deliver to pledgees and clearing members, on the business day following the exercise or sale of a pledge option ("Report Day"), a written report stating which pledge options have been exercised or sold. Second, any clearing member with an overpledged position [4] must pay an "Overpledged Value Amount" to OCC, prior to 9:00 a.m. (Central Time) on Report Day. The Overpledged Value Amount consists of a cash deposit equal to the current market value of the option contract for each pledged option that gave rise to an overpledged position by having been exercised or sold.[5] As described below, if OCC fails to receive the Overpledged Value Amount (*i.e.*, if a clearing member fails to make the required deposit), OCC must take action under the terms of the second paragraph of OCC Rule 614(i). Third, OCC is authorized to withdraw the Overpledged Value Amount from the clearing member's bank account.[6] Fourth, OCC, as promptly as practicable after it receives the Overpledged Value Amount from the clearing member, must deposit such amount in the pledgee's deposit account.[7] Fifth, the pledgee has the right to receive the Overpledged Value Amount, but upon OCC's deposit of that amount into the pledgee's deposit account, the pledgee has no further right to either the pledged options that gave rise to the overpledged option position or to the proceeds thereof.

B. Failure to Receive Deposit

If OCC fails to receive the Overpledged Value Amount from the clearing member on the Report Day, special procedures apply as set forth in OCC Rule 614(i). Under subparagraph (1) of Rule 614(i), the sales or exercises are reallocated pursuant to subparagraph (f)(2) of Rule 614. Rule 614(f)(2) generally requires: (1) Reallocation of the sales and exercises to the primary account and then to the pledge accounts on a proportional basis, and (2) establishment of a short position in the Primary Account for any remaining sales after the long positions have been closed out. Under subparagraph (2), OCC is required: (1) To suspend the defaulting clearing member as promptly as practicable, and (2) deposit the proceeds of each pledged option that had been sold into the pledgee's deposit account. The terms of subparagraphs (1) and (2) are not modified by this rule change.

Subparagraph (3) deals with pledged options that have been exercised. In event of a clearing member's failure to pay the cash deposit, it requires OCC to notify the clearing member to whom the exercised option has been assigned (*i.e.*, the clearing member on the other side of the default): (1) To close out the option contract through buy-in or sell-out procedures and (2) to pay over any profit to OCC. OCC is required to deposit that settlement amount into the pledgee's deposit account. In event that the settlement amount is less than the full amount due, the deficiency shall be paid to the assigned clearing member from the following sources: (1) The funds obtained from the primary account until such funds are exhausted, and (2) the liquidating settlement account.[8]

The new text of subparagraph (3) would define "Assigned Clearing Member" (for purposes of that subparagraph) in terms of the assignee's duties with respect to: (1) Pledged equity options or Treasury securities, and (2) pledged foreign currency options. With respect to pledged equity options or Treasury securities, the close out obligations of option contracts assigned on the the previous day will be delegated to that clearing member that is obligated to deliver to or receive from the exercising clearing member (*i.e.*, the defaulting clearing member). For pledged foreign currency options, close out obligations will be delegated to the clearing member that is obligated to deliver to or receive from OCC, on the settlement date of the pledged option, the foreign currency underlying the pledged option. Because of OCC netting rules that apply in settling exercises of Treasury securities options and foreign currency options [9] and OCC's system of post-netting allocation, which instructs a clearing member to effect settlement with another clearing member, the clearing member that ultimately is obligated to settle with an exercising clearing member will not necesarily be the Assigned Clearing Member pursuant to subparagraph (3).

Subparagraph (4), which is entirely new, applies only to pledged index options. It provides that if a clearing member fails to make the required cash deposit after exercising a pledged index option, OCC promptly will deposit the amount due into the pledgee's deposit account.[10]

Subparagraph (5), which also is entirely new, applies to pledged Treasury securities options and pledged foreign currency options that net against other settlement obligations thereby relieving the exercising clearing member of the need to deliver or receive the underlying security or currency.[11] In this case, where a clearing member fails to make its required deposit, OCC will deposit into the pledgee's deposit account an amount equal to the in-the-money value of the pledged option as of the close of trading on the exercise date.[12]

Finally, the rule change: (1) Deletes Interpretation .01 (the provision that established the pilot program) from Rule 614; and (2) revises Rule 1807 to recognize the possibility that, in the event of a clearing member's insolvency, a pledgee (rather than the clearing member itself) might be entitled to receive the exercise settlement amount from the exercised index options.

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[3] *See* Securities Exchange Act Rel. No. 23097 (April 2, 1986), 51 FR 12254 (File No. SR-OCC-86-3).

[4] The term "overpledged position" means a pledged option position that has been exercised or sold.

[5] The "Overpledged Value Amount" is the product of: (1) The unit of trading for the series of options of the pledged option, and (2) the current highest asked price on the premium for that option series at or about the close of trading on the preceding business day. Additionally, OCC may fix a different value in accordance with OCC Rule 601.

[6] *See* OCC Rule 614(a).

[7] The "Pledgee's Deposit Account" or "collateral account" is an account with a clearing bank designated by the Pledgee for accepting cash deposits. *See* OCC Rule 614(a).

[8] Upon the suspension of a clearing member, OCC must convert to cash all margins deposited with the OCC by that clearing member in all accounts. Such funds then are placed by OCC in a special account known as a "Liquidating Settlement Account." *See* OCC Rule 1104.

OCC's ultimate source of funds to make good losses resulting from the failure of a clearing member to perform its obligations under an assisnged option contract is OCC's Clearing Fund. *See* OCC's By-Laws, Art. VIII, Sect. 1.

[9] *See* OCC Rules 1406 and 1605.

[10] In the case of index options, the need for buy-in and sell-out provisions is eliminated by the absence of an underlying asset to deliver or receive.

[11] With these options, as with index options, there is no obligation to be bought in or sold out.

[12] The amounts to be deposited in the deposit accounts are amounts that OCC would have paid to the clearing member in any event if the exercise has settled in due course, either as a return of margin (on equity options or currency options) or in settlement of the exercises (with foreign currency options).

III. Comments Period

In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission on or before March 4, 1987. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Reference should be made to File No. SR–OCC–86–27.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L. Street, NW., Washington, DC. Copies of the filing and of any subsequent amendments also will be available at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: February 3, 1987.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–2846 Filed 2–10–87; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–15567; 811–2615]

State Street Exchange Fund (A Limited Partnership); Application

February 5, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 ("1940 Act").

Applicant: State Street Exchange Fund (A Limited Partnership).

Relevant 1940 Act Section: Section 8(f), and Rule 8f–1 thereunder.

Filing Date: The application was filed on October 22, 1986, and amended on December 12, 1986 and January 14, 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 March 2, 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, Washington, DC 20549. Applicant, One Financial Center, Boston, MA 02111.

FOR FURTHER INFORMATION CONTACT: Staff Attorney Carson G. Frailey (202) 272–3037, or Special Counsel, Karen L. Skidmore, (202) 272–3023, 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) 252–4300).

Applicant's Representations

1. Applicant was organized as a limited partnership under the laws of the States of Massachusetts and California. On December 19, 1975, Applicant registered under the 1940 Act as an open-end, diversified management investment company, by filing a Form N–8A Notification of Registration. On January 2, 1976, Applicant filed a registration statement pursuant to section 8(b) of the 1940 Act.

2. On December 19, 1975, Applicant filed a registration statement under the Securities Act of 1933 ("1933 Act"), registering two million units of limited partnership interest for sale to the public. A public offering of these units began on May 20, 1976.

3. At an annual meeting on Applicant's partners held December 11, 1984, for which meeting proxy material had been filed with the Commission, the reorganization and liquidation of Applicant was approved by the requisite affirmative vote of a majority of Applicant's partnership interests ("Shares") outstanding on the record date. On the date of liquidation, May 1, 1985, 1,410,251.824 shares were outstanding, each having a net asset value of $86.72. In accordance with the approved plan of reorganization and liquidation, Applicant transferred all of its assets, including all portfolio securities, to State Street Exchange Fund, Inc. ("Successor"), a Massachusetts business corporation that is registered under the 1940 Act (File No. 811–4256) and that is the successor to Applicant, in exchange for shares of the common stock of the Successor. Thereafter, all of Applicant's shares of the common stock of Successor were distributed to partners of Applicant on the basis of one share of stock of the Successor for each Share owned on May 1, 1985. Thus, all partners of Applicant have received distributions in complete liquidation of their Shares.

4. In accordance with the foregoing, Applicant has retained no assets, no liabilities outstanding, and no securityholders. Further, Applicant is not a party to any litigation, or administrative proceeding, nor does it engage, or propose to engage, in any business activity. Certificates of cancellation have been filed for Applicant in the States of Massachusetts and California, cancelling Applicant's certificate of limited partnership in both of those states.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–2847 Filed 2–10–87; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

ACTION: Notice of reporting requirements submitted for review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATE: Comments should be submitted within 30 days of this publication in the **Federal Register**. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

Copies: Request for clearance (S.F. 83s), supporting statements, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Submit comments to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency Clearance Officer: Elizabeth M. Zaic, Small Business Administration, 1441 L Street, NW., Room 200, Washington, DC 20416, Telephone: (202) 653–6623.

OMB Reviewer: Robert Neal, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503, Telephone: (202) 395–7340.

Title: SBIR Annual Presolication Activities

Frequency: Annual

Description of Respondents: Federal agencies report to SBA on the progress of their respective SBIR activities.

Annual Responses: 18

Annual Burden Hours: 45

Type of Request: Extension and Revision

Title: Stockholder Confirmation

Frequency: On occasion

Description of Respondents: Stockholders are requested to confirm their equity interest in the SBIC and to determine the source of funds they used to acquire this interest.

Annual Responses: 160

Annual Burden Hours: 27

Type of Request: Extension

Elizabeth M. Zaic,

Deputy Director, Office of Administrative Services, Small Business Administration.

[FR Doc. 87–2787 Filed 2–10–87; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area #2266]

South Dakota; Declaration of Disaster Loan Area

The City of Redfield, South Dakota, constitutes a disaster area because of damages resulting from a major fire in the downtown business district which occurred on November 16, 1986. Applications for loans for physical damage may be filed until the close of business on April 6, 1987, and for economic injury until the close of business on November 4, 1987, at the address listed below: Disaster Area 4 Office, Small Business Administration, 77 Cadillac Drive, Suite 158, P.O. Box 13795, Sacramento, California 95853.

or other locally announced locations.

The interest rates are:

Homeowners with credit available elsewhere—8.000%

Homeowners without credit available elsewhere—4.000%

Businesses with credit available elsewhere—7.500%

Businesses without credit available elsewhere—4.000%

Businesses (EIDL) without credit available elsewhere—4.000%

Other (Non-profit organizations including charitable and religious organizations)—9.500%

The number assigned to this disaster is 226605 for physical damage and for economic injury the number is 650000.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: February 4, 1987.

Charles L. Heatherly,

Deputy Administrator.

[FR Doc. 87–2892 Filed 2–10–87; 8:45 am]

BILLING CODE 8025–01–M

Region I Advisory Council; Public Meeting

The U.S. Small Business Administration, Region I Advisory Council, located in the geographical area of Concord, New Hampshire, will hold a public meeting at 10:00 a.m., Wednesday, March 4, 1987, in the James Cleveland Federal Building, Grand Jury Room—Room 404, 55 Pleasant Street, Concord, New Hampshire, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call William K. Phillips, District Director, U.S. Small Business Administration, 55 Pleasant Street, Concord, New Hampshire 03301, (603) 225–1400.

Jean M. Nowak,

Director, Office of Advisory Councils.

February 5, 1987.

[FR Doc. 87–2891; Filed 2–10–87; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF STATE

[Public Notice 997]

Strategic Minerals Listing

Pursuant to Section 303(a)(2) of the Comprehensive Anti-Apartheid Act of 1986, as amended (Public Law 99–440), I hereby certify that quantities of the following strategic minerals essential for the economy or defense of the United States are unavailable from reliable and secure suppliers:

Andalusite
Antimony
Asbestos, chrysotile
Chromium (includes ferrochromium)
Cobalt
Diamonds, Industrial (natural)
Manganese (includes ferromanganese and ferrosilicomanganese)
Platinum Group Metals
Rutile (includes titanium-bearing slag)
Vanadium (includes ferrovanadium)

This certification shall be reported to the Congress and published in the **Federal Register.**

Dated: January 7, 1987.

John C. Whitehead,

Acting, Secretary of State.

[FR Doc. 87–2805 Filed 2–10–87; 8:45 am]

BILLING CODE 4710–07–M

[Public Notice CM—8/1046]

Study Group 4 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 4 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on March 5, 1987 in the first floor Theater, Communications Satellite Corporation, 950 L'Enfant Plaza, SW., Washington, DC. The meeting will begin at 9:30 a.m.

Study Group 4 deals with matters relating to systems of radiocommunications for the fixed service using satellites. The purpose of the meeting will be to continue the plan of work for the Study Group during the 1986–1990 period.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Admittance of public members will be limited to the seating available. Requests for further information should be directed to Mr. Richard Shrum, State Department, Washington, DC 20520; telephone (202) 647–2592.

Dated: February 3, 1987.

Richard E. Shrum,

Chairman, U.S. CCIR National Committee.

[FR Doc. 87–2806 Filed 2–10–87; 8:45 am]

BILLING CODE 4710–07–M

[Public Notice CM—8/1045]

Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea, Working Group on Containers and Cargoes, Bulk Cargoes Panel; Meeting

The Bulk Cargoes Panel of the Working Group on Containers and Cargoes of the Subcommittee on Safety of Life at Sea (SOLAS) will conduct an open meeting on March 11, 1987 at 10:00 A.M. in Room 1303 at Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593.

The purpose of this meeting is to discuss—

1. United States positions on matters to be discussed at the 28th Session of the International Maritime Organization (IMO) Subcommittee on Containers and Cargoes to be held March 23–27, 1987.

2. Proposed revision of CHAPTER VI of the International Convention on Safety of Life at Sea (SOLAS) to include basic reguations for the safe carriage of cargoes which owing to their particular hazards to ships or persons on board may require special precautions (except liquids and gases in bulk and those aspects otherwise covered by the Convention).

3. Proposed amendments to the Code of Safe Practice for Solid Bulk Cargoes, including:

—Development of new criteria in respect of liquefaction and sliding failures in solid bulk cargoes;
—Entry into enclosed spaces; and
—Requirements for materials possessing chemical hazards.

4. Carriage of timber deck cargoes.

5. Carriage of grain.

6. IMO activities of a continuing nature.

Members of the public may attend up to the seating capacity of this room. For further information contact Commander Larry H. Gibson, U.S. Coast Guard Headquarters (G–MTH–1), 2100 2nd Street, SW., Washington, DC 20593. Telephone: (202) 267–1577.

Dated: February 3, 1987.

Richard C. Scissors,

Chairman, Shipping Coordinating Committee.

[FR Doc. 87–2807 Filed 2–10–87; 8:45 am]

BILLING CODE 4710–07–M

DEPARTMENT OF TRANSPORTATION

[Docket 43940]

Aviation Proceedings; Galaxy Airlines, Inc.; Continuing Fitness Investigation; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 17, 1987, at 10:00 a.m. (local time) in Room 5332, Department of Transportation, 400 7th Street, SW., Washington, DC 20590, before the undersigned administrative law judge.

Dated at Washington, DC, February 4, 1987.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 87–2842 Filed 2–10–87; 8:45 am]

BILLING CODE 4910–62–M

[Order 87–2–9; Dockets 40267 and 42577]

Aviation Proceedings; Standard International Airways, Inc.; Proposed Denial of Application and Revocation of the Section 401 Certificates

AGENCY: Department of Transportation.

ACTION: Notice of Order to Show Cause.

SUMMARY: The Department is directing all interested persons to show cause why it should not issue an order denying the application of Standard International Airways, Inc., for a redetermination of its fitness under § 204.8 of the Department's regulations and revoking the carrier's interstate, overseas, and foreign charter certificates.

DATES: Persons wishing to file objections shall do so no later than February 27, 1987.

ADDRESSES: Responses should be filed in Dockets 40267 and 42577 and addressed to the Office of Documentary Services, U.S. Department of Transportation, 400 Seventh Street, SW., Room 4107, Washington, DC 20590, and should be served upon the persons listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Carol A. Szekely, Special Authorities Division, P–47, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–9721.

Dated: February 5, 1987.

Vance Fort,

Deputy Assistant Secretary for Policy and International Affairs.

