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# Federal Register

**Monday**  
**December 7, 1987**

**Briefings on How To Use the Federal Register—**  
For information on briefings in Denver, CO, see  
announcement on the inside cover of this issue.



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## THE FEDERAL REGISTER

### WHAT IT IS AND HOW TO USE IT

- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** The Office of the Federal Register.
- WHAT:** Free public briefings (approximately 2 1/2 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
  2. The relationship between the Federal Register and Code of Federal Regulations.
  3. The important elements of typical Federal Register documents.
  4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

### DENVER, CO

- WHEN:** December 15; at 9 a.m.
- WHERE:** Room 239, Federal Building, 1961 Stout Street, Denver, CO.
- RESERVATIONS:** Call the Denver Federal Information Center, 303-844-6575



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# Rules and Regulations

Federal Register

Vol. 52, No. 234

Monday, December 7, 1987

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Parts 870 and 874

#### Standardization of Terms Used Under the Federal Employees Group Life Insurance Program

**AGENCY:** Office of Personnel Management.

**ACTION:** Final regulations.

**SUMMARY:** The Office of Personnel Management (OPM) is issuing regulations that would define terms commonly used under the statutory order of precedence for making payments under the Federal Employees' Group Life Insurance (FEGLI) Program. Conflicts have arisen concerning entitlements to these payments because of different interpretations given these terms by the various states. These regulations provide uniform definitions for such terms as "child" and "parent" and thereby initiate a standardized approach to inheritance rights under the order of precedence in the FEGLI Program no matter where the potential heirs might reside. In addition, OPM is clarifying the existing regulations concerning designations of beneficiary to specify that designations must be witnessed by two people, and has set a maximum age of majority at age 18 for FEGLI purposes.

**EFFECTIVE DATE:** January 6, 1988.

**FOR FURTHER INFORMATION CONTACT:** John Ray, (202) 632-4634.

**SUPPLEMENTARY INFORMATION:** On August 4, 1987, OPM published proposed regulations in the *Federal Register* (52 FR 28841) to provide uniform definitions for such terms used in the FEGLI law's order of precedence as "child" and "parent." Since many of the states define these terms differently, we recognized that potential heirs under the FEGLI Program were being subjected to

various interpretations on inheritance rights and were experiencing delays in the settlement of their claims from the Office of Federal Employees' Group Life Insurance. Therefore, we proposed to fill the existing void of standardized definitions under the FEGLI Program by defining several of the terms used in the FEGLI order of precedence.

In addition to providing standardized definitions, OPM also proposed to establish a maximum age of majority at age 18. By so establishing the age of majority, the attainment of age 18 would represent the attainment of adulthood for FEGLI inheritance purposes. In those few states which recognize the age of majority at less than 18, an individual would be considered to be an adult upon attaining the lesser age. OPM also proposed to clarify its existing regulations concerning designations of beneficiary to specify that designations must be witnessed by two people.

Two written comments were received during the 60-day comment period. One written comment was from an individual and was totally supportive of our proposal. The other written comment was from another Federal agency. The Federal agency that responded believed that children who had attained the age of majority but were incapable of self-support should be addressed in our final regulations. That respondent cited the continuation of health benefits coverage and the awarding of survivor annuity benefits for over age dependents who are incapable of self-support as reasons for addressing these individuals in the life insurance regulations. However, the respondent failed to recognize that our proposed regulations focused solely on the inheritance rights of individuals to collect life insurance proceeds. It is simply not relevant whether or not an applicant for payment under the FEGLI Program is incapable of self-support—there are no continuing payments or benefits accruing to an individual regardless of his or her ability to be self-supporting.

One telephone comment was received during the 60-day comment period. The telephone respondent asked that we address the child born of a "surrogate mother" and that child's inheritance rights. Simply stated, if the child is adopted by its new parents, the rules governing the inheritance rights of adopted children and adoptive parents would apply. If the child is not given up

by the surrogate mother, that child is the natural child of the "surrogate mother" and would inherit from his or her natural parents.

OPM is publishing its proposed changes to the FEGLI regulations as final regulations without further change.

### 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 these regulations will not have a significant economic impact on a substantial number of small entities because the regulations will primarily serve to clarify the status of family members under the FEGLI Program.

### List of Subjects in 5 CFR Parts 870 and 874

Administrative practice and procedure, Government employees, Life insurance, Retirement, Worker's compensation.

U.S. Office of Personnel Management.

James E. Colvard,  
Deputy Director.

Accordingly, OPM is amending Parts 870 and 874 of Title 5 of the Code of Federal Regulations as follows:

1. The authority citation for Parts 870 and 874 continues to read as follows:

Authority: 5 U.S.C. 8716.

### PART 870—BASIC LIFE INSURANCE

2. In Subpart I of Part 870, § 870.901 is redesignated as § 870.902 and a new § 870.901 is added to read as follows:

#### § 870.901 Order of precedence.

(a) *Definitions.* For the purposes of this part, the following terms are defined as follows:

(1) "Child" means a legitimate child, an adopted child, or a recognized natural child but does not include a stillborn child, a stepchild, or a foster child. An individual who has attained age 18 is considered to be an adult. However, if the age of majority in the jurisdiction in which that individual is domiciled is set at a lower age, he or she is considered to be an adult upon attaining the age designated in that jurisdiction. An adopted child does not inherit under the order of precedence specified in 5 U.S.C. 8705, other than as a designated beneficiary, from his/her



natural parents but inherits from and through his or her adoptive parents. However, a child who is adopted by the spouse of his or her natural parent does inherit from that natural parent.

(2)(i) A "recognized natural child," with respect to paternity, is one for whom the father meets one of the following:

(A) Has acknowledged paternity in writing;

(B) Has been judicially ordered to provide support;

(C) Has, before his death, been judicially decreed to be the father;

(D) Has been established as the father by a certified copy of the public record of birth or church record of baptism if the insured was the informant and so named himself as the father of the child; or

(E) Has established paternity on public records, such as school or social welfare agencies, which show that with his knowledge the insured was named as the father of the child.

(ii) Secondary evidence to support the alleged paternity, such as evidence of eligibility as a recognized natural child under other State or Federal programs or proof of inclusion of the child as a recognized natural child on the insured's income tax returns, may also be considered in the determination process.

(3) "Parent" means the mother or father of a legitimate child or an adopted child. The term "parent" includes the mother of a recognized natural child and the father of a recognized natural child but only if the recognized natural child meets the definition provided in paragraph (a)(2) of this section. An individual can not inherit from a child who has been adopted by someone else. However, an individual whose spouse adopted his or her child can inherit from that child.