[FR Doc. 87–2841 Filed 2–10–87; 8:45 am]

BILLING CODE 4910–62–M

Urban Mass Transportation Administration

Intent To Prepare an Environmental Impact Statement and To Conduct A Scoping Meeting on Transit Improvements in the City and County of Honolulu, HI

AGENCY: Urban Mass Transportation Administration, U.S. Department of Transportation (USDOT).

ACTION: Notice to prepare an environmental impact statement.

SUMMARY: The Urban Mass Transportation Administration (UMTA) of the USDOT and the City and County of Honolulu, through the Department of Transportation Services and the Rapid Transit Development Division (RTDD), are undertaking the preparation of an Environmental Impact Statement (EIS) on transit improvement alternatives in the City and County of Honolulu, Hawaii. The EIS is being prepared pursuant to the National Environmental Policy Act (42 U.S.C. 4321); the Council on Environmental Quality's implementing regulations (40 CFR Part 1500); the Federal Highway Administration and Urban Mass Transportation Administration Environmental Impact and Related Procedure (49 CFR Part 622); and related statutes and orders including Executive Order 11990 on the Protection of Wetlands and Executive Order 11988 on Floodplain Management.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert E. Hom, Program Manager, Urban Mass Transportation Administration, 211 Main Street, Suite 1160, San Francisco, CA 94105, Telephone (415) 974–7543

or

Mr. Charles J. Izumoto, Chief of Public Information, Rapid Transit Development Division, City and County of Honolulu, 720 Kapiolani Boulevard, Honolulu, HI 96813, Telephone (808) 527–6975.

SUPPLEMENTARY INFORMATION:

Scoping Meeting

The Public Scoping Meeting shall consist of three meetings held at different locations and times to facilitate the receipt of comments. Interested and concerned citizens and public officials are invited to attend one or more meetings.

The first meeting will be held on Monday, March 2, 1987, at 2:00 p.m. in the Civil Service Conference Room of the City and County of Honolulu, 530 South King Street, Honolulu, Hawaii.

A second meeting will be held on Wednesday, March 4, 1987, at 6:30 p.m. in the multi-purpose room of the Aiea Recreation Center, 99–350 Aiea Heights Drive, Honolulu, Hawaii.

A third meeting will be held on Thursday, March 5, 1987, at 6:30 p.m. in the Cafetorium of Washington Intermediate School, 1633 South King Street, Honolulu, Hawaii.

Comments are being solicited to help establish the purpose, scope, framework, and approach for the analysis. At the scoping meeting, staff will present a description of the proposed scope of the EIS. This will include description of the proposed work plan and overall methodology alternatives to be considered, projected work schedule, and a detailed plan for continuing citizen involvement. Members of the public and interested Federal, State, and local agencies are invited to comment on the proposed scope of work, alternatives, impacts to be assessed,

and evaluation criteria to be used in the EIS. Comments may be made orally at the meetings or in writing.

A detailed Work Plan and List of Alternatives will be available at the scoping meeting. Copies are also available for inspection in the RTDD office at 720 Kapiolani Boulevard, 3rd Floor, Honolulu, Hawaii.

In order that comments may be considered in a timely fashion, written comments should be received not later than 30 days after the scoping meeting (before April 6, 1987) addressed to: Scoping Meeting Comments, Rapid Transit Development Division, Department of Transportation Services, 650 South King Street, 3rd Floor, Honolulu, Hawaii 96813.

Background

Approximately 60% of Hawaii's population live and work in Honolulu's "Primary Urban Center", a narrow strip one to three miles wide and approximately 20 miles long, between the Koolau Mountains and the Pacific Ocean. Existing roads are congested much of the day, and there is virtually no potential to build additional roads. The existing bus system is very heavily used, carrying per-capita ridership matched only by New York City and San Francisco.

Between 1971 and 1978 the Preliminary Engineering and Evaluation Programs (PEEP I and PEEP II) considered various lengths of rapid transit system, and various technologies including boats, rubber-tired and steel-wheeled rapid transit, light rail, and elevated busways. In 1982 UMTA approved a Final EIS for an eight-mile rapid transit system. However, the system was not implemented. In the interim, the Hali 2000 program revised ridership estimates, and reconsidered bus-only and light rail alternatives, as well as a controversial system of road tolls. Although Hali 2000 made no specific conclusions, it again confirmed that rapid transit could provide substantially improved travel times to existing and future travellers, compared with other alternatives.

Alternatives

Two modal alternatives are proposed for considerations:

1. A rapid transit system through Honolulu's Primary Urban Center, extending into Ewa District.

At this time RTDD is considering a fully grade-separated rapid transit system extending from the University area and Waikiki to Waiawa. The system would be primarily elevated, carrying passengers at speeds up to 60 miles per hour. Most existing bus routes on the island would connect with the system, for maximum efficiency and convenience to passengers.

Due to recent advances in rapid transit technology, many alignment and station location alternatives that were rejected in the 1982 EIS must be re-considered. Generally, the alternatives include alignments along Kamehameha Highway, the O.R. & L. railway right-of-way, Interstate H–1 freeway, Salt Lake Boulevard, King Street, Dillingham Boulevard or Nimitz Highway, various elevated and underground routes through the Downtown, Capitol District, and Kaka'ako, and along Kapiolani Boulevard and University Avenue. Alignments and stations may be located above, beside, or below these named streets, or through adjacent and connecting property.

At least one maintenance and storage facility would be required. Potential locations include the Navy Barrel Yard adjacent to Leeward Community College, the Aloha Stadium south parking area, Fort Shafter Flats, and the 1982 EIS proposal for the Diamond Head (East) side of Keehi Lagoon.

2. Bus-only alternatives, as a baseline for estimating relative costs and benefits, and as potential "fall-back" alternatives.

The bus-only alternatives would use the existing and committed high-occupancy vehicle (HOV) lanes on Interstate H–1, and the Hotel Street bus mall. Additional HOV lanes might be required on Dillingham Boulevard, King, Beretania, and other connecting streets. Commuter car-pooling lots and bus terminal facility sites might include the Navy Barrel Yard, and/or the "Waikele" site adjacent to the Waipahu Street/Kamehameha Highway Intersection.

A complete list of alternatives to be evaluated will be available at the scoping meeting, or can be obtained by writing or telephoning the Project Office at Rapid Transit Development Division, 650 South King Street, Honolulu, Hawaii 96813, (808) 527–6975.

Probable Effects

Construction of the proposed rapid system would substantially reduce peak hour and all day travel times from the Ewa and Central Oahu areas to Downtown. This will remove one of the major constraints to moderate-income housing development in these areas. Travelers from all other parts of the Honolulu area might experience faster trips, reduced highway congestion, and reduced parking demand.

Impacts during construction could include acquisition of property, relocation of homes and businsses, construction noise and dust, temporary disruption of auto traffic, disruption of parks and recreation areas, and disturbance of archeological and historic resources.

Permanent impacts could include visual and shadow impacts of elevated guideways, stations, and related facilities, changes in travel patterns and transit ridership, noise and vibration impacts, and changes in localized air and water quality.

However, it is the objective of the Project Planning and Engineering to avoid or mitigate any negative impacts.

Comments at the scoping meeting should focus on the appropriateness of the alternatives and other options for consideration in the study and the completeness of the proposed sets of impacts and evaluation criteria, not on individual preferences for a particular alternative as most desirable for implementation.

Issued on February 4, 1987.

Brigid Hines-Cherin,

Regional Administrator, UMTA, Region IX.

[FR Doc. 87–2879 Filed 2–10–87; 8:45 am]

BILLING CODE 4910–57–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review.

Dated: February 4, 1987.

The Department of Treasury has made revisions and resubmitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, P.L. 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding these information collections should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Room 7313, 1201 Constitution Avenue, N.W., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–0134
Form Number: IRS Form 1128
Type of Review: Resubmission
Title: Application for Change in Accounting Period

OMB Number: 1545–0874
Form Number: IRS Form 8328
Type of Review: Resubmission
Title: Limitation on Aggregate Amount of Private Activity Bonds

Clearance Officer: Garrick Shear (202) 566–6150 Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 396–6880, Office of Management and Budget, Room 3208, New Executive Office Building Washington, DC 20503.

Dale A. Morgan,

Departmental Reports Management Office.

[FR Doc. 87–2835 Filed 2–10–87; 8:45 am]

BILLING CODE 4810–25–M

DEPARTMENT OF TREASURY

Fiscal Service

[Dept. Circ. 570, 1986 Rev., Supp. No. 11]

Surety Companies Acceptable on Federal Bonds: Southeastern Reinsurance Company, Inc.

A Certificate of Authority as an acceptable surety on Federal bonds is hereby issued to the following company under sections 9304 to 8308, Title 31, of the United States Code. Federal bond approving officers should annotate their reference copies of the Treasury Circular 570, 1986 Revision, on page 23950 to reflect this addition:

Southeastern Reinsurance Company, Inc.

BUSINESS ADDRESS: 499 NW. 70th Avenue, Suite 200, Plantation, FL 33317. UNDERWRITING LIMITATION [b]: *$2,700,000* SURETY LICENSES [c]: FL. INCORPORATED IN: Florida. FEDERAL PROCESS AGENTS [d].

Certificates of Authority expire on June 30 of each year, unless revoked prior to that date. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR, Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to Underwriting Limitations, areas in which licensed to transact surety business and other information.

Copies of the Circular may be obtained from the Department of Treasury, Financial Management Service, Finance Division, Surety Bond Branch, Washington, DC 20226, telephone (202) 634–2119.

Dated: January 30, 1987.

Mitchell A. Levine,

Assistant Commissioner, Comptroller, Financial Management Service.

[FR Doc. 87–2791 Filed 2–10–87; 8:45 am]

BILLING CODE 4810–35–M

FISCAL SERVICE

[Dept. Circ. 570, 1986 Rev., Supp. No. 12]

Surety Companies Acceptable on Federal Bonds: Termination of Authority Issued to Universal of Omaha Casualty Insurance Co.

Notice is hereby given that the Certificate of Authority issued by the Treasury to Universal of Omaha Casualty Insurance Company, under the United States Code, Title 31, sections 9304 through 9308, to qualify as an acceptable surety on Federal bonds is terminated effective today.

The Company was last listed as an acceptable surety on Federal bonds at 51 FR 23953, July 1, 1986.

With respect to any bonds currently in force with Universal of Omaha Casualty Insurance Company, bond-approving officers for the Government should secure new bonds with acceptable sureties in those instances where a significant amount of liability remains outstanding.

Questions concerning this notice may be directed to the Department of Treasury, Financial Management Service, Finance Division, Surety Bond Branch, Washington, DC 20226, telephone (202) 634–2119.

Dated: January 30, 1987.

Mitchell A. Levine,

Assistant Commissioner, Comptroller, Financial Management Service.

[FR Doc. 87–2814 Filed 2–10–87; 8:45 am]

BILLING CODE 4810–35–M

Sunshine Act Meetings

Federal Register
Vol. 52, No. 28
Wednesday, February 11, 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).

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., February 18, 1987.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Enforcement Quarterly Goals

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 87-2932 Filed 2-9-87; 10:34 am]

BILLING CODE 6351-01-M

FEDERAL COMMUNICATIONS COMMISSION

February 5, 1987.

The Federal Communications Commission will hold an Open Meeting on the Subjects listed below on Thursday, February 12, 1987, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, NW., Washington, DC.

Agenda, Item No., and Subject

General—1—Title: Responsibility of the Federal Communications Commission to consider biological effects of radiofrequency radiation when authorizing the use of radiofrequency devices. Amendment of Part 1 and proposed amendment of Part 80 of the Rules. (Gen. Docket 79-144) Summary: The Commission will consider whether to amend its rules concerning those services subject to environmental evaluation with respect to radiofrequency radiation and those to be excluded categorically from such evaluation.

General—2—Title: Inquiry into Scrambling of Satellite Television Signals and Access to those signals by owners of Home Satellite Dish Antennas. Summary: The Commission will consider a study of the effects of scrambling satellite television signals on access to those signals.

General—3—Title: Amendment of Parts 73 and 76 of the Commission's Rules relating to program exclusivity in the cable and broadcast industries. Summary: The Commission will consider whether to reexamine its rules governing exclusivity agreements covering television programming.

General—4—Title: Compulsory Copyright License for Cable Retransmission. Summary: The Commission will consider whether to initiate an inquiry proceeding concerning compulsory license provisions of the Copyright Revisions Act of 1976.

Common Carrier—1—Title: Implementation and Scope of the International Settlements Policy for Parallel International Communications Routes—Order on Reconsideration. CC Docket No. 85-204. Summary: The Commission will consider whether petitions for modification of certain aspects of its Report and Order on the International Settlements Policy should be granted. Specifically, the Commission will consider the policy's application to voice, indirect, and enhanced services, and the concomitant procedural requirements.

Common Carrier—2—Title: Reconsideration of RCA Global Communications Inc. vs. The Western Union Telegraph Company, File No. E-83-24. Summary: The Commission will consider two petitions for reconsideration, one from RCAGC regarding a Bureau order, and one from Western Union regarding a Commission order. The proceeding concerns the application of the international settlements policy to indirect traffic with various Central American administrations.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Sarah Lawrence, FCC Office of Congressional and Public Affairs, telephone number (202) 632-5050.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-2992 Filed 2-9-87; 2:36 pm]

BILLING CODE 6712-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:09 p.m. on Friday, January 16, 1987, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider matters relating to the possible failure of an insured bank.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Director Robert L. Clarke (Comptroller of the Currency), concurred in by Chairman L. William Seidman, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8)(c)(9)(A)(ii), and (c)(9)(B)).

Dated: January 21, 1987.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 87-3011 Filed 2-9-87; 3:55 p.m.]

BILLING CODE 6714-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Tuesday, January 20, 1987, the Corporation's Board of Directors determined, on motion of Chairman L. William Seidman, seconded by Director C.C. Hope, Jr. (Appointive), concurred in by Director Robert L. Clarke (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Memorandum and resolution re: Final amendments to Part 326 of the Corporation's rules and regulations, entitled "Minimum Security Devices and Procedures for Insured Nonmember Banks," which require regulated institutions to establish and maintain procedures to comply with the requirements of the Money Laundering Control Act of 1986.

By the same majority vote, the Board further determined that no notice earlier than January 15, 1987 of this change in the subject matter of the meeting was practicable.

Dated: January 21, 1987.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 87-3012 Filed 2-9-87; 3:55 p.m.]

BILLING CODE 6714-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed

meeting held at 2:30 p.m. on Tuesday, January 20, 1987, the Corporation's Board of Directors determined, on motion of Chairman L. William Seidman, seconded by Director C.C. Hope, Jr. (Appointive), concurred in by Director Robert L. Clarke (Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than severn days' notice to the public, of the application of Gateway American Bank of Florida, a proposed new bank to be located at 1451 NW. 62nd Street, Fort Lauderdale, Florida, for Federal deposit insurance.

The Board further determined, on motion of Chairman L. William Seidman, seconded by Director C.C. Hope, Jr. (Appointive), concurred in by Director Robert L. Clarke (Comptroller of the currency), that Corporation business required the addition to the agenda for consideration at this meeting, on less than seven days' notice to the public, of (1) a memorandum regarding the renovation of the third and fourth floors in the headquarters building located at 550—17th Street, NW., Washington, DC, and (2) a recommendation regarding the Corporation's assistance agreement with an insured bank pursuant to section 13(c) of the Federal Deposit Insurance Act.

The Board further determined, by the same majority vote, that no earlier notice of these changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(4), and (c)(9)(B)).

Dated: January 21, 1987

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 87-3013 Filed 2-9-87; 3:55 pm]

BILLING CODE 6714-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 4:37 p.m. on Thursday, February 5, 1987, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider (1) a personnel matter, and (2) matters relating to the possible failure of an insured bank.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Director Robert L. Clarke (Comptroller of the Currency), concurred in by Chairman L. William Seidman, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2), (c)(6), (c)(8), (c)(9)(S)(ii), and (c)(9)(B)).

Dated: February 6, 1987.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 87-2950 Filed 2-9-87; 12:14 pm]

BILLING CODE 6714-01-M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

February 5, 1987.

TIME AND DATE: 10:00 a.m., Thursday, February 5, 1987.

PLACE: Room 600, 1730 K Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: In addition to the previously announced items (52 FR 3202; February 2, 1987), the Commission considered the following:

3. *Secretary of Labor on behalf of Corbin, et al. v. Sugartree Corporation*, KENT 86-131-D. (Issues included consideration of the Secretary's motion to dismiss or vacate portions of the direction for review).

4. *Upright Mining, Inc.*, Docket No. KENT 86-115. (Issues included consideration of possible relief from an order of default).

5. *Southern Ohio Coal Company*, Docket Nos. WEVA 86-35-R, etc. (Issues included consideration of the operator's petition for discretionary review.)

It was determined by a unanimous vote of Commissioners that these items be included in the meeting and that no earlier announcement of the additions was possible.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653-5629.

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 87-2973 Filed 2-9-87; 1:22 pm]

BILLING CODE 6735-01-M

POSTAL RATE COMMISSION

TIME AND DATE: 9:00. a.m. on Wednesday, February 18, 1987.

PLACE: Office of the Chairman, 1333 H.Street, NW., Suite 300, Washington, DC.

STATUS: Closed.

MATTERS TO BE CONSIDERED: To consider the motions to dismiss the Complaint of the American Newspaper Publishers Association, Docket No. C87-2.

CONTACT PERSON FOR MORE INFORMATION: Charles L. Clapp, Secretary, Postal Rate Commission Room 300, 1333 H. Street, NW., Washington, DC 20268-0001, Telephone (202) 789-6840.

Cyril J. Pittack,

Acting Secretary.

[FR Doc. 87-3003 Filed 2-9-87; 3:15 pm]

BILLING CODE 7715-01-M

UNITED STATES INSTITUTE OF PEACE

TIMES AND DATES: 9:00 a.m.-5.00 p.m., Thursday, February 19, 1987, and 9:00 a.m.-5.00 p.m., Friday, February 20, 1987.

PLACE: Hoover Institution on War, Revolution, and Peace; DeWitt, Lila, Acheson, Wallace Conference Room Number 30; Herbert Hoover Memorial Building; Stanford University, Stanford, California 94305.

STATUS: Open.

AGENDA (TENTATIVE):.

Thursday Morning

—Dr. Herbert York (Director, Center for Arms Control, University of California at San Diego)
—Mr. Robert Pickus (World Without War)
—Mr. Richard Rathbun (Beyond War)
—Dr. Sidney Hook (Senior Fellow, Hoover Institution)

Thursday Afternoon

—Dr. Charles Wolfe (Rand Corporation)
—Prof. Henry Rowen (Professor of Business, Stanford Business School)
—Dr. Robert Conquest (Senior Fellow, Hoover Institution)
—Prof. Robert Scalapino (University of California at Berkeley)

Friday Morning

—Dr. Coit Blacker (Stanford Arms Control Program)
—Carlos Warter, M.D. (President, World Health and World Peace)
—Prof. Donald Treadgold (University of Washington)

Friday Afternoon

—Dr. Robert North (Professor Emeritus, Stanford University)
—Prof. Kenneth Boulding (University of California at Santa Cruz)

CONTACT: Ms Bernice Carney. Telephone (202) 789-5700.

Dated: February 6, 1987.

Robert F. Turner,

President, United States Institute of Peace.

[FR Doc. 87-2893 Filed 2-6-87; 4:16 pm]

BILLING CODE 3155-01-M

Federal Register

Wednesday
February 11, 1987

Part II

Department of Agriculture

Agricultural Marketing Service

7 CFR Part 928

Papayas Grown in Hawaii; Recommended Decision on Proposed Amendment of the Marketing Agreement and Order; Proposed Rule

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 928

[Docket No. AO-371-A1]

Papayas Grown in Hawaii; Recommended Decision on Proposed Amendment of the Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice of recommended decision invites written exceptions on proposed amendment of the Marketing Agreement and Marketing Order 928, covering papayas grown in Hawaii. The proposed amendment provisions would: (1) Authorize a public member on the committee and changes in the size and composition of the committee, and limit committee member tenure to 3 consecutive 2-year terms of office, (2) provide an additional method of nominating persons to fill committee vacancies, (3) require an affirmative vote by a majority of the committee members to take any action, (4) authorize a late payment charge on past due assessments, (5) authorize container marking regulations, and container identification of inspected papayas, (6) provide for different grade, size, container, container marking, and pack regulations for papayas shipped to different geographical areas and market types, (7) provide for periodic continuance referenda every 6 years, and (8) make conforming changes. The amendments are designed to improve the effectivenes of the marketing order program.

DATE: Written exceptions to this recommended decision filed by interested persons must be received by March 13, 1987.

ADDRESS: Interested persons may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Room 1079, South Building, Washington, DC 20250. Four copies of all written exceptions should be submitted, and they will be made available for public inspection during regular business hours. Copies of this decision may be obtained by contacting the person listed below.

FOR FURTHER INFORMATION CONTACT: Ronald L. Cioffi, Chief, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, Washington, DC 20250, telephone 202-447-5697.

SUPPLEMENTARY INFORMATION: Prior Document in this Proceeding: Notice of Hearing issued November 8, 1985, and published in the **Federal Register** (50 FR 46773, November 13, 1985).

This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and therefore is excluded from the requirements of Executive Order 12291.

Preliminary Statement

Notice is hereby given of the filing with the Hearing Clerk of this Recommended Decision with respect to the proposed amendment of the Marketing Agreement and Marketing Order 928, regulating the handling of papayas grown in Hawaii, hereinafter referred to collectively as the "order".

This notice of filing of the Recommended Decision and of opportunity to file exception thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*) hereinafter referred to as the "Act", and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900).

This proposed amendment of the order was formulated on the record of a public hearing held on November 20-21, 1985, at Hilo, Hawaii. Notice of this hearing was published in the **Federal Register** (50 FR 46773, November 13, 1985). The notice of hearing contained amendment proposals submitted by the Papaya Administrative Committee established under the order, hereinafter referred to as the "committee". The Department of Agriculture proposed that it be authorized to make any necessary conforming changes.

The Administrator of the Agricultural Marketing Service has determined that this action would not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*). As stated in the Notice of Hearing, interested persons were invited to present evidence at the hearing on the probable regulatory and informational impact of the amendment proposals on small business for purposes of the RFA.

During the fiscal year ending December 31, 1985, approximately 100 handlers regulated under Marketing Order 928 handled papayas for fresh market with an estimated crop value of $8.4 million. The average value per handler was approximately $84,000. Given an appropriate definition of a small business concern (i.e., for purposes of review pursuant to the Regulatory Flexibility Act, an agricultural services firm with average annual receipts not exceeding $3,500,000), almost all of the handlers of papayas would fall within that definition. Thus, few handlers, if any, can be considered large or predominant in a relative or absolute sense.

The amendment contains provisions pertaining to the structure and functioning of the committee and operations of the order which would: (1) Authorize a public member on the committee to provide public input; (2) authorize changes in the size and composition of the committee to maintain equitable grower and handler representation on the committee; (3) limit committee member tenure to 6 years to broaden the base of participation in order decisions; (4) provide an additional method of nomination to facilities filling committee vacancies; (5) require an affirmative vote by a majority of the committee members to take any action to accommodate changes in committee size, and (6) provide for periodic continuance referenda to allow producers an opportunity to evaluate and express support or disapproval of the order. Such amendments are designed to enhance the administration and functioning of the marketing order, and would have negligible, if any, economic impact on small businesses.

The amendment also contains a provision pertaining to assessments levied under the order paid by papaya handlers, authorizing a late payment charge on overdue assessments. This provision, if implemented by informal rulemaking, would only be applicable to those papaya handlers who fail to pay their assessments on time. The provision is designed to improve the financial operations of the order by encouraging handlers to pay these assessments in a timely manner. The amendment would not affect a substantial number of small entities since most of the handlers traditionally make timely assessment payments. The extra cost to delinquent handlers would not be a significant economic impact on their total operations and could be entirely avoided by making timely assessment payments.

One of the amendment provisions would add authority to the order providing for the issuance of container marking regulations and container identification of inspected papayas. While the major handlers currently mark their containers, such markings are not uniform throughout the industry, and a few handlers either incorrectly mark or do not mark their containers.

Including container marking authority in the order would permit the issuance of mandatory standardized container marking requirements. Markings on containers provide information used by the committee, handlers, and the trade to identify the contents in the container. Mandatory marking requirements would primarily impact handlers who practice mismarking or do not mark containers, and such handlers would incur the additional minimal costs associated with container marking. On the other hand, papaya handlers who currently mark their containers would only be impacted negligibly as they would only need meet the standardized marking requirements. Any requirements would be designed to provide the papaya industry and trade information necessary for efficient marketing of the papaya crop.

The remaining amendment provision would authorize the issuance of different grade, size, container, container marking, and pack regulations for papayas shipped to different geographical areas and market types identified by the committee and approved by the Secretary. The order now authorizes that regulations for shipments within Hawaii may differ from those shipped outside the State. The proposed provision would enable the committee to recommend and the Secretary to issue different regulations for different markets depending on the characteristics of those markets. As all fresh papaya shipments are now regulated under the order, the issuance of separate regulations would not measurably increase the regulatory burden on handlers. Any such different regulations issued would be designed to improve returns to papaya producers, by tailoring the regulations to the demands of specific markets. Thus, any possible slight economic impact on handlers should be offset by increased sales opportunities.

Finally, the amendments to the order would have no significant impact on small businesses' recordkeeping and reporting burdens.

Material Issues

The material issues of record are as follows:

(1) Whether the order should authorize a public member on the committee and changes in the size and composition of the grower and handler members on the committee, and limit committee member tenure to 3 consecutive 2-year terms of office;

(2) Whether a new method should be authorized to nominate persons to fill vacancies on the committee;

(3) Whether to require an affirmative vote by a majority of the committee members to take any action;

(4) Whether authority should be provided in the order authorizing the establishment of a late payment charge on past due assessments;

(5) Whether to add authority providing for container marking regulations, and container identification of inspected papayas;

(6) Whether to provide for the issuance of different grade, size, container, container marking, and pack regulations for papayas shipped to different geographical areas and market types;

(7) Whether the order should require a referendum every 6 years to determine if producers favor continuance of the order; and

(8) Whether conforming changes should be made.

Findings and Conclusions

The findings and conclusions on the material issues, all of which are based on the record of the hearing, are as follows:

(1) Section 928.20 should be amended to provide that the committee may be increased by one public member and one alternate public member nominated by the committee and selected by the Secretary. Presently, the public member and alternate member positions are not expressly provided for in the order. However, the committee currently is functioning with a public member and alternate serving in unofficial capacities, who provide substantial assistance to the committee in its advertising and promotion programs, and research efforts on nutrition. The current public member has served on the committee since 1980 on an informal basis. Due to their current status, the public member and alternate are not officially selected by the Secretary, and they do not have voting rights, and their qualifications and terms of office are not specified in the order.

The testimony indicates that the order should be amended to authorize the selection of a public member and alternate member to serve on the committee. The term of office of the public member should be two years, to be served concurrently with the grower and handler members' term of office on the committee. As the public member and alternate member are expected to actively participate in the committee's activities, they should be afforded full voting rights upon all matters which may come before the committee. The public member and alternate should be nominated by the committee, which will submit the candidates' names to the Secretary for selection.

The committee, with the approval of the Secretary, shall establish such qualifications and nomination procedures as it deems necessary for the public member and alternate. However, the committee should nominate persons who are not papaya growers or handlers, and who do not have a direct financial interest in the papaya industry. Types of experience which would be desirable on the part of both the public member and alternate public member is that gained as nutritionists, University Extension Service persons, and public relations persons.

The committee should have full discretion as to when and if the public member and alternate should be added. There may be times when the committee is unable to find qualified candidates for the public member and alternate positions, or it may not be able to agree on suitable candidates. In such instances the positions should remain vacant until suitable candidates are found.

Also, §§ 928.20 and 928.31 should be amended to provide that the number of grower and handler member positions on the committee may be increased or decreased, and that the composition of the committee may be changed by changing the ratio between the grower and handler members. Such changes should be permitted under informal rulemaking upon the recommendation of the committee and approval of the Secretary. At the present time, the order provides for a 13-member committee comprised of 10 grower and 3 handler members, with an alternate for each, but does not provide for changes to be made in its size and composition by informal rulemaking.

The evidence indicates that substantial change has occurred in the size and structure of the Hawaiian papaya industry since the order's inception in 1971. One such change is that the number of papaya growers increased from 153 in 1971 to 306 in 1984. In addition, during the 1971-84 period, the number of papaya acres more than doubled reaching 2,165 acres in 1984, while papaya production more than tripled amounting to 66.1 million pounds in 1984. Another change is that the number of major handlers has increased from 3 in 1971 to 7 at the present time. The testimony indicates that these 7 major handlers are actually 7 packinghouses representing, to a considerable extent, the interests of various growers' groups which utilize the packing facilities.

Another type of change has been continual shifting of papaya production among the larger Hawaiian islands. While major production has always been on the island of Hawaii, where now about 90 percent of the papayas are produced, there have been substantial plantings on other islands from time-to-time. During the 1972-79 period, substantial papaya plantings occurred on the island of Maui, but most of these were later abandoned. Substantial papaya plantings occurred on the island of Kauai in the late 1970's, but production has fluctuated considerably due to disease and weather problems. In the future, additional production shifts could occur, especially resulting from the development of new varieties of papayas and better disease control methods.

In recognition of these changes and changes which may occur in the future, the evidence indicates that the order should be amended to authorize the committee to recommend and the Secretary to change the size and composition of the committee by the issuance of rules and regulations under the order. Such changes may be necessary to obtain as well as maintain equitable grower and handler representation on the committee reflecting the size and structure of the Hawaiian papaya industry at a particular point in time. This amendment provision would permit the committee to hold committee meetings, open to the public, when necessary to fully consider the merits of making any changes in the size and composition of the committee, and to submit its recommendations to the Secretary for approval. Such amendment provision would provide flexibility in the order to permit needed changes to be made in the size and composition of the committee when and if warranted, without the need to conduct a formal rulemaking proceeding to amend the order, which would be time consuming and costly.

In addition, §§ 928.11 and 928.20 should be amended to reflect changes made under § 928.31 of the order by the issuance of an informal rule in 1984 which redefined the districts into which the production area is divided, and reapportioned committee members' representation among the districts. That rule established § 928.111 redefining the 4 districts into which the production area had been divided into 3 districts by combining districts 2 and 3. That rule also established § 928.120 reapportioning the committee membership among the 3 redefined districts. Shifts in papaya production within the production area made the district redefinition and member reapportionment necessary at that time to obtain more equitable grower representation on the committee. At the hearing, proponents supported changing § 928.20 as published in Proposal No. 1 of the notice of hearing. In addition, they supported incorporating the current provisions of § 928.120 and § 928.20. However, the language in the notice of hearing did not include a proviso contained in paragraph (b) of § 928.120. That proviso specifies that of the 2 grower members and 2 alternates from District 2, at least one alternate grower member shall be a producer of papayas in either Maui or Kalawao county. If the committee or any other interested persons are of the opinion that the proviso in § 928.120 should be incorporated into § 928.20 they should file written exceptions to this recommended decision, containing an explanation of their views. Sections 928.111 and 928.120 would later be removed by informal rulemaking because they then would be redundant.

Hawaii's papaya industry is still relatively young and in a rapid growth stage. Therefore, further shifts in papaya production within the production area are likely to continue to occur. Thus, there may be a need to redistrict and reapportion the committee in the future and the order should continue to provide authority for making any needed changes.

Furthermore, several changes are needed in § 928.23 to conform with recommended amendments to §§ 928.20 and 928.26. Reference to the number of grower and handler members to be selected in § 928.23 should be deleted because the amendment of § 928.20 would authorize changes to be made in the number of committee members. Also, selection of a public member and alternate should be specified in § 928.23, as amendment of § 928.20 would authorize the addition of a public member to the committee. In addition, reference to nominations made under § 928.26 should be specified in § 928.23. Finally, obsolete language pertaining to selection of the initial members of the committee in 1971 should be removed from § 928.23, as such language no longer serves any constructive purpose.

Furthermore, § 928.24 should be amended to conform with the recommended amendment of § 928.20 which would authorize the nomination of a public member and alternate, and the amendment of § 928.26 which would provide another method for nominating grower and handler members.