(b) [Reserved]

3. In the redesignated § 870.902, paragraph (a) is revised to read as follows:

**§ 870.902 Designation of beneficiary.**

(a) A designation of beneficiary shall be in writing, signed, and witnessed by two people, and received in the employing office (or in OPM, in the case of: (1) An annuitant or (2) a compensationner whose basic life insurance is continued) before the death of the insured.

\* \* \*

**PART 874—ASSIGNMENT OF LIFE INSURANCE**

\* \* \*

4. In Part 874, § 874.701(d) is revised to read as follows:

**§ 874.701 Designations and changes of beneficiary.**

\* \* \*

(d) The provisions of § 870.902 of this chapter apply to designations of beneficiary filed by assignees.

[FR Doc. 87-27961 Filed 12-4-87; 8:45 am]

BILLING CODE 6325-01-M

**DEPARTMENT OF AGRICULTURE**

**Agricultural Marketing Service**

**7 CFR Parts 911 and 915**

**Expenses and Assessment Rates for Specified Marketing Orders**

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This final rule authorizes expenditures and establishes assessment rates under Marketing Orders 911 and 915 for the 1987-88 fiscal year established for each order. Funds to administer these programs are derived from assessments on handlers.

**EFFECTIVE DATE:** April 1, 1987-March 31, 1988 (§§ 911.226 and 915.226).

**FOR FURTHER INFORMATION CONTACT:** Ronald L. Cioffi, Chief, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525-S, Washington, DC 20090-6456, telephone 202-447-5697.

**SUPPLEMENTARY INFORMATION:** This final rule is issued under Marketing Order Nos. 911 (7 CFR Part 911) and 915 (7 CFR Part 915), regulating the handling of limes and avocados grown in Florida. Both orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act.

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

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

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

Thus, both statutes have small entity orientation and compatibility.

There are approximately 26 handlers of Florida limes and 34 handlers of Florida avocados under these marketing orders, and approximately 260 lime producers and 300 avocado producers in Florida. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual gross revenues for the last three years of less than \$100,000, and small agricultural service firms are defined as those whose gross annual receipts are less than \$3,500,000. The majority of the handlers and producers may be classified as small entities.

Each marketing order requires that the assessment rate for a particular fiscal year shall apply to all assessable commodities handled from the beginning of such year. An annual budget of expenses is prepared by each administrative committee and submitted to the Department of Agriculture for approval. The members of administrative committees are handlers and producers of the regulated commodities. They are familiar with the committee's needs and with the costs for goods, services and personnel in their local areas and are thus in a position to formulate appropriate budgets. The budgets are formulated and discussed in public meetings. Thus, all directly affected persons have an opportunity to participate and provide input.

The assessment rate recommended by each committee is derived by dividing anticipated expenses by expected shipments of the commodity. Because that rate is applied to actual shipments, it must be established at a rate which will produce sufficient income to pay the committee's expenses. Recommended budgets and rates of assessment are usually acted upon by the committees shortly before a season starts, and expenses are incurred on a continuous basis.

The Florida Lime Administrative Committee unanimously recommended 1987-88 fiscal year expenditures of \$259,000 and an assessment rate of \$0.15 per bushel of fresh limes shipped under M.O. 911. In comparison, 1986-87 fiscal year budgeted expenditures were \$204,000, and the assessment rate was \$0.15. Major expenditure categories in the 1987-88 budget are \$121,000 for program administration, \$25,000 for market development, and \$113,000 for research. Assessment income for 1987-88 is expected to total \$210,000, based on shipments of 1,400,000 bushels of limes. Interest income will amount to approximately \$1,000. The committee



also unanimously recommended that excess 1986-87 assessments (\$36,763) be placed in its reserve, resulting in a reserve well within the maximum authorized under the order. Committee reserves and other available funds amounted to about \$137,538 on March 31, 1987 (the end of the 1986-87 fiscal year), and will be available to cover the anticipated \$48,000 deficit for 1987-88.

The Avocado Administrative Committee unanimously recommended a 1987-88 fiscal year budget with estimated expenditures of \$200,000 and an assessment rate of \$0.11 per bushel of fresh avocados. In comparison, 1986-87 fiscal year budgeted expenditures were \$193,000 and the assessment rate was \$0.11. Major expenditure categories in the 1987-88 budget are \$120,000 for program administration, \$25,000 for market development, and \$55,000 for research. Assessment income for 1987-88 is expected to total \$132,000, based on shipments of 1,200,000 bushels of avocados. Interest income will amount to approximately \$10,000. The committee also unanimously recommended that excess 1986-87 assessments (\$54,957) be placed in its reserve, resulting in a reserve well within the maximum authorized under the order. Committee reserves and other available funds amounted to about \$100,390 on March 31, 1987 (the end of the 1986-87 fiscal year), and will be available to cover the anticipated \$58,000 deficit for 1987-88.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed onto producers. However, these costs will be significantly offset by the benefits derived from the operation of the marketing orders. Therefore, the Administrator of AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

A proposed rule was issued October 7, 1987, and published in the *Federal Register* (52 FR 38235, October 15, 1987). That document contained a proposal to add §§ 911.226 and 915.226 to establish expenses and assessments for the Florida Lime Administrative Committee and Avocado Administrative Committee, respectively. That rule provided that interested persons could file public comments through October 26, 1987. No comments were received.

After consideration of all relevant matter presented, including the recommendations of the committees, it is found that the expenses are reasonable and likely to be incurred, and it is determined that the authorization of such expenses and the

establishment of assessment rates to cover such expenses for the Florida Lime Administrative Committee and Avocado Administrative Committee will tend to effectuate the declared policy of the Act.

It is further found that good cause exists for not postponing the effective date of this action until 30 days after publication in the *Federal Register* (5 U.S.C. 553) because the 1987-88 fiscal year for both limes and avocados are underway, handlers should be made aware of the assessment rate as soon as possible, and the committees need to have sufficient funds to pay their expenses which are incurred on a continuous basis.

#### List of Subjects in 7 CFR Parts 911 and 915

Marketing agreements and orders, Limes (Florida), Avocados (Florida).

For the reasons set forth in the preamble, §§ 911.226 and 915.226 are added as follows:

1. The authority citation for both 7 CFR Parts 911 and 915 continues to read as follows:

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

2. Sections 911.226 and 915.226 are added to read as follows:

#### PART 911—LIMES GROWN IN FLORIDA

##### § 911.226 Expense and assessment rate.

Expenses of \$259,000 by the Florida Lime Administrative Committee are authorized, and an assessment rate of \$0.15 per bushel of limes is established for the fiscal year ending March 31, 1988. Unexpended funds from the 1986-87 fiscal year may be carried over as a reserve.

#### PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

##### § 915.226 Expenses and assessment rate.

Expenses of \$200,000 by the Avocado Administrative Committee are authorized, and an assessment rate of \$0.11 per bushel of avocados is established for the fiscal year ending March 31, 1988. Unexpended funds from the 1986-87 fiscal year may be carried over as a reserve.

Dated: November 30, 1987.

Robert C. Keeney,

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

[FR Doc. 87-28027 Filed 12-4-87; 8:45 am]

BILLING CODE 3410-02-M

#### 7 CFR Part 966

#### Tomatoes Grown in Florida; Change in Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

**SUMMARY:** This final rule establishes a minimum size requirement of 2 $\frac{3}{8}$  inches in diameter for fresh market shipments of Florida tomatoes within the regulated area. The same requirement is currently in effect for fresh market tomato shipments outside the regulated area. The effect of this action will be to eliminate the handling of tomatoes smaller than 2 $\frac{3}{8}$  inches in diameter and provide local fresh markets with better quality and slightly larger size tomatoes. This action is not expected to short the market, as ample supplies of good quality tomatoes are expected from domestic and foreign sources to meet market needs. This final rule also includes all of the other handling requirements established over the years and currently in effect under the order. The inclusion of these requirements will make them easier for interested persons to locate and use, because they eventually will be published in the Code of Federal Regulations. The inclusion of these requirements does not result in a change in regulatory effect.

**EFFECTIVE DATE:** December 7, 1987.

**FOR FURTHER INFORMATION CONTACT:** Kenneth G. Johnson, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525-S, Washington, DC 20090-6456, telephone (202) 447-5331.

**SUPPLEMENTARY INFORMATION:** This rule is issued under Marketing Order No. 966 (7 CFR Part 966), as amended, regulating the handling of tomatoes grown in Florida. This order is authorized by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act."

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

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

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly



or disproportionately burdened. Marketing orders issued pursuant to the Act and rules issued thereunder are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 103 handlers of tomatoes subject to regulation under the Florida Tomato Marketing Order, and approximately 180 tomato producers in Florida.

Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual gross revenues for the last three years of less than \$100,000, and small agricultural service firms are defined as those whose gross annual receipts are less than \$3,500,000. The majority of handlers and producers of Florida tomatoes may be classified as small entities.

The 1986-87 annual report of the Florida Tomato Committee ("committee") indicates that total shipments for the 1986-87 season were 56,366,486 25-lb. equivalents, compared to 52,421,792 for the 1985-86 season and 52,471,073 for 1984-85. The average yield was approximately 1,107 25-lb. equivalents per acre compared to 1,150 the previous season and 1,173 in 1984-85. The total acres harvested were 5,387 more than the 45,530 acres harvested last season, and shipments were up 3,944,694 packages. Available forecasts predict that adequate tomato supplies will be available in the fall, winter and spring of the 1987-88 season. Tomato production in the Florida marketing order area is expected to be at least equal to the 56.4 million 25-lb. equivalents shipped in 1986-87. Sales of mature green and vine ripe 7x7 size tomato shipments (2 3/8 to 2 3/4 inches in diameter) for all grades totaled 360,472 containers of 25-lb. equivalents or approximately 0.6 percent of the total shipments of 52,366,486 25-lb. equivalents for all sizes. Mature green and vine ripe 7x7 size tomatoes were valued at \$1,751,850 or approximately 0.4 percent of the total sales dollars of \$410,124,645 for all tomato grades and sizes. While this action would also require that tomatoes be inspected and that handlers pay for such inspections, most tomatoes handled are inspected whether shipped within or outside the regulated area. Therefore, eliminating the handling of tomatoes smaller than 2 3/8 inches in diameter within the regulated areas will not produce a significant economic impact on tomato handlers or producers.

While this regulation will eliminate the handling of tomatoes smaller than

2 3/8 inches in diameter within the regulated area, exemptions to the applicable handling regulation will continue to be available. For example, several varieties or types of tomatoes are completely exempt and handlers may ship up to 60 pounds of tomatoes per day without regard to the requirements of the handling regulation. The handling regulation does permit shipments of tomatoes for canning, experimental purposes, relief, charity, or export.

This final rule changes the handling regulation at 7 CFR 966.323 by requiring that all tomatoes handled by handlers be at least 2 3/8 inches in diameter. Changes will be made to § 966.323 in the introductory text and paragraph (a)(2)(i) establishing the minimum size requirement. A change in paragraph (a)(2)(i) of that section is for clarity. This final rule is being issued pursuant to § 966.52 of the order.

Notice of this change was published in the October 29, 1987, issue of the *Federal Register* (52 FR 41566) affording interested persons 10 days in which to submit written comments. One comment was received from the Florida Tomato Exchange, which unanimously supported the committee's recommendation. The Florida Tomato Exchange is a non-profit cooperative agricultural association.

Currently, fresh market tomatoes shipped within the regulated area are not subject to the tomato handling regulation requirements. The "regulated area" is defined in § 966.4 as that portion of the State of Florida which is bounded by the Suwannee River, the Georgia border, the Atlantic Ocean, and the Gulf of Mexico. This area includes all of the State, except the panhandle.

Last year, a final rule was published November 13, 1986 (51 FR 41074) that established a minimum size of 2 3/8 inches in diameter for fresh market tomato shipments outside the regulated area and for tomato imports. This was intended to improve the overall maturity and quality of tomatoes shipped to fresh market channels. Prior to that action, the minimum size for fresh market tomato shipments was 2 3/8 inches in diameter. Smaller size tomatoes generally take longer to ripen than larger tomatoes. Because of this, small tomatoes normally do not develop full flavor and are less desirable in the marketplace than larger tomatoes.

Because size is generally the most important consideration in pricing at shipping point and wholesale, small tomatoes can have an adverse impact on the market for all tomatoes in general. Regulating the minimum size of fresh market tomato shipments within

the regulated area is necessary in order to maintain the integrity of the marketing order and the applicable handling regulations, and to consistently provide fresh markets with slightly larger good quality tomatoes. In addition, the committee reports that several shipments of Florida tomatoes smaller than 2 3/8 inches, originally destined for markets within the regulated area, have been found outside the regulated area.