Section 928.21 should be amended to limit each member's tenure on the committee to three 2-year consecutive terms of office. Presently, the tenure of committee members is not limited under the order. Testimony was received in support of this proposal, with the reservation expressed that the committee at times has had difficulty finding enough qualified candidates. However, the testimony also indicates that more alternate members could attend committee meetings to gain experience in committee operations, and thereby become more highly qualified to serve in the member positions at some future date. Any member who becomes ineligible to serve another term as member after having served three 2-year consecutive terms shall again be eligible to serve in a member position after having served as an alternate member on the committee for at least a one 2-year term of office, or after having not served on the committee as a member or as an alternate member for a one 2-year term of office. This provision limiting each member's tenure to three 2-year consecutive terms of office as a member on the committee should not be applied retroactively to members currently serving on the committee. Thus, this provision would be applicable only to members selected after the effective date of this proposed amendment, and it would not apply to limit the number of consecutive terms of alternate members. Limiting the tenure of committee members as proposed would be in accordance with the Department's guidelines for marketing orders. In general, such limitations will help bring additional persons into active roles in the administration of the order.

Obsolete language in § 928.21 pertaining to the initial members whose terms of office expired in 1972 should be deleted as it no longer serves any constructive purpose.

(2) Sections 928.22 and 928.26 should be amended to authorize another nomination method whereby the committee nominates persons to fill vacancies on the committee. Currently the committee is required to hold nomination meetings to obtain names of candidates to fill all vacancies occurring on the committee. The testimony indicates that at times it may not be necessary or prudent to spend the time and money needed to obtain the names of qualified candidates to fill vacancies as currently required. The committee's testimony indicates that when a grower vacates a position on the committee, that position is usually filled by a person nominated by fellow growers associated with the same grower group with which

the former member was associated, and that when a handler vacates a position on the committee, that position is usually filled by a person nominated by the packinghouse with which the former member was associated. Both the incumbent grower and handler members on the committee, and the various grower groups and packinghouses are knowledgeable of and in a good position to submit the names of highly qualified growers or handlers to the committee to fill vacancies when they occur. The committee should be authorized to solicit the names of qualified candidates from such persons and organizations to filll any vacancy occurring on the committee, and submit the name of the candidate which it considers most highly qualified to the Secretary for selection.

There may be situations in which it is more appropriate or even necessary that the committee hold nomination meetings to obtain candidates to fill vacancies. For instance, the incumbent committee members, or the grower group or packinghouse responsible for supplying a candidate's name to fill a vacancy, may not be able to agree on a candidate, or a candidate's name may not be supplied to the committee for some other reason. Therefore, the committee should be able to either conduct formal nomination meetings, or use the proposed new method, to obtain candidates names to fill vacancies when they occur on the committee.

The committee should decide which method is most appropriate to use under the circumstances in obtaining the names of the most highly qualified candidate at the time the vacancy occurs. The committee is currently responsible for the conduct of nomination meetings every 2 years to obtain the names of growers and handlers willing to serve on the committee for the ensuing 2-year term of office, as well as the conduct of special nomination meetings to fill vacancies, and it is in a good position to determine which method should be used to obtain candidates.

Occasionally, the situation may arise in which no one is nominated at regular committee nomination meetings to fill a particular position on the committee, and in that event the committee should have the option of obtaining the name of a candidate to fill the position using the proposed new method. The conduct of a second nomination meeting to fill positions in such instances is time consuming and costly, and may not be necessary to obtain highly qualified candidates. When there is failure to nominate a candidate for a committee position at a scheduled nomination meeting, this position should be considered vacant under the order, so that the committee can name a candidate using the proposed new method, and thereby not be required to conduct another nomination meeting.

In addition, in § 928.22 paragraph (a) should be deleted as it pertains to the nomination of the initial members of the committee, which occurred shortly after the order became effective in 1971. Such language is now obsolete and no longer serves any constructive purpose.

Finally, under § 928.21 the beginning and ending dates of the term of office of committee members may be changed by informal rulemaking. Section 928.22 currently provides that nomination meetings will be held ny November 15 of each even numbered year. Since it has always been the intent that nomination meetings be held at least 45 days before the beginning of the term of office, § 928.22 should be amended to better reflect this intent.

(3) Section 928.32 should be amended to require an affirmative vote by a majority of the committee members to take any action at all committee meetings. Currently, the order provides that a majority of the committee, including alternates acting for members, shall constitute a quorum, and that any action of the committee shall require at least 7 concurring votes, which is a majority of the 13-member committee as it is currently constituted. Testimony in favor of amending current order provisions was presented to continue the current quroum requirements, and to require an affirmative vote of a majority of committee members to take any action. Specifying 7 concurring votes is no longer appropriate because other amendment proposals would authorize the committee with the approval of the Secretary to change the size of the committee. One such proposal would permit the Secretary to increase or decrease the number of grower and handler members on the committee, and another would permit the addition of a public member to the committee. Both of these proposed changes were discussed in material issue (1). Therefore, it is appropriate that § 928.32 be amended to provide that any committee action be based on the affirmative vote of a majority of the committee members, including alternates acting for members.

(4) Section 928.41 should be amended to provide authority in the order for the Secretary to establish, upon the recommendation of the committee, a late payment charge on past due assessments owed to the committee by papaya handlers. Currently, the order does not authorize this, but it does provide for the charging of interest on unpaid assessments. The testimony indicates that authority is needed in the order to establish late payment charges on unpaid assessments in addition to interest charges already authorized, as an added inducement to encorage handlers to pay assessments owed to the committee on a timely basis. Such assessments are established under the order, and are based on the quantity of fresh papayas each handler ships to market.

Late payment and non-payment of assessments by some handlers have increased in recent years and now constitutes a serious problem to the detriment of committee operations. Some handlers have apparently found it more advantageous to make late payments (plus the interest charges), than to seek commercial financing in conducting their operations. The committee has been unable to collect substantial amounts of assessments owed by papaya handlers when due, and has found it necessary at times to borrow substantial sums of money to meet its financial obligations. Also, the committee has incurred substantial expenses in attempts to collect overdue assessments. The practice of not paying assessments or paying them late has placed an unfair burden on handlers who pay their assessments on time. They have ended up paying more than their fair share of committee expenses.

The testimony also indicates that the late payment charge should be an amount of money levied by the committee on any handler who fails to pay his or her assessments owed to the committee within a prescribed period of time after the assessments become due, and after the handler has been notified by the committee that the late payment charge is owed to the committee. The period of time and the amount of late payment charge should be recommended by the committee and established by the Secretary by the issuance of rules and regulations under the order. This would add flexibility to the order permitting any needed changes to be made as necessary without amending the order. The late payment charge should be an amount sufficient to induce handlers to pay their assessments on a timely basis. One suggestion expressed at the hearing was that the amount established for individual handlers should be directly related to the amount of unpaid assessments owed by handlers. Any rule providing for a late payment charge should apply uniformly to all handlers who do not make timely assessment

payments. Of course, handlers who pay their assessment obligations when due would not have to pay the late payment charge.

Testimony also was introduced in opposition to certain aspects of the proposal to authorize a late payment charge in the order. In general, the major objection was that it would provide an inflexible rule which would not take into account the special circumstances confronting handlers who could not pay their assessments on time. Such testimony suggested that the proposed amendment should provide flexibility whereby the committee could deal with each delinquent assessment case on an individual basis taking into account the financial conditions confronting the handler at that time. Such proposed modification is not recommended because it would necessitate the adoption of a nonuniform rule which would have to be applied to handlers differently. Furthermore, if this amendment proposal is adopted, affected handlers would have an opportunity to discuss the merits of any proposed late payment charge at committee meetings held at some future date. At those meetings all aspects of the matter would be open for discussion, including the amount of the late payment charge, the method of calculating the late payment charge, and under what conditions late payment charges should be levied. In addition, any committee recommendation for a late payment charge would need to be submitted to the Secretary who would consider the merits of the proposed late payment charge, and a rule establishing a late payment charge would only be issued after interested persons had an opportunity to comment on its merits.

(5) Section 928.52 should be amended by revising paragraph (a)(3) to permit issuance of container marking regulations under the order, and § 928.55 should be amended to permit issuance of rules and regulations designed to make sure inspection and certification requirements are met and that containers of papayas which have been inspected and certified are properly identified. Currently, the order does not contain authority to require that handlers appropriately mark containers of papayas shipped under the order, nor does it require the identification of containers of papayas which have been inspected and met order requirements.

The testimony indicates that authority is needed in the order to permit the committee to recommend and the Secretary to issue container marking regulations, including the marking of containers which have been inspected and certified for handling. At the present time, papayas are generally packaged in 10 and 25 pound fibreboard containers for shipping. The markings contemplated under this proposed authority would be required to be placed on these 2 containers, as well as any other container which handlers might use to ship papayas.

Currently, the 7 major handlers are marking their containers to indicate that the papayas have been inspected and certified by the Federal-State Inspection Service. On the other hand, there have been occasions in the past when certain handlers have shipped papayas in containers which were incorrectly marked or not marked at all to evade quality, inspection, and assessment payment requirements effective under the order. Such activities have led to situations where substandard papayas have been delivered to retailers or wholesalers without going through proper procedures. Because papayas are marketed as a generic product, shipment of even limited quantities of substandard fruit tends to demoralize the market for better quality fruit meeting order requirements. This is not in the interest of growers, handlers, and consumers. Also, the shipment of papayas in containers without markings or with improper markings has made the committee's compliance efforts extemely difficult. The reason for this is that the committee uses the markings on containers as a means of determining if the papapas have been inspected, and who packed and handled the fruit. The committee also uses container marking information to determine who first handled the papapas, and who is obligated to pay assessments to the committee on the fruit handled.

The testimony also indicates that the authority in the order should be broad enough to provide that any container marking requirements issued under rules and regulations be uniform. Uniform container markings would provide persons in the marketing chain with necessary information about the fruit in the containers needed to make informed decisions, and help lead to stable marketing conditions for papayas.

Types of container marking requirements which may be needed to properly identify the containers, and provide safeguards against the shipment of uninspected papayas include: (1) Labels to identify the packer and/or handler of the papayas, (2) the grade, size, weight, and variety of the papayas, and (3) the inspection and lot stamps applied by or under the direction of the Federal-State Inspection Service. Also, the marking of containers, possibly with color codes, may be necessary for compliance purposes, if the amendment proposal discussed in material issue (6) authorizing separate regulations for papayas shipped to different geographical areas and market types is ultimately adopted.

(6) Section 928.52 should be amended by revising paragraph (a)(4) to permit different grade, size, quality, maturity, pack, and container marking regulations for papayas shipped to different markets such as different geographical areas and market types when recommended by the committee and approved by the Secretary. Currently, the order provides that such regulations may only differ for papayas shipped to markets within the State of Hawaii, from those for papayas shipped to markets outside the State. The testimony indicates that there is a need to expand authority in the order to provide for separate papaya regulations for additional markets, both inside and outside of Hawaii. Such markets could be geographical areas, such as an island, city, county, state, country, group of countries, or continent, or they could be a specific market type, such as the farmers' markets in Hawaii. A market type should be defined as a particular type of market within a geographical area or areas identified by the committee at some future date.

Over the past several years it has become more and more difficult for the committee to recommend appropriate regulations to the Secretary because the order currently only provides for separate regulations for 2 different geographical areas (i.e., markets within Hawaii, and markets outside Hawaii). Since the order became effective in 1971, the marketing conditions for papayas have changed considerably. For instance, now the market for papayas in Japan is quite different from that in the United States, and the market in the city of Honolulu on the island of Oahu is quite different from markets in the smaller towns and rural areas in the other Hawaiian islands. Farmers' markets in Hawaii have proliferated over the past several years, and such markets have different characteristics and clientele than those in the retail stores in the major cities.

Due to market differentiation among various markets separate grade, size, quality, maturity, pack, container, and container marking regulations should be permitted for papayas shipped to different geographical areas and market types. Expanding authority in the order to provide for such different regulations for different geographical areas and market types should enable the committee to recommend and the

Secretary to issue more suitable regulations, and thereby ultimately increase papaya sales and improve returns to producers. Such added authority in the order would enable the marketing order to more nearly meet the needs of the papaya industry in the future. The papaya industry will be better able to react to changes in the marketplace over time, and the anticipated development of new papaya varieties over the next several years with different characteristics suitable for different markets.

(7) Section 928.64 should be amended by redesignating current paragraph (e) as paragraph (f) and by adding a new paragraph (e) to provide that the Secretary shall conduct a continuance referendum every 6 years prior to October 1, beginning 6 years from the effective date of this proposed amendment, to ascertain whether continuance of this order is favored by producers. Currently, the order does not provide for the conduct of periodic continuance referenda, but does provide that the Secretary shall conduct a continuance referendum when recommended by the committee. Of course, in the event there is a demonstrated reason, the order provides that the Secretary can hold a continuance referendum at any time.

The order provides that the Secretary shall terminate the order if a majority of all producers favor termination and such majority produced more than 50 percent of the papayas for market. Since less than 50 percent of all producers usually participate in a referendum, it is difficult to determine producer support for termination of an order. In order to provide a basis for determining whether producers favor continuance of the order, a new paragraph (e) should be added to § 928.64 to authorize periodic continuance referenda. The results of such referenda should be based upon the same percentage set forth in section 8(c)(8) of the Act with respect to producer approval of the issuance of a marketing agreement and order. This section of the Act requires approval by two-thirds of the producers voting in the referendum or by producers who have produced two-thirds of the volume of production voted during a representative period. This is an appropriate basis for ascertaining whether papaya producers favor continuation of the order.

In the event that the requisite majority of producers, by number or volume of production represented in the referendum, do not approve continuation of the order, the Secretary should consider termination of the order but would not be required to terminate. In evaluating the merits of termination, the Secretary should not only consider the results of the continuance referendum, but also should consider all other relevant information concerning the operation of the order and the relative benefits and disadvantages to producers, handlers, and consumers in order to determine whether continued operation of the order would tend to effectuate the declared policy of the Act. In this regard, the Secretary may solicit input from the public through meetings, press releases, or any other means. In any event, section 8c(16)(B) of the Act requires the Secretary to terminate the order whenever the Secretary finds that a majority of all producers favor termination and such majority produced more than 50 percent of the papayas for market. To be effective, termination of the order should be announced on or before December 15 of the then current fiscal year. This date precedes the beginning of committee operations for a new fiscal year and is considered to be appropriate under the circumstances.

This amendment to the order would provide papaya producers with the opportunity periodically to indicate their support for or rejection of the order, and the periodic continuance referenda provided for would help to ensure that the order continues to be accountable to the producers. Such authority would also obligate producers to periodically evaluate their order and so involve them more closely in its operation.

Testimony was also received proposing that the period between periodic continuance referenda should be 10 years. Such proposal is not recommended because a 10-year period would be too long. Producer sentiment toward the order could change in a shorter period of time, and a 6-year period is considered more appropriate.

Testimony also was received recommending that a periodic continuance referendum only should be conducted as scheduled, if a substantive amendment to the order had not been approved by producers within the 10-year period since the prior referendum. Such proposal is not recommended because a favorable vote in a referendum on a particular amendment to the order, would not necessarily demonstrate producer approval for the entire order.

Testimony also was received recommending that the decision to conduct a periodic continuance referendum be predicated on an affirmative vote of 50 percent or more of the papaya producers obtained in an informal mail survey conducted to determine if there is a need for a continuance referendum. The primary reason presented in support of this proposal was that the conduct of continuance referenda are time consuming and costly. This proposal is not recommended because an informal mail survey of producers would not necessarily provide a definitive indication of producer support for or against continuation of the order, especially if producer support was marginal. Also, with respect to the issue of time and cost incurred in the conduct of continuance referenda, such referenda would be conducted by and any related costs incurred by the Secretary.

(8) A proposal in the notice of hearing by the Department of Agriculture was that it be authorized to make any necessary changes in the order language to make the entire order conform with any amendments resulting from this proceeding. This proposal was supported at the hearing without opposition, and such changes as are necessary have been incorporated into this order. These conforming changes include various miscellaneous nonsubstantive formating changes in the order language, and removal of obsolete material. These changes have been discussed in the material issues where appropriate.

Rulings on Briefs of Interested Persons

At the conclusion of the hearing, the Administrative Law Judge fixed February 3, 1986, as the final date for interested persons to file proposed findings and conclusions and written arguments or briefs, based on the evidence received at the hearing. None were filed.