Quality assurance is very important to the Florida tomato industry both within and outside of the State. Providing the public with acceptable quality produce which is appealing to the consumer on a consistent basis is necessary to maintain buyer confidence in the marketplace. To the extent that this action increases the quality of tomatoes in the marketplace, it will also be of benefit to both Florida tomato growers and handlers.

Also, under this action, the entire handling regulation (§ 966.323) will be published in the *Federal Register*, not just the introductory text and paragraph (a)(2)(i) which are being amended. The purpose for taking this action is to consolidate the handling regulation, and the various amendments to it, into one document, and have the entire regulation published in the next issue of the Code of Federal Regulations. This will make the requirements easier to locate and use. No change in regulatory effect will result, except that previously discussed.

The information collection requirements contained in this rule have been previously assigned OMB Control No. 0581-0144 by the Office of Management and Budget under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Based on the above, the Administrator of AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

It is hereby found that establishing a minimum size requirement of 2 3/8 inches in diameter for fresh market tomato shipments within the regulated area (as defined in § 966.4) will tend to effectuate the declared policy of the Act.

It is hereby further found that good cause exists for not postponing the effective date of this action until 30 days after publication in the *Federal Register* (5 U.S.C. 553) in that the harvesting and shipping season for Florida tomatoes has begun and to be of maximum benefit to producers and handlers this rule should become effective as soon as possible.



**List of Subjects in 7 CFR Part 966**

Marking agreements and orders,  
Tomatoes, Florida.

For the reasons set forth in the preamble, 7 CFR Part 966 is amended as follows:

**PART 966—TOMATOES GROWN IN FLORIDA**

1. The authority citation for 7 CFR Part 966, Tomatoes Grown in Florida continues to read as follows:

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

2. Section 966.323 is revised to read as follows:

**§ 966.323 Handling regulation.**

During the period December 7, 1987 through June 15, 1988, and October 10 through June 15 each season thereafter, except as provided in paragraphs (b) and (d) of this section, no person shall handle any lot of tomatoes for shipment outside the regulated area unless it meets the requirements of paragraph (a) of this section and no person shall handle any lot of tomatoes for shipment within the regulated area unless it meets the requirements of paragraphs (a)(2)(i) and (a)(4) of this section.

(a) *Grade, size, container, and inspection requirements*—(1) *Grade.* Tomatoes shall be graded and meet the requirements specified for U.S. No. 1, U.S. Combination, U.S. No. 2, or U.S. No. 3 of the U.S. Standards for Fresh Tomatoes. When not more than 15 percent of tomatoes in any lot fail to meet the requirements of U.S. No. 1 grade and not more than one-third of this 15 percent (or five percent) are comprised of defects causing very serious damage including not more than one percent of tomatoes which are soft or affected by decay, such tomatoes may be shipped and designated as at least 85 percent U.S. No. 1 grade.

(2) *Size.* (i) All tomatoes packed by a handler shall be at least  $2\frac{1}{2}$  inches in diameter. Tomatoes shipped outside the regulated areas shall also be sized with proper equipment in one or more of the following ranges of diameters. Measurements of diameters shall be in accordance with the methods prescribed in paragraph 51.859 of the U.S. Standards for Grades of Fresh Tomatoes.

(ii) Tomatoes of designated sizes may not be commingled, and each container shall be marked to indicate the designated size.

(iii) Only numerical terms may be used to indicate the above listed size designations on containers of tomatoes, except when tomatoes are at least  $2\frac{1}{2}$  inches in diameter, the containers shall be marked 5×8 and Larger.

(iv) To allow for variations incident to proper sizing, not more than a total of ten (10) percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter or larger than the maximum diameter.

(3) *Containers.* (i) Tomatoes shall be packed in containers of 20 or 25 pounds designated net weights and comply with the requirements of § 51.1863 of the U.S. tomato standards.

(ii) Each container or lid shall be marked to indicate the designated net weight and must show the name and address of the registered handler (as defined in § 966.7) in letters at least one-fourth ( $\frac{1}{4}$ ) inch high, and such containers must be packed at the registered handler's facilities.

(iii) The container in which the tomatoes are packed must be clean and bright in appearance without marks, stains, or other evidence of previous use.

(4) *Inspection.* Tomatoes shall be inspected and certified pursuant to the provisions of § 966.60. Each handler who applies for inspection shall register with the committee pursuant to § 966.113. Handlers shall pay assessments as provided in § 966.42. Evidence of inspection must accompany truck shipments.

(b) *Special purpose shipments.* The requirements of paragraph (a) of this section shall not be applicable to shipments of tomatoes for canning, experimental purposes, relief, charity, or export if the handler thereof complies with the safeguard requirements of paragraph (c) of this section. Shipments for canning are also exempt from the assessment requirements of this part.

(c) *Safeguards.* Each handler making shipments of tomatoes for canning, experimental purposes, relief, charity, or export in accordance with paragraph (b) of this section shall:

(1) Apply to the committee and obtain a Certificate of Privilege to make such shipments.

(2) Prepare on forms furnished by the committee a report in quadruplicate on such shipments authorized in paragraph (b) of this section.

(3) Bill or consign each shipment directly to the designated applicable receiver.

(4) Forward one copy of such report to the committee office and two copies to

the receiver for signing and returning one copy to the committee office. Failure of the handler or receiver to report such shipments by signing and returning the applicable report to the committee office within ten days after shipment may be cause for cancellation of such handler's certificate and/or receiver's eligibility to receive further shipments pursuant to such certificate. Upon cancellation of any such certificate, the handler may appeal to the committee for reconsideration.

(d) *Exemption.*—(1) *For types.* The following types of tomatoes are exempt from these regulations: Elongated types commonly referred to as pear shaped or paste tomatoes and including but not limited to San Marzano, Red Top, and Roma varieties; cerasiform type tomatoes commonly referred to as cherry tomatoes, hydroponic tomatoes; and greenhouse tomatoes.

(2) *For minimum quantity.* For purposes of this regulation each person subject thereto may handle up to but not to exceed 60 pounds of tomatoes per day without regard to the requirements of this regulation, but this exemption shall not apply to any shipment or any portion thereof of over 60 pounds of tomatoes.

(3) *For special packed tomatoes.* Tomatoes which met the inspection requirements of paragraph (a)(4) of this section which are resorted, regraded, and repacked by a handler who has been designated as a "Certified Tomato Repacker" by the committee are exempt from (i) the tomato grade classifications of paragraph (a)(1) of this section, (ii) the size classifications of paragraph (a)(2) of this section except that the tomatoes shall be at least  $2\frac{1}{2}$  inches in diameter, and (iii) the container weight requirements of paragraph (a)(3) of this section.