General Findings

Upon the basis of the record, it is found that:

(1) The findings hereinafter set forth are supplementary, and in addition to, the previous findings and determinations which were made in connection with the issuance of the marketing agreement and order. Except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein, all of said prior findings and determinations are hereby ratified and affirmed;

(2) The marketing agreement and order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(3) The marketing agreement and order, as hereby proposed to be

amended, regulate the handling of papayas grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(4) The marketing agreement and order, as hereby proposed to be amended, are limited in their application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the Act;

(5) There are no differences in the production and marketing of papayas grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(6) All handling of papayas grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

List of Subjects in 7 CFR Part 928

Marketing agreements and orders, Papayas, Hawaii.

Recommended Amendment of the Marketing Agreement and Order

The following amendment of the marketing agreement and order is recommended as the detailed means by which the foregoing conclusions may be carried out.

PART 928—PAPAYAS GROWN IN HAWAII

The authority citation for 7 CFR Part 928 continues to read as follows:

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

2. Revise § 928.11 to read as follows:

§ 928.11 District.

"District" means the applicable one of the following described subdivisions of the production area, or such other subdivisions as may be prescribed pursuant to § 928.31(o):

(a) District 1 shall include the island of Hawaii.

(b) District 2 shall include the county of Kauai which consists of the islands of Kauia and Niihau; the county of Maui which consists of the islands of Maui, Molakai, Lanai, and Kahoolawe; and Kalawao County.

(c) District 3 shall include the county of Honolulu which includes all of the island of Oahu.

3. Revise § 928.20 to read as follows:

§ 928.20 Establishment and membership.

There is hereby established a Papaya Administrative Committee consisting of 13 members, each of whom shall have an alternate who shall have the same qualifications as the member. Ten of the members and their alternates shall be growers and are referred to as "grower" members of the committee. Seven of the grower members and their alternates shall be producers of papayas in District 1, two grower members and their alternates shall be producers of papayas in District 2, and one grower member and alternate shall be producers of papayas in District 3. No grower organization shall be permitted to have more than 3 members on the committee. Three of the members and their alternates shall be representatives of handlers and are referred to as "handler" members of the committee. The 3 handler members and their alternates shall be selected from the production area at large. No handler organization shall be permitted to have more than one handler member on the committee. The number of grower and handler members and alternates on the committee, and the composition of the committee between growers and handlers may be changed as provided in § 928.31(o). The committee also may be increased by one public member and one alternate public member nominated by the committee and selected by the Secretary. The committee, with the approval of the Secretary, shall prescribe the qualifications of, and the nominating procedure for, the public member and alternate.

4. Revise § 928.21 to read as follows:

§ 928.21 Term of office.

The term of office of each member and alternate member of the committee shall be for 2 years beginning January 1 and ending on the second succeeding December 31, or such other dates recommended by the committee and established by the Secretary. The consecutive terms of office of a member shall be limited to three 2-year terms. Members and alternate members shall serve in such capacity for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

5. Amend § 928.22 by removing paragraph (a), by redesignating current paragraph (b) as (a), by revising the first sentence of new paragraph (a), and by adding a new paragraph (b) to read as follows:

§ 928.22 Nomination.

(a) *Succesor Members.* (1) The committee shall hold or cause to be held, not later than 45 days before the beginning of the term of office of committee members, separate meetings of growers in each district and a meeting of handlers for the purpose of designating nominees for successor members and alternate members of the committee, which shall be publicized and open to all growers and handlers. * * *

(b) In the event that nominees for all available positions are not provided by the aforesaid procedure, then such unfilled positions shall be treated as vacancies and the provisions of § 928.26 shall apply.

6. Revise § 928.23 to read as follows:

§ 928.23 Selection.

The Secretary shall select the grower, handler, and public members, and an alternate for each, from nominations made under §§ 928.20, 928.22 and 928.26, or from other qualified persons.

7. Revise § 928.24 to read as follows:

§ 928.24 Failure to nominate.

If nominations are not made in the time and manner prescribed in §§ 928.20, 928.22 and 928.26, the Secretary may without regard to nominations select the members and alternate members of the committee.

8. Revise § 928.26 to read as follows:

§ 928.26 Vacancies.

To fill any vacancy occassioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§ 928.20, 928.22, and 928.23: *Provided,* That the committee may in its discretion submit its recommendation to the Secretary of a nominee eligible to serve in accordance with the requirements specified in § 928.20. To the extent practicable, the committee's recommended nominee for a grower member or alternate grower member position to represent a particular district shall be a grower recommended to this committee by the incumbent grower representatives of the committee from a particular district, or such nominee shall be a qualified grower recommended by the grower group with which the former member was associated immediately prior to vacating the position; and the recommended nominee for a handler member or alternate handler member

position shall be the handler recommended to the committee by the incumbent handler representatives of the committee, or such nominee shall be a qualified handler recommended by the packinghouse with which the former member was associated immediately prior to vacating the position.

9. Amend § 928.31 by revising paragraph (o) to read as follows:

§ 928.31 Duties.

* * * * *

(o) With the approval of the Secretary, to redefine the districts into which the production area is divided, to reapportion the grower member representation on the committee among the districts, to increase or decrease the number of grower and handler members and alternates on the committee, and to change the composition of the committee by changing the ratio between grower and handler members including their alternates. Any such changes shall reflect, insofar as practicable, structural changes within the papaya industry and shifts in papaya production among the districts within the production area.

10. Amend § 928.32 by revising paragraph (a) to read as follows:

§ 928.32 Procedure.

(a) A majority of all members of the committee, including alternates acting for members, shall be necessary to constitute a quorum and such majority must concur to approve any committee action.

* * * * *

11. Amend § 928.41 by revising the last sentence in paragraph (b) to read as follows:

§ 928.41 Assessments.

* * * * *

(b) * * * Assessments not paid within a period of time prescribed by the committee may be made subject to interest or late payment charges, or both. The period of time, rate of interest, and late payment charge shall be as recommended by the committee and approved by the Secretary. When such interest or late payment charges are in effect, they shall be applied to all assessments not paid within the prescribed period of time.

12. Amend § 928.52 by revising paragraph (a)(3) and (a)(4) to read as follows:

§ 928.52 Issuance of regulations.

(a) * * *

(3) Fix the size, capacity, weight, dimension, marking, or pack of the container, or containers, which may be used in the packaging or handling of papayas.

(4) Prescribe different requirements under paragraph (a)(1) through (a)(3) of this section for the handling of any variety of papayas to destinations within any geographical area or market type identified and recommended by the committee and approved by the Secretary.

* * * * *

13. Amend § 928.55 by adding a new paragraph (c) to read as follows:

§ 928.55 Inspection and certification.

* * * * *

(c) The committee, with the approval of the Secretary, may prescribe such rules and regulations as it may deem necessary to assure compliance with this section and provide for identification of containers of papayas which have been inspected and certified for handling.

14. Revise § 928.64 to read as follows:

§ 928.64 Termination.

(a) The Secretary may at any time terminate the provisions of this order by giving at least one day's notice by means of a press release or in any other manner which the Secretary may determine.

(b) The Secretay shall terminate or suspend the operation of any and all of the provisions of this order whenever the Secretary finds that such provisions do not tend to effectuate the declared policy of the Act.

(c) The Secretary shall terminate the provisions of this order at the end of any fiscal year whenever the Secretary finds by a referendum or otherwise that continuance is not favored by the majority of producers who, during a representative period determined by the Secretary, were engaged in the production area in the production of papayas for market: *Provided,* That such majority has produced for market during such period more than 50 percent of the volume of papayas produced in the production area. Such termination shall be effective only if announced on or before December 15 of the then current fiscal year.

(d) Upon recommendation of the committee, received not later than October 1 of an even-numbered year, the Secretary shall conduct a referendum prior to December 1 of such year to ascertain whether continuance of this order is favored by the producers.

(e) The Secretary shall conduct a continuance referendum every sixth fiscal year prior to October 1, with the first such referendum to be conducted within 6 years from the effective date of this amendment of this section, to ascertain whether continuance of this order is favored by producers. The Secretary may terminate the provisions of this order at the end of any fiscal year in which the Secretary has found that continuance of this order is not favored by producers who, during a representative period determined by the Secretary, have been engaged in the production for market of papayas in the production area. Such termination of the order shall be effective only if announced on or before December 15 of the then current fiscal year.

(f) The provisions of this order, shall, in any event, terminate whenever the provisions of the Act authorizing them cease to be in effect.

Signed at Washington, DC, on February 5, 1987.

J. Patrick Boyle,

Administrator.

[FR Doc. 87-2839 Filed 2-10-87; 8:45 am]

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Wednesday,
February 11, 1987

Part III

Office of Personnel Management

5 CFR Part 842

Federal Employees Retirement System-Basic Annuity; Eligibility Requirements and Basic Annuity Computation; Interim Rule With Request For Comments

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 842

Federal Employees Retirement Sytem—Basic Annuity; Eligibility Requirements and Basic Annuity Computation

AGENCY: Office of Personnel Management.

ACTION: Interim rule with request for comments.

SUMMARY: The Office of Personnel Management (OPM) is issuing rules to implement the basic annuity provisions of the Federal Employees' Retirement System (FERS) Act of 1986. These rules regulate the eligibility requirements for receiving benefits, and basic computation of those benefits.

DATES: Interim rules effective January 1, 1987; comments must be received on or before April 13, 1987.

ADDRESS: Send comments to Frank D. Titus; Director, FERS Implementation Task Force; Retirement and Insurance Group; Office of Personnel Management, P.O. Box 884, Washington, DC 20044; or deliver to OPM, Room 3311, 1900 E Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Robert Rosenblatt, (202) 632–5560.

SUPPLEMENTARY INFORMATION: The FERS Act of 1986, Pub. L. 99–335, as amended by the Federal Employees' Retirement System Technical Corrections Act of 1986, Pub. L. 99–556, created a new retirement system for some Federal employees.

These interim rules implement the nondisability provisions concerning eligibility for retirement and basic annuity computation. Other provisions of FERS, including the method of computing an annuity for an employee whose service includes part-time service, will be implemented by separate rulemaking.

I. Eligibility

Subpart B of these rules regulates the age and service requirements for nondisability retirement under FERS.

Section 842.202 defines "minimum retirement age" relative to an individual's year of birth. The definition is designed to simplify the language of 5 U.S.C. 8412(h). The minimum retirement age, the earliest age at which an individual may receive an immediate, regular voluntary retirement, is 55 for persons born before 1948. It gradually rises to age 57 for persons born in 1970 and after.

Section 842.203 restates the general eligibility requirement of 5 U.S.C. 8410 that an employee or Member must have at least 5 years of creditable civilian service to retire under the nondisability provisions of FERS. That service may include civilian service performed under the Civil Service Retirement System (CSRS) in the case of employees who have transferred from CSRS to FERS.

Section 842.204 sets forth the age and service requirements for voluntary retirement generally applicable to all employees and Members of Congress. Special eligibility requirements applicable to Members of Congress and other specific categories of employees are treated separately under §§ 842.207 through 842.211.

Under FERS general eligibility provisions, there are two important new provisions. The first is that, for regular voluntary retirement with 30 years of service, an employee must be at the "minimum retirement age" (MRA) which, as explained earlier, begins at age 55 and rises to age 57, depending on an individual's date of birth.

The second important new provision is that, under FERS, employees who meet the MRA and who have at least 10 years of service are eligible to retire. Employees who retire under the "MRA plus 10" provision, and are not eligible to retire under any other provision, may elect to postpone receipt of their retirement benefits as explained in §842.204(c). However, their benefits will be reduced by 5 percent for each year for which the commencing date of annuity precedes their 62nd birthday, unless they (1) have at least 30 years of service; (2) have 20 years of service, and postpone receipt of benefits until age 60; or (3) have at least 20 years of service as an air traffic controller, firefighter, law enforcement officer, or Member of Congress.

Sections 842.205 and 842.206 restate, respectively, the statutory requirements for voluntary early retirement when an agency is undergoing a major reduction in force, reorganization, or transfer of function, and the requirements for early retirement based on involuntary separation.

Under § 842.205, an employee is eligible for early voluntary retirement if he or she occupies a position in a location designated by the Director of OPM as being in an agency that is undergoing a major reorganization, a major reduction in force, or a major transfer of function. The employee must be at least 50 years old and have 20 years of service or be any age with 25 years of service. Under FERS, there is no age reduction for this type of retirement. We will apply existing guidelines contained in appendix E of FPM chapter 351 in determining whether an agency is undergoing a major reduction in force, reorganization, or transfer of function.

Under § 842.206, an employee who is separated involuntarily, but not for cause on charges of misconduct or delinquency, may be eligible for early retirement benefits. In addition to meeting the same age and service requirements that apply to early voluntary retirements, the employee may not have declined a reasonable offer of another position.

To be a reasonable offer, the offered position must meet the requirements enumerated in paragraph (c) of § 842.206. Among these are that the position must be in the same commuting area, unless geographic mobility is a condition of the employee's employment. A mobility requirement may have been established in a vacancy announcement, position description, or other document when the employee was selected for the position. A position must be of the same tenure and work schedule. Same tenure means, for example, a career position in the competitive service if that is the type of position the employee currently has. For the Senior Executive Service (SES), it means another SES position. Same work schedule means, for a full-time employee, another full-time position; and for a part-time employee, another part-time position.

In addition, the position must not be lower than two grades or pay levels below the employee's current grade or pay level, without considering the employee's entitlement to grade or pay retention. To determine whether a position under a different pay schedule or pay system meets this criterion, we are using the definition of "representative rate" in the grade and pay retention regulations (§ 536.102). Because of the individual status of SES members, the SES is considered to be a single grade or pay level.

Like the early voluntary retirement provisions, no age reduction applies to this benefit under FERS.

Section 842.212, which addresses deferred benefits, includes an important new feature. Persons who separate from service before attaining the minimum retirement age may elect to receive a deferred annuity after they attain that age (or they may elect to postpone the commencing date of annuity until any later date up to age 62). However, benefits commencing before age 62 are, with some exceptions, subject to an age reduction, as explained in § 842.404.

Section 842.212 also consolidates the statutory provisions of 5 U.S.C. 8413 and 8464(a)(1)(A)(ii). The latter provision requires that the annuity begin on the

first day of the month after the "age and service requirements are met." Thus, even though 5 U.S.C. 8413(a) provides for an annuity "beginning at age of 62 years," the annuity cannot actually commence until the first day of the month after that age is attained. Similarly, under 5 U.S.C. 8413(b), an annuity could not commence before the first day of the month after attainment of the minimum retirement age.

II. Computations

Subpart D regulates computation of the basic nondisability annuity payable under FERS. This subpart is derived from 5 U.S.C. 8415.

Section 842.403 explains the basic computations applicable to all employees and Members except those eligible for the more liberal formulae covered in §§ 842.405 and 842.406. The basic computation is 1 percent of average pay multiplied by the total number of years of service. However, an employee or Member who is at least age 62 at the time of separation and has completed at least 20 years of service is entitled to an additional tenth of a percent in the formula. That higher accrual does not apply to individuals who, at the time of their separation, are Members of Congress, Congressional employees, military reserve technicians, law enforcement officers, firefighters, or air traffic controllers.

Section 842.404 explains the reduction in basic annuity, and the exceptions to the reduction, applicable in the case of an employee who retires under 5 U.S.C. 8412(g) or 8413(b).

Sections 842.405 and 842.406 restate the statutory provisions of 5 U.S.C. 8415(b) through (d). These provisions establish an enhanced accrual formula for certain Members of Congress, Congressional employees, firefighters, law enforcement officers, and air traffic controllers.

III. Waiver of Notice of Proposed Rulemaking

Under 5 U.S.C. 553(b)(3)(B) and (d)(3), I find that good cause exists for waiving the general notice of proposed rulemaking and for making these amendments effective in less than 30 days. OPM must issue regulations to implement an entire new retirement system, which is effective January 1, 1987. In addition, clear rules must be in place to allow preparation of materials and to distribute them worldwide to employees who are eligible to elect FERS coverage during the "open season" between July 1 and December 31, 1987. These tasks, along with the necessity to prepare, publish, and distribute the necessary forms and informational materials make the publication of proposed rules impracticable.

E.O. 12291, Federal Regulation

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

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation will only affect retirement payments to retired Government employees, spouses, and former spouses.

List of Subjects in 5 CFR Part 842

Administrative practice and procedure, Claims, Disability benefits, Firefighters, Government employees, Income taxes, Intergovernmental relations, Law enforcement officers, Pensions, Retirement.

U.S. Office of Personnel Management,
Constance Horner,
Director.

Accordingly, OPM is amending Part 842 of Title 5 of the Code of Federal Regulations as follows:

PART 842—FEDERAL EMPLOYEES RETIREMENT SYSTEM—BASIC ANNUITY

1. Subpart B, consisting of §§ 842.201 through 842.212, is added to read as follows:

* * * * *

Subpart B—Eligibility

Sec.
842.201 Purpose.
842.202 Definitions.
842.203 General eligibility requirement.
842.204 Immediate voluntary retirement—basic age and service requirements.
842.205 Early retirement—major RIF, reorganization, or transfer of function.
842.206 Involuntary retirement.
842.207 Air traffic controllers.
842.208 Firefighters and law enforcement officers.
842.209 Members of Congress.
842.210 Military reserve technicians.
842.211 Senior Executive Service, Defense Intelligence Senior Executive Service, and Senior Cryptologic Executive Service.
842.212 Deferred retirement.

* * * * *

Subpart B—Eligibility

Authority: 5 U.S.C. 8461.

§ 842.201 Purpose.

This subpart regulates the statutory provisions on eligibility for nondisability retirement under the Federal Employees Retirement System (FERS).

§ 842.202 Definitions.

In this subpart—

"Commuting area" has the same meaning given that term in § 351.203 of this chapter.

"Minimum retirement age" means an age based on an individual's year of birth, as follows:

Year of Birth	Minimum Retirement Age
Before 1948	55 years.
1948	55 years and 2 months.
1949	55 years and 4 months.
1950	55 years and 6 months.
1951	55 years and 8 months.
1952	55 years and 10 months.
1953–1964	56 years.
1965	56 years and 2 months.
1966	56 years and 4 months.
1967	56 years and 6 months.
1968	56 years and 8 months.
1969	56 years and 10 months.
1970 and after	57 years.

§ 842.203 General eligibility requirement.

An employee must have at least 5 years of civilian service creditable under FERS to be eligibile for an annuity under this subpart, except as provided under Part 846 of this chapter.

§ 842.204 Immediate voluntary retirement—basic age and service requirements.

(a) An employee or Member who separates from service is entitled to an annuity—

(1) After attaining the minimum retirement age and completing 10 years of service; or

(2) After becoming age 60 and completing 20 years of service; or

(3) After becoming age 62 and completing 5 years of service.

(b)(1) Except as provided in paragraph (b)(2) or (c) of this section, an annuity payable under paragraph (a) of this section commences on the first day of the month following separation.

(2) An annuity payable under paragraph (a) of this section commences on the day after separation, if that separation occurs upon the expiration of a term (or other period) for which the individual was appointed or elected.

(c)(1) An employee or Member entitled to an annuity under paragraph (a)(1) of this section may elect to postpone the commencing date of that annuity, provided the individual—

(i) Has completed less than 30 years of service; and

(ii) Is not entitled to an immediate annuity under any other provision of this subpart. An immediate annuity means an annuity that will begin within 31 days of separation.

(2) A postponed commencing date may not precede the later of—

(i) The first day of the month after the date of separation of the employee or Member; or

(ii) The 31st day after the date of filing the election of a commencing date.

(3) A postponed commencing date must precede the date on which the employee or Member becomes age 62.

(4) The election of a commencing date may be filed not more than 90 days before the commencing date elected by the employee or Member, and must be filed in a form prescribed by the Office of Personnel Management (OPM).

(5) A written election that is not in the prescribed form, but which designates a specific commencing date, and otherwise conforms to the time limits in paragraphs (c)(2) through (c)(4) of this section, will be accepted as an informal election subject to ratification in the prescribed form.

(6) The election of a commencing date becomes irrevocable on the date OPM authorizes the first annuity payment.

§ 842.205 Early retirement—major RIF, reorganization, or transfer of function.

(a) An employee other than an employee entitled to an annuity under § 842.207 or § 842.208, who separates from the service voluntarily after completing 25 years of service, or after becoming age 50 and completing 20 years of service is entitled to an annuity if, on the date of separation, the employee is—

(1) Serving in a position and in a geographic area designated by the Director of OPM or his or her designee; and

(2) Serving during a period in which the Director of OPM or his designee determines, in accordance with instructions issued under appendix E of FPM Chapter 351, that—

(i) The employing agency is undergoing a major reorganization, a major reduction in force, or a major transfer of function; and

(ii) A significant percent of the employees serving in the employing agency will be separated or subject to a reduction in basic pay.

(b) Determinations of major reorganization, major reduction in force, or major transfer of function will be made by the Director of OPM or his or her designee only after receipt of a written request to make the determination from the head of the agency, or his or her designee.

§ 842.206 Involuntary retirement.

(a) An employee, other than an employee entitled to an annuity under § 842.207 or § 842.208, who separates from the service involuntarily after completing 25 years of service, or after becoming age 50 and completing 20 years of service is entitled to an annuity, except as provided in paragraphs (b) and (c) of this section.

(b) An employee who is separated for cause on charges of misconduct or delinquency is not entitled to an annuity under paragraph (a) of this section.

(c) An employee who would otherwise be entitled to an annuity under paragraph (a) of this section is not so entitled if the employee has declined a reasonable offer of another position that meets all of the following conditions:

(1) The offer must be made in writing;

(2) The employee must meet established qualification requirements; and

(3) The offered position must be—

(i) In the employee's agency, including an agency to which the employee would be transferred in a transfer of function(s) between agencies;

(ii) Within the employee's commuting area unless geographic mobility is a condition of the employee's employment;

(iii) Of the same tenure and work schedule; and

(iv) Not lower than the equivalent of two grades or pay levels below the employee's current grade or pay level, without consideration of the employee's eligibility to retain his or her current grade or pay under Part 536 of this chapter or other authority. In movements between pay schedules or pay systems, the representative rate of the grade or pay level that is two grades below that of the current position will be compared with the representative rate of the grade or pay level of the offered position. For this purpose, "representative rate" has the meaning given that term in § 536.102 of this chapter.

(d) An annuity payable under paragraph (a) of this section commences on the day after separation from the service.

§ 842.207 Air traffic controllers.

(a) An employee who separates from service, except by removal for cause or charges of delinquency or misconduct, is entitled to an annuity—

(1) After completing 25 years of service as an air traffic controller; or

(2) After becoming age 50 and completing 20 years of service as an air traffic controller.

(b) An annuity payable under paragraph (a) of this section commences on the first day of the month following separation.

§ 842.208 Firefighters and law enforcement officers.

(a) An employee who separates from service, except by removal for cause on charges of delinquency or misconduct, is entitled to an annuity—

(1) After completing any combination of service as a firefighter or law enforcement officer totaling 25 years; or

(2) After becoming age 50 and completing any combination of service as a firefighter or law enforcement officer totaling 20 years.

(b) An annuity payable under paragraph (a) of this section commences on the first day of the month following separation.

§ 842.209 Members of Congress.

(a) A Member, except one separated by resignation or expulsion, is entitled to an annuity—

(1) After completing 25 years of service; or

(2) After becoming age 50 and completing 20 years of service.

(b) An annuity payable under paragraph (a) of this section commences on the day after separation from the service.

§ 842.210 Military reserve technicians.

(a) A military reserve technician as defined in 5 U.S.C. 8401(30) who is separated from civilian service because of ceasing to qualify as a member of a military reserve component after reaching age 50 and completing 25 years of service is entitled to an annuity.

(b) An annuity payable under paragraph (a) of this section commences on the day after separation.

§ 842.211 Senior Executive Service, Defense Intelligence Senior Executive Service, and Senior Cryptologic Executive Service.

(a) A member of the Senior Executive Service, the Defense Intelligence Senior Executive Service, or the Senior Cryptologic Executive Service who is removed or who resigns after receipt of written notice of proposed removal for less than fully successful executive performance is entitled to an annuity—

(1) After completing 25 years of service; or

(2) After becoming age 50 and completing 20 years of service.

(b) "Removed for less than fully successful executive performance" means (1) with respect to a member of the Senior Executive Service, removal in accordance with procedures in Subpart E of Part 359 of this chapter; and (2) with respect to a member of the Defense Intelligence Senior Executive Service or the Senior Cryptologic Executive Service, a certification by the head of

the Defense Intelligence Agency or National Security Agency (or their designees) that the employee has been removed for less than fully successful executive performance.

(c) An annuity payable under paragraph (a) of this section commences on the day after separation from service.

§ 842.212 Deferred retirement.

(a) An employee or Member who, after completing 5 years of service, separates from service or transfers to a position not covered by FERS is entitled to a deferred annuity beginning on the first day of the month after the individual attains age 62.

(b)(1) Except as provided in paragraph (b)(3) of this section, an employee or Member who has not attained the minimum retirement age, and who, after completing 10 years of service, is separated or transferred to a position in which the individual is no longer covered by FERS, is entitled to a deferred annuity commencing on the later of—

(i) The first day of the month following the date on which the employee or Member attains the minimum retirement age; or

(ii) A date designated by the individual.

(2) The election of a commencing date may be filed no more than 90 days before that commencing date, and must be elected in a form prescribed by OPM. A written election that is not in the prescribed form, but which designates a specific commencing date, will be accepted for as an informal election, subject to ratification in the prescribed form.

(3) An employee or Member is not entitled to a deferred annuity under paragraph (b)(1) of this section if the individual is eligible for an annuity under §§ 842.205 through 842.211 or will, within 31 days after filing the election of a commencing date, attain age 62.

(4) The election of a commencing date becomes irrevocable on the date OPM authorizes the first annuity payment.

2. Subpart D, consisting of §§ 842.401 through 842.406, is added to read as follows:

* * * * *

Subpart D—Computations

Sec.

842.401 Purpose.
842.402 Definition.
842.403 Computation of basic annuity.
842.404 Reductions in basic annuity.
842.405 Air traffic controllers, firefighters, and law enforcement officers.
842.406 Members of Congress and Congressional employees.

* * * * *

Subpart D—Computations

Authority: 5 U.S.C. 8461.

§ 842.401 Purpose.

This subpart regulates the basic annuity computation under the Federal Employees Retirement System (FERS).

§ 842.402 Definition.

In this Subpart—

"Total service" means the full years and twelfth parts thereof of an employee's or Member's service creditable under Subpart C of this part, excluding any fractional part of a month.

§ 842.403 Compution of basic annuity.

(a) Except as provided in paragraph (b) of this section and § 842.405 and § 842.406, the annuity of an employee or Member is 1 percent of average pay multiplied by total service.

(b) The annuity of an employee is 1.1 percent of average pay multiplied by total service, provided the individual—

(1) Has completed 20 years of service; and

(2) At the time of separation on which entitlement to an annuity is based—

(i) Is at least age 62; and

(ii) Is not a Member, Congressional employee, military reserve technician, law enforcement officer, firefighter, or air traffic controller.

§ 842.404 Reductions in basic annuity.

The annuity of an employee or Member retiring under § 842.204(a)(1) or § 842.212(b) is reduced by five-twelfths of 1 percent for each full month by which the commencing date of annuity precedes the 62nd birthday of the employee or Member, unless the individual—

(a) Has completed 30 years of service; or

(b)(1) Has completed 20 years of service; and

(2) Is at least age 60 on the commencing date of annuity; or

(c) Has completed 20 years of service as—

(1) An air traffic controller, except one separated by removal for cause on charges of misconduct or delinquency;

(2) A firefighter and/or law enforcement officer, except one separated by removal for cause on charges of misconduct of delinquency; or

(3) A Member, except one separated by resignation or expulsion.

§ 842.405 Air traffic controllers, firefighters, and law enforcement officers.

The annuity of an air traffic controller retiring under § 842.207 or a law enforcement officer or firefighter retiring under § 842.208 is—

(a) One and seven-tenths percent of average pay multiplied by 20 years; plus

(b) One percent of average pay multiplied by the years of service exceeding 20 years.

§ 842.406 Members of Congress and Congressional employees.

The annuity of an employee or Member who has had at least 5 years of service as a congressional employee, Member, or any combination thereof totaling 5 years is—

(a) One and seven-tenths percent of average pay multiplied by the total number of years of service as a Member and/or congressional employee not exceeding 20 years: plus

(b) One percent of average pay multiplied by the years of service other than that of a Member and/or congressional employee.

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February 11, 1987

Part IV

Office of Personnel Management

5 CFR Part 842

Federal Employees Retirement System—Basic Annuity; Annuity Supplement; Interim Rule with Request for Comments

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 842

Federal Employees Retirement System—Basic Annuity; Annuity Supplement

AGENCY: Office of Personnel Management.

ACTION: Interim rules with request for comments.

SUMMARY: The Office of Personnel Management (OPM) is issuing interim rules to implement provisions of the Federal Employees' Retirement System (FERS) Act of 1986, which require OPM to pay an annuity supplement to certain employees who retire under the Federal Employees Retirement System. These interim rules regulate eligibility for the supplement, its computation, and reduction of the amount payable on account of excess earnings.

DATES: Interim rules effective January 1, 1987; comments must be received on or before April 13, 1987.

ADDRESS: Send comments to Frank D. Titus, Director, FERS Implementation Task Force; Retirement and Insurance Group; P.O. Box 884, Washington, DC 20044; or deliver to OPM, Room 3311, 1900 E Street, NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Robert Rosenblatt, (202) 632–5560.

SUPPLEMENTARY INFORMATION:

I. Introduction

The FERS Act of 1986, Pub. L. 99–335, as amended by the Federal Employees' Retirement System Technical Corrections Act of 1986, Pub. L. 99–556, created a new retirement system for Federal employees. These rules implement a provision of FERS which requires payment of an annuity supplement to certain eligible retirees. Section 8421 of FERS provides for a supplement equal to a portion of a hypothetical social security retirement benefit based on the employee's pay during FERS-covered civilian employment and deemed earnings during years before FERS service. Payment of the supplement is subject to an earnings test similar to the test under the Social Security Act applicable to social security recipients.

II. Eligibility

The supplement is payable to persons retiring on an immediate (not deferred) annuity at the "minimum retirement age" (MRA) who have at least 30 years of service; to persons retiring at age 60 with 20 years of service; and to persons retiring under the special retirement provisions for firefighters, law enforcement officers, air traffic controllers, and military service technicians (5 U.S.C. 8412(a), (b), (d), or (e) and 5 U.S.C. 8414(c)).

The supplement is also payable to certain other individuals who retire early: Members of Congress; members of the Senior Executive Service retiring under 5 U.S.C. 8414(a); involuntary retirees (except those removed for cause); and employees who separate voluntarily when their agency is undergoing a major reduction in force, reorganization, or transfer of function (5 U.S.C. 8412(f) and 5 U.S.C. 8414 (a) and (b)). However, these retirees may not begin to receive the supplement until they attain the minimum retirement age.

The supplement stops when the recipient becomes entitled to an actual social security benefit based on his or her own earnings, but does not continue in any case beyond age 62.

III. Computation

The supplement is a hypothetical social security benefit computed as if the annuitant were age 62 and fully insured in the year the supplement commences. The computation ignores the Social Security windfall elimination provision and uses the maximum possible actuarial reduction applicable to an individual born in the same year as the annuitant.

The earnings history needed to compute the supplement will be based on basic pay during civilian service creditable under FERS and deemed wages for years after age 21 and prior to the first full year of FERS service. The "deemed" wages are equal to the national average wage in each year times a ratio of basic pay in the first full year of FERS service. (The national average wage is a figure published annually by the Social Security Administration.) For those employees who retire before attaining the MRA, but whose entitlement to the supplement is delayed until attainment of the MRA—Members of Congress, SES employees, early voluntary and discontinued service retirees—earnings for years of service after the date of separation and prior to attainment of the MRA are deemed to be zero.

Once this earnings history is constructed, the earnings in each year are updated (indexed) to reflect national average wage levels during the second year before supplement commences. (The Social Security retirement benefit calculation indexes earnings to the year of attainment of age 60; therefore the assumption that the employee is age 62 when the supplement begins requires indexing to the second year before the supplement begins.)

The supplement is then computed using the same formula used to derive the primary insurance amount (PIA) under social security that is applicable in the year the supplement begins. The maximum actuarial reduction for early retirement is then applied. The resulting amount is then multiplied by a faction to approximate the proportion of the career benefit earned under FERS. The fraction is the years of FERS service over 40.

IV. Reduction for excess earnings

Like Social Security benefits, the annuity supplement is subject to an earnings test. The law provides that the test will use the same definition of "earnings" and the exempt amounts as apply to Social Security benefits under section 203 of the Social Security Act. However, unlike the social security earnings test, earnings in the prior year (rather than the current year) will be used to determine the supplement in the current year.