(4) *For varieties.* Upon recommendation of the committee, varieties of tomatoes that are elongated or otherwise misshapen due to adverse growing conditions may be exempted by the Secretary from the provisions of paragraph (a)(2) of this section.

(e) *Definitions.* "Hydroponic tomatoes" means tomatoes grown in solution without soil; "greenhouse tomatoes" means tomatoes grown indoors. A "Certified Tomato Repacker" is a repacker of tomatoes in the regulated area who has the facilities for handling, regrading, resorting, and repacking tomatoes into consumer size packages and has been certified as such by the committee. "Adequate facilities" as referred to in the definition of registered handler in §§ 966.7 and 966.113 are defined as those being in a

| Size classification | Inches           |                  |
|---------------------|------------------|------------------|
|                     | Minimum diameter | Maximum diameter |
| 6×7.....            | $2\frac{1}{2}$   | $2\frac{1}{2}$   |
| 6×6.....            | $2\frac{1}{2}$   | $2\frac{1}{2}$   |
| 5×6 and larger..... | $2\frac{1}{2}$   |                  |



permanent location with nonportable equipment for the proper grading, sizing, and packing of tomatoes. "U.S. tomato standards" means the revised United States Standards for Fresh Tomatoes (7 CFR 51.1855 through 51.1877), effective December 1, 1973, as amended, or variations thereof specified in this section. Other terms in this section shall have the same meaning as when used in Marketing Agreement No. 125, as amended, and this part, and the U.S. Tomato Standards.

(f) *Applicability to imports.* Under section 8e of the Act and § 980.212 "Import regulations" (7 CFR 980.212) tomatoes imported during the period October 10 through June 15 each season shall be at least U.S. No. 3 grade and at least 2 3/8 inches in diameter. Not more than 10 percent, by count, in any lot may be smaller than the minimum specified diameter.

Dated: November 30, 1987.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.  
[FR Doc. 87-27964 Filed 12-4-87; 8:45 am]

BILLING CODE 3410-02-M

## Farmers Home Administration

### 7 CFR Parts 1900 and 1956

#### Debt Settlement

**AGENCY:** Farmers Home Administration, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Farmers Home Administration (FmHA) amends its debt settlement and administrative appeal regulations to allow the debtor to appeal any debt settlement which has been rejected. This action is taken to implement the intent of the Food Security Act of 1985. The debt settlement regulations are also amended to correct a typographical error.

**EFFECTIVE DATE:** December 7, 1987.

**FOR FURTHER INFORMATION CONTACT:** Thomas Baden, Senior Loan Officer, Loan Servicing and Property Management Division, FmHA, Room 5437, South Building, Washington, DC 20250, Telephone (202) 475-4008.

**SUPPLEMENTARY INFORMATION:** This action has been reviewed under USDA procedures established in Departmental Regulation 1512-1, which implements Executive Order 12291, and has been determined to be exempt from those requirements. To fully implement section 1313(a) of Pub. L. 99-198 of the Food Security Act of 1985, the statute

mandates that CONACT borrowers must be given their appeal rights.

We feel there is justification to include Rural Housing (RH) in the change in 1900-B, § 1900.51 and not comply with section 534 of the Housing Act of 1949 because this will treat all borrowers equal and it only benefits the borrowers and does not hurt them; therefore, we are publishing this as an emergency final rule for the farmer programs (FP) and RH change.

If a debtor's debt settlement offer is rejected, the debtor must be given appeal rights. It is the policy of this Department to publish for comment rules relating to public property, loans, grants, benefits, or contracts, notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This action, however, is not published for proposed rulemaking since it is required to fully implement section 1313(a) of Pub. L. 99-198, the Food Security Act of 1985.

This activity impacts the following programs listed in the Catalog of Federal Domestic Assistance under numbers:

- 10.404 Emergency Loans
- 10.406 Farm Operating Loans
- 10.407 Farm Ownership Loans
- 10.410 Very Low Income Housing Loans
- 10.411 Rural Housing Site Loans
- 10.416 Soil and Water Loans
- 10.417 Very Low-Income Housing Repair Loans and Grants

Rural Housing Site Loans (10.411) and Soil and Water Loans (10.416) are subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. The other programs are excluded from intergovernmental consultation.

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

#### Lists of Subjects

##### 7 CFR Part 1900

Appeals, Credit, Loan programs—housing and community development.

##### 7 CFR Part 1956

Accounting, Loan programs—agriculture, Rural areas.

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

## PART 1900—GENERAL

1. The authority citation for Part 1900 continues to read as follows:

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

### Subpart B—Farmers Home Administration Appeal Procedure

#### § 1900.51 [Amended]

2. Section 1900.51 is amended by removing paragraph (b) and redesignating paragraphs (c) through (j) as (b) through (i).

## PART 1956—DEBT SETTLEMENT

3. The authority citation for Part 1956 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 31 U.S.C. 3711; 7 CFR 2.23; 7 CFR 2.70.

### Subpart B—Debt Settlement—Farmer Programs and Single Family Housing

4. Section 1956.58 is amended by revising paragraph (e) to read as follows:

#### § 1956.58 Approval or rejection.

(e) *Appeal rights.* A borrower whose debt settlement offer is rejected may appeal the rejection under Subpart B of Part 1900 of this chapter.

#### § 1956.75 [Amended]

5. Section 1956.75(b)(4)(i)(A) is amended by changing the reference "§ 1956.16(a)" to read "§ 1956.66(a)."

Dated: October 30, 1987.

Vance L. Clark,

Administrator, Farmers Home Administration.

[FR Doc. 87-27962 Filed 12-4-87; 8:45 am]

BILLING CODE 3410-07-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Parts 21 and 25

[Docket No. NM-25; Special Conditions No. 25-ANM-16]

#### Special Conditions; Boeing Model 747 Series Airplane

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final special conditions.

**SUMMARY:** These special conditions are issued pursuant to §§ 21.16 and 21.101 of the Federal Aviation Regulations (FAR) to the Boeing Company for the Model 747 series airplanes which incorporate



overhead crew rest areas. These rest areas have novel or unusual design features for which the applicable airworthiness regulations do not contain adequate or appropriate safety standards. These special conditions contain the safety standards which the Administrator finds necessary, because of these design features, to establish a level of safety equivalent to that established in the regulations.

**EFFECTIVE DATE:** December 7, 1987.

**FOR FURTHER INFORMATION CONTACT:**

Franklin Tiangsing, Transport Standards Staff, ANM-112, FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168; telephone (206) 431-2121.