V. Waiver of Notice of Proposed Rulemaking and 30-Day Delay of Effective Date

Under 5 U.S.C. 553(b)(3)(B) and (d)(3), I find that good cause exists to make these amendments effective without prior publication of notice of proposed rules and in less than 30 days. OPM must issue regulations to implement an entire new retirement system which is effective January 1, 1987. In addition, clear rules must be in place to allow preparation of materials and to distribute them world-wide to employees who are eligible to elect FERS coverage during the "open season" between July 1 and December 31, 1987. These tasks make impracticable the publication of proposed rules.

E.O. 12291, Federal Regulation

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

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulations will affect only retired Government employees and spouses.

List of Subjects in 5 CFR Part 842

Administrative practice and procedure, Claims, Disability benefits, Firefighters, Government employees, Income taxes, Intergovernmental

relations, Law enforcement officers, Pensions, Retirement.

U.S. Office of Personnel Management.

Constance Horner,

Director.

Accordingly, OPM is amending Part 842 of Title 5 of the Code of Federal Regulations to add a new Subpart E to read as follows:

PART 842—FEDERAL EMPLOYEES RETIREMENT SYSTEM—BASIC ANNUITY

* * * * *

Subpart E—Annuity Supplement

Sec.

842.501 Purpose.
842.502 Definitions.
842.503 Eligibility for annuity supplement.
842.504 Amount of annuity supplement.
842.505 Reduction in annuity supplement because of excess earnings.

* * * * *

Subpart E—Annuity Supplement

Authority: 5 U.S.C. 8461.

§ 842.501 Purpose.

This subpart regulates the annuity supplement payable to eligible employees under sections 8421 and 8421(a) of Title 5, united State Code.

§ 842.502 Definitions.

In this subpart—

"Age 62" means the day before an individual's sixty-second birthday.

"Annuity Supplement" means the monthly benefit described in § 842.504.

"Applicable exempt amount" and "earnings" have the same meanings as in section 203 of the Social Security Act.

"Excess earnings" means 50 percent of an individual's earnings which exceed the applicable exempt amount during a calendar year or, if less, an amount equal to the total annuity supplement paid to the individual in that year, but does not include earnings prior to an individual's attainment of the minimum retirement age.

"FERS" means Chapter 84 of Title 5, United States Code.

"Minimum retirement age" has the same meaning as in § 842.202.

"Test year" means the calendar year immediately before the one in which any reductions required by 5 U.S.C. 8421a and § 842.505 are applied.

§ 842.503 Eligibility for annuity supplement.

(a) Except as provided in paragraph (b) of this section, an employee or Member receiving an annuity under any of the following sections is entitled to receive an annuity supplement:

(1) Section 842.204(a)(1) if the employee or Member has completed at least 30 years of service;

(2) Section 842.204(a)(2) governing retirement at age 60 with 20 years of service;

(3) Section 842.205 governing retirement at age 50 with 20 years of service or at any age during a major reorganization or reduction in force;

(4) Section 842.206 governing discontinued service retirement;

(5) Section 842.07 governing early retirement for air traffic controllers;

(6) Section 842.208 governing early retirement for law enforcement officers;

(7) Section 842.209 governing early retirement for Members of Congress;

(8) Section 842.210 governing early retirement for military reserve technicians; or

(9) Section 842.211 governing early retirement for members of the Senior Executive Service.

(b) An employee or Member who retires under any of the following sections before attaining the minimum retirement age, is not entitled to receive an annuity supplement until he or she attains that age:

(1) Section 842.205;

(2) Section 842.206;

(3) Section 842.209; or

(4) Section 842.211;

(c) An employee or Member ceases to be entitled to an annuity supplement on the earlier of—

(1) The last day of the month in which the individual becomes age 62; or

(2) The last day of the month before the first month for which the individual would, upon proper application, be entitled to social security benefits.

§ 842.504 Amount of annuity supplement.

(a) Subject to paragraph (b) of this section, an annuity supplement is an amount equal to the old-age insurance benefit payable under title II of the Social Security Act, multiplied by a fraction—

(1) The numerator of which is the annuitant's total service creditable under FERS, excluding military service not performed during an absence of leave without pay from civilian service, rounded to the nearest whole number of years not exceeding 40 years; and

(2) The denominator of which is 40.

(b)(1) The benefit referred to in paragraph (a) of this section is computed—

(i) As if the annuitant were age 62 and fully insured on January 1 of the year the annuity supplement commences;

(ii) Without regard to the Social Security earnings test (section 203 of the Social Security Act);

(iii) Without regard to the Social Security windfall elimination provisions (sections 215(a)(7) and 215(d)(5) of the Social Security Act); and

(iv) Using the actuarial reduction (section 202(q) of the Social Security Act) prescribed in the following table:

Year of Birth	Reduction (percent)
1937 and before	20
1938	20⅚
1939	21⅔
1940	22½
1941	23⅓
1942	24⅙
1943–54	25
1955	25⅚
1956	26⅔
1957	27½
1958	28⅓
1959	29⅙
1960 and later	30

(2) In computing the primary insurance amount—

(i) The number of elapsed years used to compute the number of benefit computation years does not include the years beginning with the year in which the annuity supplement commences;

(ii) For an employee or Member who retires under §§ 842.205, 842.206, 842.209, or 842.211 before reaching the minimum retirement age, wages in calendar years beginning after the date of separation on which the retirement is based, are deemed to be zero.

(iii) Only basic pay for full calendar years of service creditable under FERS is taken into account in computing the retiree's wages for a benefit computation year;

(iv) For a benefit computation year after age 21 during which the retiree did not perform a full calendar year of service creditable under FERS the retiree's wages are deemed to equal the product of—

(A) The amount in Appendix B of Subpart C of Part 843 corresponding to that year, multiplied by

(B) A fraction—

(*1*) The numerator of which is the retiree's basic pay for his or her first full year of service creditable under FERS; and

(*2*) The denominator of which is the amount in Appendix B of Subpart C of Part 843, corresponding to the retiree's first full year of service creditable under FERS.

§ 842.505 Reduction in annuity supplement because of excess earnings.

(a)(1) Except as provided in paragraphs (a)(2) and (b) of this section, the annuity supplement payable under § 842.504 is reduced by excess earnings in the test year, divided by twelve.

(2) Any annuity supplement payable during the year in which an individual loses entitlement to the annuity supplement by reason of § 842.503(c) is reduced by excess earnings in the test year divided by the number of months for which the annuity supplement is payable.

(b) Any reduction in the annuity supplement during a month because of excess earnings may not exceed the amount of annuity supplement payable during that month.

(c) Earnings and estimated earnings for each test year will be furnished by retirees in a form prescribed by OPM.

(d) Failure to furnish earnings and estimated earnings in the form or at the times prescribed by OPM is cause to suspend payment of the supplement until the annuitant establishes to the satisfaction of OPM that he/she continues to be eligible for the supplement.

(e) The reductions described in paragraphs (a) and (b) of this section are not subject to the due process procedures described in 5 U.S.C. 8461(e).

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federal register

Wednesday
February 11, 1987

Part V

Department of Transportation

Federal Aviation Administration

14 CFR Part 71

Establishment of Airport Radar Service Areas; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 86-AWA-38]

Establishment of Airport Radar Service Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action designates Airport Radar Service Areas (ARSA) at Atlantic City Airport, NJ; Fort Myers Southwest Florida Regional Airport, FL; Savannah International Airport, GA; and Tallahassee Municipal Airport, FL. The locations designated are public airports at which a nonregulatory Terminal Radar Service Area (TRSA) is currently in effect. Establishment of these ARSA's will require that pilots maintain two-way radio communication with air traffic control (ATC) while in the ARSA. Implementation of ARSA procedures at these locations will reduce the risk of midair collision in terminal areas and promote the efficient control of air traffic.

EFFECTIVE DATE: 0901 UTC, March 12, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Burns, Airspace and Air Traffic Rules Branch (ATO-230), Airspace—Rules and Aeronautical Information Divison, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9253.

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 69 ARSA's as published in the **Federal Register** in the implementation of this NAR recommendation.

On August 18, 1986, the FAA proposed to designate ARSA's at Atlantic City Airport, NJ; Fort Myers Southwest Florida Regional Airport, FL; Savannah International Airport, GA; and Tallahassee Municipal Airport, FL, (51 FR 29534). This rule designates ARSA's at these airports. Interested parties were invited to participate in this rulemaking proceeding by submitting comments on the proposal to the FAA. Additionally, the FAA has held informal airspace meetings for each of these proposed airports.

Discussion of Comments

The FAA has received comments on the basic ARSA program as well as comments directed toward the proposed individual designation. Additionally, several of the comments on individual designation are common or speak to the basic program itself. Discussion of the comments is divided into two sections. The first addresses common and ARSA program comments, the second addresses comments on the proposal at Charleston AFB/International Airport.

ARSA Program Comments

Aircraft Owners and Pilots Association (AOPA) and others commented that, notwithstanding the statement by the FAA in the Regulatory Evaluation contained in the notice, increased air traffic controller personnel and equipment would be needed to handle the increased traffic expected due to the mandatory provisions of the ARSA. FAA's experience with the current ARSA's has been that while there is an increase in the amount of traffic being handled by controllers, this increase is significantly offset by the reduction in the amount of control instructions that must be issued under ARSA procedures as compared to TRSA procedures. However, the FAA recognizes that the potential exists for a need to establish additional controller positions at some facilities due to increased workload should the expected efficiency improvements in handling traffic not fully offset the increased number of aircraft handled. Further, FAA does not expect to incur additional equipment costs in implementing the ARSA program. In some instances, previously adopted plans to replace or modify older existing equipment may be rescheduled to accommodate the ARSA program. However, no new equipment is expected to be required as a result of the ARSA program.

Several commenters, including AOPA, disagreed with the FAA's conclusion that the additional air traffic could be accommodated with existing manpower at locations where TRSA participation was low. The FAA's conclusion for the total program was in part based upon the fact that participation in the existing TRSA's was quite high and, therefore, an increase from the present levels to 100% would not be a significant change. The commenters, while not agreeing with this conclusion, claimed that the FAA's rationale did not apply where participation was low and thus additional manpower would be needed at these locations if ARSA was designated. The FAA recognizes that participation in the TRSA program is relatively low at some of the candidate locations. However, this is in large part due to the controllers' walkout of 1981 and the subsequent reduction in fully qualified controllers which led to the discontinuance of TRSA services. A sufficient number of controllers is assigned at the facilities to which the commenters refer and those facilities are ready to provide the service to the increased number of pilots. This factor was considered by the FAA in its initial evaluation of the ARSA program.

The Soaring Society of America (SSA) objected to the ARSA program because it does not provide the same level of safety and service to all classes of aviation. As with other regulations, this rule affects different operators in different ways depending on their respective need to operate in controlled airspace or near the airports involved. The FAA does not agree that this variation in impact is reason not to adopt a rule which benefits the majority of users.

AOPA and others claim the FAA is changing the criteria that an operating control tower is the only requirement for an airport to be eligible for an ARSA. The FAA has not departed from the NAR criteria which would replace TRSA with ARSA at airports with an operating control tower served by a Level III, IV, or V radar approach control facility.

The SSA claimed that the ARSA rule should state that the ultimate

responsibility for separation from other aircraft operating in visual flight rule (VFR) conditions rests with the pilot. While the FAA agrees that such is the case, the agency does not agree that the ARSA rule must so state. Unless a new or amending provision to the Federal Aviation Regulations (FAR) specifically deletes, amends, or supersedes existing sections, the existing regulations still apply. The ARSA rule (50 FR 9252, 9257, March 6, 1985) did not alter the sections of the FAR that establish that level of responsibility.

AOPA faulted the FAA's implementation of the ARSA program. The FAA stated in the proposal that the benefits of standardization and simplicity were nonquantifiable, and that the safety benefits anticipated by the FAA were not attributable to any given candidate but were based upon implementation of the program on a national basis. According to AOPA this evidenced the need to further evaluate the program at the current locations so that benefits could be individually assessed and each candidate evaluated accordingly. The FAA does not agree. The benefits of standardization and simplicity would always be nonquantifiable regardless of the amount of evaluation, yet they received considerable emphasis by the NAR Task Group. Overall national midair collision accident rates are relatively low, and accident rates within individual categories of airspace are lower still. Additionally, accidents at specific locations are random occurrences. Therefore, estimates of potential reductions in absolute accident rates resulting from the ARSA program cannot realistically be disaggregated below the national level. Additionally, the FAA does not believe that these considerations should be cause for delaying a program that was recommended by a majority of the members of the National Airspace Review, and which has already produced positive results at most of the designated locations.

Numerous commenters also objected to the proposals based upon their belief that the volume of air traffic in several of the proposed locations was too great for the ARSA program. The FAA believes that such a point argues strongly for the establishment of an ARSA rather than the converse.

Some commenters, including AOPA, predicted that user costs incurred due to delays will be greater than was estimated by the FAA, and that these costs will be experienced more at some sites than at others. In the NPRM, FAA acknowledged that initial delay problems would vary from site to site, that estimates of delays were quite preliminary, that at some facilities the transition process is expected to go very smoothly, and that at other sites delay problems will dominate the initial adjustment period. These cost estimates are expected to be transitory in nature in that actual delays will be reduced as pilots and controllers become experienced with ARSA procedures. This has been the case at the three locations where ARSA has been in effect for an appreciable period, and is the trend at those locations more recently designated.

Several comments claimed that some aircraft would have to purchase two-way radios in order to enter the ARSA and land at or depart from airports within the ARSA. The FAA does not agree. Each primary airport receiving ARSA designation has an airport traffic area requiring two-way radio communications at present. Therefore, no additional cost will be incurred for purchase of radios for aircraft landing at or departing from primary airports receiving ARSA designation

Further, some commenters, including AOPA, expressed concern that older 360 channel transceivers would not be adequate to operate within an ARSA. Frequencies compatible with 360 channel transceivers are available at all ARSA locations. Therefore, operators of 360 channel equipment will not need to install new radios to operate within an ARSA.

AOPA and other commenters stated that the proposed ARSA's would derogate rather than improve safety, as a result of increased frequency congestion, pilots concentrating on their instruments and placing too much reliance upon ATC rather than "see and avoid," and the compression of air traffic into narrow corridors as pilots elect to circumnavigate an ARSA rather than receive ARSA services. In addition to increasing the risk of aircraft collision, the commenters claimed that compression would increase the impact of aircraft noise on underlying communities and cause aircraft to be flown closer to obstructions.

As indicated above, while an increased number of aircraft will be using radio frequencies, the amount of "frequency time" needed for each aircraft is reduced in an ARSA compared to the current TRSA. This has been the experience of the FAA at the current ARSA facilities.

AOPA claims that since the communications and readback procedures in ARSA's do not differ from those utilized in TRSA's there would be no reduction in "frequency time" needed for each pilot to acknowledge instructions or information, and thus, the partial offset indicated by the FAA was not justified. The offset is based upon fewer as well as shorter transmissions for each pilot, thus the FAA does not agree with this claim.

The FAA evaluated the flow of air traffic around the Austin, TX, and Columbus, OH, ARSA's during the confirmation period to determine if compression was occurring. This evaluation was performed by observing the radar at Austin, TX, and by both radar observations and the use of extracted computer data at Columbus, OH. Following the designation of an ARSA at Baltimore/Washington International Airport (BWI), the FAA evaluated the flow of air traffic there for a period of 90 days by observing the radar and extracting computer data to determine if compression was occurring. Additionally, the FAA has continually monitored for the possibility of compression at all recently designated locations. Compression has not been detected at any of these locations. However, compression of air traffic is a site-specific effect that could occur at a particular location regardless of its absence elsewhere. Thus, although the FAA does not believe compression of traffic will occur at any of the proposed airports, the agency will continue to monitor each designated ARSA and make adjustments if necessary.

AOPA, and other commenters claimed that the FAA provided no demonstrable evidence that the ARSA program would improve aviation safety. The FAA continues to believe the implementation of the ARSA program will enhance aviation safety. The program requires two-way radio communication between ATC and all pilots within the designated areas. Air traffic controllers will thus be in a much improved position to issue complete traffic information to the pilots involved, and thus, safety will be improved.