**SUPPLEMENTARY INFORMATION:**

**Background**

On December 17, 1986, the Boeing Commercial Airplane Company applied for change to Type Certificate No. A20WE for type certification of Model 747 series airplanes with overhead crew rest areas installed. The crew rest area would be installed above the main passenger cabin in the vicinity of the Number 5 passenger door. This is an area that has never been used for this purpose in any previous transport airplane. Due to the novel or unusual features associated with the installation of these rest areas, special conditions are necessary to provide a level of safety equal to that established by the regulations incorporated by reference in the type certificate.

The regulations incorporated by reference in Type Certificate No. A20WE for Boeing 747 series airplanes include Part 25 of the FAR as amended by Amendments 25-1 through 25-8, 25-15, 25-17, 25-18, 25-20 and 25-39, and § 25.803(d) as amended by Amendment 25-46. In addition, the regulations incorporated by reference include Part 36 of the FAR and a number of special conditions that are not relevant to the installation of crew rest areas. Because neither the regulations incorporated by reference nor those in effect on the date of application for the change provide adequate standards, these special conditions provide adequate standards for the 747 series airplanes in which crew rest areas are installed.

These special conditions establish seating, communication, lighting, personal safety and evacuation requirements for the overhead crew rest area. When applicable, the proposed requirements parallel the existing requirements for a lower deck service compartment and would provide an equivalent level of safety to that provided for main deck occupants.

Due to the location and configuration of the crew rest area, occupancy during taxi, takeoff, and landing is prohibited and occupancy is limited to crewmembers.

Two-way voice communications and public address speaker(s) are required to alert the occupants to an in-flight emergency.

To prevent the occupants from being isolated in a dark area due to loss of the crew rest lighting, either a second independent source of normal lighting or emergency lighting is required. An emergency lighting system which is activated under the same conditions as the main deck emergency lighting system is also required.

Since there are in-flight emergencies that may require the occupants of the crew rest area to return to the main deck and to prevent the occupants from being trapped in the event the stairway is blocked, two evacuation routes including a stairway are required. These escape routes must provide for the removal of an incapacitated person from the crew rest area to the main deck.

Since the crew rest area may not always be occupied, a smoke detection system and equipment for fire fighting is required to minimize the hazards associated with a fire in the crew rest area.

In addition, passenger information signs, supplemental oxygen, and a seat or berth for each occupant are required. These items are necessary because of turbulence and/or decompression.

The crew rest areas may also be installed in certain new model 747-400 airplanes. The Model 747-400 is a new model that is derived from the previously type certificated models of the 747 series.

**Discussion of Comments**

Notice of proposed special conditions No. SC-87-4-NM for the Boeing Model 747 series airplanes which incorporate overhead crew rest areas was published in the *Federal Register* on October 16, 1987 (52 FR 38454). The only public comments received were from the Air Line Pilot Association (ALPA).

One comment was that the crew rest area should be only for cabin crew and that a separate area, closer to the cockpit, should be provided for the pilots. These special conditions are intended to address the airworthiness standards of the crew rest area and not operational requirements. No finding of compliance to § 121.485(a) has been requested or made with respect to the overhead crew rest area.

The second, and final, comment from ALPA was that a maximum noise level should be established for the crew rest

area. Ambient cabin noise levels have not been considered to be a safety problem previously by any section of Part 25. No justification for establishing any particular maximum noise level was submitted by ALPA. Therefore, the FAA does not agree with the comment.

**The Type Certification Basis**

The type certification basis for the Boeing Model 747 series airplanes is Part 25 of the FAR effective February 1, 1965, as amended by Amendments 25-1 through 25-8 plus Amendments 25-15, 25-17, 25-18, 25-20 and 25-39, with certain exceptions and several sets of special conditions, which are identified in the Model 747 series Airplane Type Certificate No. A20WE. These exceptions are not pertinent to the subject of overhead crew rest area.

The Boeing Commercial Airplane Company has separately applied for a change to Type Certificate No. A20WE to include the new Model 747-400, and the certification basis for those airplanes will be established under the provisions of § 21.101. That certification basis will include these special conditions adopted for the installation of overhead crew rest areas.

As the intended type certification date for the first Model 747 to incorporate the crew rest area is December 3, 1987, which is a date earlier than the effective date would be under standard practice January 6, 1988, the FAA finds that good cause exists to make these special conditions effectively immediately.

**Conclusion**

This action affects only certain unusual or novel design features on one model series of airplanes. It is not a rule of general applicability and affects only the manufacturer who applies to the FAA for approval of these features on the airplane.

**List of Subjects in 14 CFR Parts 21 and 25**

Air transportation, Aircraft, Aviation safety.

**The Special Conditions**

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued for Boeing Model 747 series airplanes with overhead crew rest areas installed.

1. The authority citation for these special conditions is as follows:

**Authority:** 49 U.S.C. 1344, 1348(c), 1352, 1354(a), 1355, 1421 through 1431, 1502, 1651(b)(2), 42 U.S.C. 1857f-10, 4321 et seq., E.O. 11514; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).



2. Occupancy of the overhead crew rest area is limited to a maximum of 10 crewmembers. Occupancy during taxi, takeoff, or landing is not permitted.

3. There must be a stairway between the main deck and the crew rest area and there must be an alternate evacuation route for occupants of the crew rest area.

The stairway and alternate evacuation route must be located on opposite sides of the crew rest area or have sufficient separation within the compartment. The stairway and the alternate evacuation route must provide for evacuation of an incapacitated person, with assistance, from the crew rest area to the main deck, must not be dependent on any powered device, and must be designed to minimize the possibility of blockage which might result from fire, mechanical or structural failure. The crewmember procedures for carriage of an incapacitated person must be established.

4. An exit sign meeting the requirements of § 25.812(b)(1)(i) must be provided in the crew rest area near the stairway.

5. In the event the airplane's main power system should fail, emergency illumination of the crew rest area must be automatically provided. Unless two independent sources of normal lighting are provided, the emergency illumination of the crew rest area must be automatically provided if the crew rest area normal lighting system should fail. The illumination level must be sufficient for the occupants of the crew rest area to locate, and descend to the main deck by means of the stairway and/or the alternate evacuation route, and to read any required operating instructions.

6. There must be a means for two-way voice communication between crewmembers on the flight deck and occupants of the crew rest area, and between crewmembers and at least one flight attendant seat on the main deck and occupants of the crew rest area.

7. There must also be either public address speaker(s), or other means of alerting the occupants of the crew rest area to an emergency situation, installed in the crew rest area.

8. There must be a means, readily detectable by occupants of the crew rest area, that indicates when seat belts should be fastened and when smoking is prohibited.

9. For each occupant permitted in the crew rest area, there must be an approved seat or berth that must be able to withstand the maximum flight loads when occupied.

10. The following equipment must be provided:

a. At least one approved fire extinguisher appropriate to the kinds of fires likely to occur.

b. One protective breathing device, having TSO-C99 authorization or equivalent, suitable for firefighting.

c. One flashlight.

11. A smoke detection system that annunciates in the flight deck and is audible in the crew rest area must be provided.

12. A supplemental oxygen system equivalent to that provided for main deck

passengers must be provided for each seat and berth.

13. There must be a limitation in the Airplane Flight Manual or other suitable means requiring that crewmembers be trained in the use of the evacuation routes.

Issued in Seattle, Washington, on November 13, 1987.

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 87-27920 Filed 12-4-87; 8:45 am]

BILLING CODE 4910-13-M

## SECURITIES AND EXCHANGE COMMISSION

### 17 CFR Part 274

[Release Nos. 34-25158; IC-16150; File No. S7-24-87]

### Investment Company Disclosure of Changes in Accountants

AGENCY: Securities and Exchange Commission.

ACTION: Adoption of form amendment.

**SUMMARY:** The Commission is adopting an amendment to the disclosure requirements of Form N-SAR, the semi-annual report for registered investment companies, to require the change of accountant disclosures currently required of other issuers by Form 8-K. The amendment will update Form N-SAR and improve the information reported by investment companies.

**EFFECTIVE DATE:** The amendment will become effective for investment companies filing Form N-SAR for periods ending after December 31, 1987.

**FOR FURTHER INFORMATION CONTACT:** John McGuire, Attorney, Office of Disclosure and Adviser Regulation, (202) 272-2107, Lawrence A. Friend, Chief Accountant, (202) 272-2106, Division of Investment Management, or Robert E. Burns, Chief Counsel, Office of the Chief Accountant, (202) 272-2130, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549.

**SUPPLEMENTARY INFORMATION:** The Securities and Exchange Commission today is adopting an amendment to the specific instructions for Sub-Item 77K of Form N-SAR (17 CFR 274.101), the semi-annual report for investment companies under the Investment Company Act of 1940 (15 U.S.C. 80a *et seq.*) ("1940 Act"). The amendment incorporates the change of accountant disclosure requirements in Item 4 of Form 8-K (17 CFR 249.308), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) ("1934 Act"), into Form N-SAR.

## Discussion

### 1. Parallel Disclosure Requirements

On June 18, 1987, the Commission published for comment several rule and form amendments relating to disclosure of a change of accountant.<sup>1</sup> Among the amendments proposed was the amendment to Form N-SAR to incorporate the change of accountant disclosures required by Item 4 of Form 8-K.<sup>2</sup> Form N-SAR currently contains its own disclosure requirements regarding a change of accountant, but these requirements are not the same as the requirements of Form 8-K.<sup>3</sup>

The Commission received five letters commenting specifically on the amendment to Form N-SAR, all of which supported, or did not oppose, a disclosure requirement parallel to that of Form 8-K.<sup>4</sup> While the staff continues to analyze the comments on the proposed amendments to Form 8-K, the Commission is adopting the amendment to Form N-SAR in order to conform it with current Form 8-K disclosure.<sup>5</sup>

<sup>1</sup> Investment Company Act Rel. No. 15818 (June 18, 1987) (52 FR 24018 (June 26, 1987)) ("Release 15818").

<sup>2</sup> The other proposed amendments, which would affect all filers including investment companies, clarify the term "disagreement," provide enhanced disclosure concerning such disagreements and of potential opinion shopping situations, move the substance of those requirements to Regulation S-K, and extend the time frame for disclosure in proxy statements of a change of accountants. *Id.*

<sup>3</sup> Form N-SAR incorporated the disclosures required formerly by Form N-IQ. When Form 8-K was originally amended to disclose the change of the independent accountant, Form N-IQ was amended to include the same disclosure. Investment Company Act Rel. No. 6744 (Sept. 27, 1971) (36 FR 19363 (Oct. 5, 1971)). Since 1971, the change of accountant disclosure requirements in Form 8-K have, at various times, been amended. In recent years those amended change of accountant disclosure requirements have not been reflected in Form N-IQ or its successor, Form N-SAR.

<sup>4</sup> One commenter suggested that the Form N-SAR disclosure requirements should refer to Regulation S-K, assuming that the Form 8-K requirements would be incorporated in Regulation S-K. A reference to Form 8-K is preferred, however, to assure parallel disclosure requirements between the two forms. Moreover, since the Commission is not at this time relocating these requirements to Regulation S-K, action on this comment would be premature.

<sup>5</sup> Sub-Item 102j of Form N-SAR, part of the section to be completed only by small business investment companies ("SBICs"), requires the identical change of accountant disclosure from SBICs that is required of other filers, by referencing the specific instructions to Sub-Item 77K. Thus, all change of accountant disclosure requirements in Form N-SAR will conform to the Form 8-K requirements. For a discussion of the differences



## II. Electronic Filing of Form N-SAR

Form N-SAR was proposed in response to, among other things, the desire to develop a computerized data base of information with respect to the investment company industry.<sup>6</sup> To assemble a comprehensive industry data base as soon as possible, the Commission continues to urge all management investment companies (with the exception of small business investment companies) to file Form N-SAR electronically.<sup>7</sup> Regardless of whether Form N-SAR is filed on paper or electronically, however, any information required to be disclosed by Sub-Item 77K must be filed on paper as an attachment to Form N-SAR. While most of Form N-SAR is designed to gather formatted data rather than textual information, affirmative answers to certain items require textual information to be attached. Sub-Item 77K requires that separate documents, such as a letter from the former principal accountant, be filed as attachments to the form. Therefore, this amendment will not affect the electronic filing of Form N-SAR.

### Regulatory Flexibility Act Analysis

A summary of the Initial Regulatory Flexibility Analysis, which was prepared in accordance with 5 U.S.C. 603, was published in Investment Company Act Release No. 15818. No comments relevant to this item were received on this analysis. The Commission has prepared a Final Regulatory Flexibility Analysis, a copy of which may be obtained by contacting John McGuire, Division of Investment Management, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549.

### List of Subjects in 17 CFR Part 274

Investment companies, Reporting and recordkeeping requirements, Securities.

### Text of Form Changes

The Commission is amending Chapter II, Title 17 of the Code of Federal Regulations as follows:

between Form N-SAR and Form 8-K change of accountant disclosure requirements, see Release 15818.