AOPA, and several other commenters, requested that VFR corridors be established at several of the subject locations along routes that are currently contained within an airport traffic area (ATA). The NAR Task Group noted in their evaluation of the TRSA program that under FAR § 91.87 pilots operating under VFR to or from a satellite airport within an ATA are excluded from the two-way radio communications requirement. The Task Group noted that this was acceptable until the volume of air traffic at the primary airport dictated the installation of a radar approach control. The Task Group recommended,

and the FAA adopted, the ARSA program as a safety improvement addressing this problem. Thus, the FAA does not believe provisions for VFR corridors that penetrate an ATA in most cases are warranted or in keeping with that recommendation.

One commenter claimed that the grouping of ARSA's such as that adopted in the Sacramento Valley area would create "squeezing" of traffic in the corridors between the blocks of ARSA airspace. One area in question, between Sacramento and Beale Air Force Base (AFB), is approximately 20 miles wide. The FAA does not agree that "squeezing" will occur in this area. Additionally, other user organizations have requested VFR corridors between adjacent or grouped ARSA's and these ARSA's have been modified to accommodate this request.

AOPA and others commented that several of the proposals will require pilots to violate FAR section 91.79 (14 CFR 91.79) regarding minimum safe altitudes. The section states in part. "Except when necessary for takeoff or landing, no person may operate an aircraft below . . . an altitude of 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet of the aircraft [when over any congested area of a city, town, or settlement, or over any open air assembly of persons]." The commenters claim that the 1,200-foot base altitude of the 5- to 10-mile portion of the ARSA will force pilots to violate FAR section 91.79 where obstacles extend more than 200 feet above the ground. There are two alternatives available to pilots in such a situation which permit compliance with the regulation. Namely, pilots may participate in ARSA services and thus not be limited to the 1,200-foot base, and secondly, a pilot may deviate 2,000 feet horizontally from the obstacle.

Furthermore, AOPA claims that the above response does not adequately respond to the issue. They claim that deviations of 2,000 feet horizontally would increase workload and reduce the efficiency of see-and-avoid, and thus, potentially reduce safety. The FAA does not encourage deviation but encourages participtiion which will not require deviation and will result in controllers providing radar assistance for see-and-avoid.

Several commenters noted that the proposal did not contain an environmental assessment. Under existing environmental regulations the proposed establishment of a Terminal Control Area (TCA) or a TRSA does not require an environmental assessment. The agency environmental regulations have not yet been amended to reflect ARSA procedures. However, because the potential environmental impact and regulatory effects of ARSA designation fall between those of the TCA and TRSA designations, the FAA finds that no environmental assessment is required for an ARSA designation.

AOPA, the Experimental Aircraft Association (EAA), and other commenters indicated that the FAA had failed to demonstrates a need for the ARSA program itself, as well as a need for several of the individual proposed locations. Additionally, comments were received that faulted some of the features of the ARSA. Most of these comments went beyond the scope of the subject proposal and were addressed when the FAA adopted the recommendation of National Airspace Review (NAR) Task Group 1–2.2 (50 FR 9252 March 6, 1985). However, the FAA believes the need for the ARSA program was adequately demonstrated by the task group that reviewed the TRSA program and recommended the ARSA as the former's replacement. The task group faulted the TRSA program in several of its aspects and through consensus agreement determined the preferred features of the ARSA prior to making their recommendation to the FAA. Justification for the ARSA program has been the subject of previous FAA rulemaking, and the program was adopted after consideration of public comment. Response to comments on ARSA's at particular locations is made below.

AOPA, EAA, and others commented that several of the proposed ARSA's failed to meet the criteria for designation. The criteria for this airport was recommended by the NAR Task Group and adopted by the FAA. Namely, " . . . excluding TCA locations, all airports with an operational airport traffic control tower and currently contained within a TRSA serviced by a Level III, IV, or V radar approach control facility shall have [an ARSA] designated; unless a study indicates that such designation is inappropriate for a particular location." (49 FR 47184, November 30, 1984).

Several commenters suggested the top of the ARSA be lowered from 4,000 feet above field elevation. Absent strong justification for lowering this altitude, the FAA has not adopted these recommendations. The agency's rationale for nonadoption is set forth immediately above.

Several commenters, including AOPA and EAA, indicated that at several of the proposed ARSA's the TRSA was working quite well and that there was no need to change something that was working. The FAA acknowledges that TRSA's are functional and beneficial, to a point. However, the NAR Task Group did not fault individual TRSA locations but the TRSA program itself and recommended its replacement. The FAA concurred with that assessment and has determined that the ARSA program is an improvement over the TRSA program from the standpoints of both safety and service. Thus, the quality of service being provided at TRSA locations should not constitute a roadblock to improvement.

Several commenters claimed the reduced separation standards of the ARSA program would derogate rather than enhance safety. The elimination of the Stage III separation requirements was recommended by users, all of whom are vitally interested in aviation safety, and adopted by the FAA. This aspect of the ARSA program received considerable FAA attention during the confirmation period at Austin, TX, and Columbus, OH. The FAA agrees with the task group that the Stage III separation standards are not needed for safety in a mandatory participation area.

Several commenters requested that the ARSA be described in statute rather than nautical miles. Numerous user organizations and the NAR itself have recommended that the FAA adopt nautical-mile descriptions rather than statute. It is the intention of the FAA to establish all new descriptions according to that recommendation.

Several commenters objected to proposals where the ARSA was in proximity to other airports. According to these commenters pilots would not know whether they should be in contact with the ARSA approach control facility or in contact with the control tower at the secondary airport, or on unicom. The FAA does not view this situation as different from that existing at many of these locations today. Through pilot education programs and experience with ARSA procedures this situation will improve. Also, as at present, when a pilot contacts the wrong FAA facility the controllers will give appropriate instructions.

AOPA, and other commenters objected to several of the proposed ARSA's based upon the claim that the FAA has failed to evaluate the cumulative effect of the proposed ARSA's and other regulatory airspace. The evaluation for each ARSA included all factors known to the FAA, including the proximity of other regulatory airspace.

Underlying a great many of the comments received was the idea that some provision should be made so that

pilots could continue their current practices without contacting the responsible ATC facility. While the FAA has made modifications from the standard ARSA in cases where circumstances warrant, the basic thrust of the ARSA program is to require two-way communication with the responsible approach control facility, and not to make modifications in the program to provide for nonparticipation.

Information on ARSA's following the establishing of a new site 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. 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.

SSA faulted the FAA for using the aviation safety seminars for pilot education on ARSA's. They claim these seminars do not reach many pilots and the seminars are reserved during this year for the FAA "Back to Basics" program. The FAA does not agree. The aviation safety seminars are for all pilots and for education on all aspects of aviation which would include the ARSA program.

SSA commented that the FAA should take into consideration the unique operating characteristics of gliders in defining the ARSA airspace at some locations. The FAA has modified the configurations of the ARSA at locations where glider operations would be adversely affected by a standard configuration.

Numerous commenters objected to the ARSA designations claiming they would simply provide the FAA with the basis for additional regulatory restrictions. The FAA does not believe this to be a valid objection. While the agency has no current plans for further regulatory action which imposes additional restrictions, such action if it should ever become a reality would be the subject of additional rulemaking and would of necessity be judged on its own merits, as should these proposals.

The Air Line Pilots Association (ALPA) concurred with the proposal as an improvement in operational efficiency and a significant contribution to a reduction of midair collision potential.

The Air Transport Association (ATA) endorsed the proposed designations as an improvement in safety with specific comments indicated below.

The General Aviation Manufacturers Association endorsed the ARSA's as an improvement in safety and concurred with the FAA's philosophy regarding some deviation from the standard model.

Comments were received which were supportive of each of the ARSA's addressed here as an improvement in aviation safety, and stating that participation by all pilots was only equitable and that normal safety concerns dictated mandatory two-way communications. The FAA agrees.

Comments on Specific Locations

Atlantic City Airport, NJ

One commenter expressed concern that the ARSA would restrict operations to and from Bader Field. The ARSA in the vicinity of Bader Field has a base of 1,300 feet MSL which should allow unrestricted ingress/egress to this airport.

One commenter expressed concern that the ARSA would unduly restrict or prohibit the numerous NORDO equipped aircraft at Nordheim Airport. The FAA notes that there are numerous NORDO aircraft operations from this airport involved in aerial advertising. In order to avoid a negative impact on these operations, the FAA has excluded the airspace within a 1-mile radius of Nordheim Airport from the ARSA core, from the surface to 1,300 feet MSL.

SSA stated that they are not aware of any glider operations in close proximity to the proposed Atlantic City ARSA. However, they request assurance that, should any glider operators wish to locate in an area tangential to the ARSA, the local FAA personnel work closely with them to ensure a safe operation for all concerned. As stated above, the FAA will continue to cooperate with local glider operators and operations to ensure safety with the minimum impact on both operations.

Other commenters addressed general issues which have been discussed above.

ATA and ALPA commented in strong support for an ARSA in Atlantic City.

Fort Myers Southwest Regional Airport, FL

One commenter requested the outer core boundary to the west be moved east to allow flight at low altitudes over the beaches. The FAA does not agree that this should be done. The majority of the beach area appears to be outside this outer core.

One commenter claimed that the ARSA would curtail soaring activity from Lehigh Acres West Airport and requested a cutout for this area of activity. The claimant further stated that the glider pilots operating from this airport were experienced "Diamond Rated" pilots who normally flew cross country flights or speed circuits from this airport. The FAA does not believe a cutout of this area is warranted for this reason. However, the local facility can, through local agreements, provide for the accommodation of regular users at Lehigh Acres West Airport.

The Executive Director of Lee County Department of Airports responded in support of the ARSA as proposed. He stated a concern for aircraft departing Page Field proceeding south and southeast. These aircraft departing will be in contact with Page Tower and transferred to approach/departure control through local procedures developed between the ATC facilities involved.

Several commenters made claims that were general in nature and have been addressed above.

ATA also responded in favor of the Fort Myers ARSA as a definite improvement in safety.

Savannah International Airport, GA

Some commenters, including AOPA, claimed that obstacle clearance cannot be maintained from the tall antennae located southwest of Savannah Airport and requested raising the base altitude of the ARSA in this area to allow vertical clearance from these antennae. The FAA does not agree that the shelf altitude should be raised. As stated above, horizontal clearance can easily be maintained from the individual antenna by nonparticipants wishing to avoid the ARSA. However, participation in ARSA services will ensure that vertical clearance can be maintained if desired. One commenter who is based at Hopetown Airport, a private airport southwest of Savannah Airport, stated that most of the lower level VFR flights through this area are below the antenna tops.

SSA stated that they are not aware of any glider operations in close proximity to the proposed Savannah ARSA. However, they request assurance that, should any glider operators wish to locate in an area tangential to the ARSA, the local FAA personnel work closely with them to ensure a safe operation for all concerned. As stated above, the FAA will continue to cooperate with local glider operators

and operations to ensure safety with the minimum impact on both operations.

Some commenters stated that the ARSA is a good idea and thought all aircraft should have two-way radios in order to communicate with ATC.

The State of Georgia supported the ARSA stating that it is considered to be consistent with state goals and objectives.

ATA responded in support of the Savannah ARSA stating that it will add to the level of safety for all flight operations.

Tallahassee Municipal Airport, FL

SSA stated that they are not aware of any glider operations in close proximity to the proposed Tallahassee ARSA. However, they request assurance that, should any glider operators wish to locate in an area tangential to the ARSA, the local FAA personnel work closely with them to ensure a safe operation for all concerned. As stated above, the FAA will continue to cooperate with local glider operators and operations to ensure safety with the minimum impact on both operations.

ATA responded in support of the Tallahassee ARSA claiming that the ARSA would be an improvement in aviation safety.

Additional comments were received which were general in nature and were discussed above under General Comments.

Other Comments

A number of other comments were received addressing matters beyond the scope of these proposals such as charting, the number of frequencies depicted on a chart, the general design features of an ARSA, etc. The FAA will give consideration to all of the points raised in these comments but will not address them as a part of this rulemaking.

Regulatory Evaluation

Those comments that addressed information presented in the Regulatory Evaluation of the notice have been discussed above. The Regulatory Evaluation of the notice, as clarified by the "Discussion of Comments" contained in the preamble to the final rule, constitutes the Regulatory Evaluation of the final rule. Both documents have 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 as discussed previously, estimates of potential reductions in absolute accident rates resulting from the ARSA program 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 this ARSA site will contribute to a reduction in midair collisions. The quantifiable benefits of this safety improvement could range from less than $100 thousand, 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 their 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-based operators, flight schools, agricultural operations and other small aviation businesses located at satellite airports located within five 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 five-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 virtually eliminate 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 Airport Radar Service Areas (ARSA) at Atlantic City Airport, NJ; Fort Myers Southwest Florida Regional Airport, FL; Savannah International Airport, GA; and Tallahassee Municipal Airport, FL. Each location designated is a public airport at which a nonregulatory Terminal Radar Service Area (TRSA) is currently in effect. Establishment of these ARSA's will require that pilots maintain two-way radio communication with air traffic control (ATC) while in the ARSA. Implementation of ARSA procedures at these locations 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) and 1354(a); 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.50 [Amended]

2. Section 71.501 is amended as follows:

Atlantic City Airport, NJ [New]

That airspace extending upward from the surface to and including 4,100 feet MSL within a 5-mile radius of the Atlantic City Airport (lat. 39°27'24"N., long. 74°34'41"W..) excluding that airspace within a 1-mile radius of the Nordheim Flying K Airport (lat. 39°23'33"N., long. 74°36'24"W.); and that airspace extending upward from 1,300 feet MSL to and including 4,100 feet MSL within a 10-mile radius of the Atlantic City Airport.

Fort Myers Southwest Florida Regional Airport, FL [New]

That airspace extending upward from the surface to and including 4,000 feet MSL within a 5-mile radius of the Southwest Florida Regional Airport (lat. 26°32'10"N., long. 81°45'18"W.); and that airspace extending upward from 1,200 feet MSL to and including 4,000 feet MSL within a 10-mile radius of the airport. This airport radar service area is effective during the specific days and hours of operation of Southwest Florida Regional Tower and Approach Control as established in advance by a Notice to Airmen. The effecitve dates and times will thereafter be continuously published in the Airport/Facility Directory.

Savannah International Airport, GA [New]

That airspace extending upward from the surface to and including 4,100 feet MSL within a 5-mile radius of the Savannah International Airport (lat. 32°07'39"N., long. 81°12'09"W.); and that airspace extending upward from 1,300 feet MSL to and including 4,100 feet MSL within a 10-mile radius of the airport, excluding that airspace within R-3005C. This airport radar service area is effective during the specific days and hours of operation of Savannah Tower and Approach Control as established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

Tallahassee Municipal Airport, FL [New]

That airspace extending upward from the surface to and including 4,100 feet MSL within a 5-mile radius of the Tallahassee Municipal Airport (lat. 30°23'45"N., long. 84°21'02"W.); and that airspace extending upward from 1,400 feet MSL to and including 4,100 feet MSL within a 10-mile radius of the airport. This airport radar service area is effective during the specific days and hours of operation of Tallahassee Tower and Approach Control as established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

Issued in Washington, DC, on February 4, 1987.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 87–2916 Filed 2–10–87; 8:45 am]

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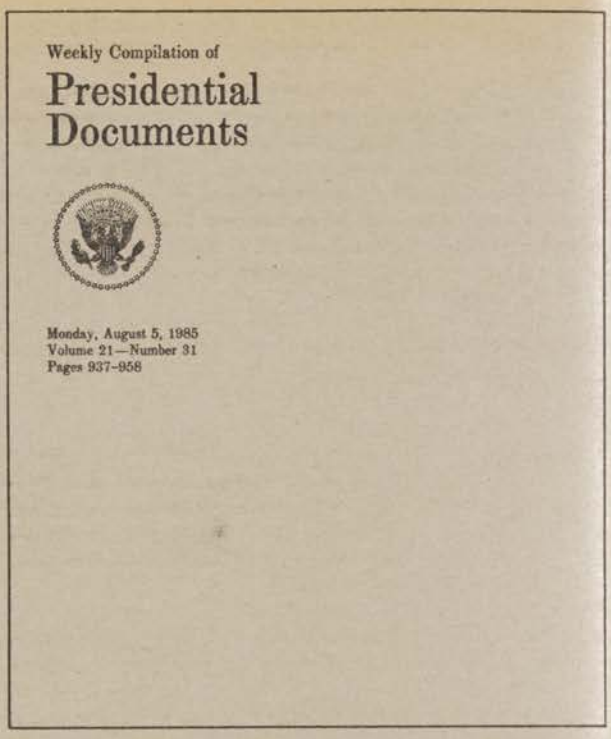

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