<sup>6</sup> Investment Company Act Rel. No. 14080 (August 6, 1984) (49 FR 32370 (August 14, 1984)).

<sup>7</sup> Investment Company Act Rel. No. 14733 (Sept. 23, 1985) (50 FR 40479 (Oct. 4, 1985)). Form N-SAR was designed, and preformatted personal computer diskettes were furnished to all management investment company filers (with the exception of small business investment companies), to facilitate electronic filing.

## PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

1. The authority citation for Part 274 continues to read in part as follows:

Authority: The Investment Company Act of 1940, 15 U.S.C. 80a-1 *et seq.*

2. By amending the instructions to sub-item 77K of Form N-SAR (§ 274.101 of this Chapter) to read as follows:

Note.—Form N-SAR is not included in the Code of Federal Regulations.

Form N-SAR.

\* \* \* \* \*

Instructions to Specific Items

\* \* \* \* \*

SUB-ITEM 77K: Changes in registrant's certifying accountant

Provide the information called for by Item 4 of Form 8-K under the Securities Exchange Act of 1934 (17 CFR 249.308). Unless specified otherwise by Item 4, or related to and necessary for a complete understanding of information not previously disclosed, the information should relate to events occurring during the reporting period. Notwithstanding requirements in Item 4 of Form 8-K to file more frequently, registrants need only file semi-annually in accordance with the requirements of this Form.

By the Commission.

Jonathan G. Katz,  
Secretary.

November 30, 1987.

[FR Doc. 87-28031 Filed 12-4-87; 8:45 am]

BILLING CODE 8010-01-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 62

[CGD 86-031]

### United States Aids to Navigation System; Correction

AGENCY: Coast Guard, DOT.

ACTION: Final rule, correction.

**SUMMARY:** The Coast Guard is correcting various errors in the final rule which appeared in the *Federal Register* on November 6, 1987 (52 FR 42639).

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Junior Grade G.R. Wulfschuhle, Office of Navigation (G-NSR-1), U.S. Coast Guard, Room 1416, 2100 Second Street SW., Washington, DC 20593-0001, (202) 267-0349.

**SUPPLEMENTARY INFORMATION:** The Coast Guard published regulations on November 6, 1987 (52 FR 42639) describing the United States Aids to Navigation System. Two typographical

errors were noted and two descriptions were incorrect.

In rule document 86-031 beginning on page 42640 in the issue of Friday, November 6, 1987, make the following corrections:

#### § 62.21 [Corrected]

On page 42641, at § 62.21(g) line 7, change "Temporary aid to navigation" to read "temporary aid to navigation".

#### § 62.23 [Corrected]

On page 42642, at § 62.23(b)(3), line 3, change "to factors limiting the reliability," to read "to factors limiting their reliability."

#### § 62.41 [Corrected]

On page 42643, at § 62.41, line 7, change "also to ascertain that section of the" to read "also to ascertain what section of the".

#### § 62.49 [Corrected]

On page 42644, at § 62.49, (b), line 6, change "or in a northerly and westerly direction" to read "or in a westerly direction".

Dated: December 1, 1987.

Martin H. Daniell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 87-28007 Filed 12-4-87; 8:45 am]

BILLING CODE 4910-14-M

## 33 CFR Parts 100 and 165

[CGD 87-075]

### Safety and Security Zones

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary rules issued.

**SUMMARY:** This document gives notice of temporary safety zones, security zones, and local regulations. Periodically the Coast Guard must issue safety zones, security zones, and special local regulations for limited periods of time in limited areas. Safety Zones are established around areas where there has been a marine casualty or when a vessel carrying a particularly hazardous cargo is transiting a restricted or congested area. Special local regulations are issued to assure the safety of participants and spectators of regattas and other marine events.

**DATES:** The following list includes safety zones, security zones, and special local regulations that were established between July 1, 1987 and September 30, 1987 and have since been terminated. Also included are several zones



established earlier but inadvertently omitted from the last published list.

**ADDRESS:** The complete text of any temporary regulations may be examined at, and is available on request from, Executive Secretary, Marine Safety Council (G-CMC), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001.

**FOR FURTHER INFORMATION CONTACT:** Mr. Bruce Novak, Deputy Executive Secretary, Marine Safety Council at (202) 267-1477.

**SUPPLEMENTARY INFORMATION:** The local Captain of the Port must be immediately responsive to the safety needs of the waters within his jurisdiction; therefore, he has been delegated the authority to issue these regulations. Since events and emergencies usually take place without

advance notice or warning, timely publication of notice in the **Federal Register** is often precluded. However, the affected public is informed through Local Notices to Mariners, press releases, and other means. Moreover, actual notification is frequently provided by Coast Guard patrol vessels enforcing the restrictions imposed in the zone to keep the public informed of the regulatory activity. Because mariners are notified by Coast Guard officials on scene prior to enforcement action, **Federal Register** notice is not required to place the special local regulations, security zone, or safety zone in effect. However, the Coast Guard, by law, must publish in the **Federal Register** notice of substantive rules adopted. To discharge this legal obligation without imposing undue expense on the public, the Coast

Guard publishes a periodic list of these temporary special local regulations, security zones, and safety zones. Permanent safety zones are not included in the list. Permanent zones are published in their entirety in the **Federal Register** just as any other rulemaking. Temporary zones are also published in their entirety if sufficient time is available to do so before they are placed in effect or terminated.

Non-major safety zones, special local regulations, and security zones have been exempted from review under E.O. 12291 because of their emergency nature and temporary effectiveness.

The following regulations were placed in effect temporarily during the period July 1, 1987 through September 30, 1987 unless otherwise indicated:

| Docket No.                         | Location                             | Type                     | Date            |
|------------------------------------|--------------------------------------|--------------------------|-----------------|
| COTP Providence, RI, Reg. 87-19    | Cranston, RI                         | Safety zone              | June 5, 1987.   |
| COTP Providence, RI, Reg. 87-29    | Narragansett Bay                     | do                       | June 26, 1987.  |
| COTP Providence, RI, Reg. 87-35    | do                                   | do                       | July 23, 1987.  |
| COTP Providence, RI, Reg. 87-38    | Taunton River, MA                    | do zone                  | Aug. 8, 1987.   |
| COTP Providence, RI, Reg. 87-42    | do                                   | do                       | Aug. 7, 1987.   |
| COTP Boston, MA, Reg. 87-40        | Boston Harbor                        | doe                      | Sept. 19, 1987. |
| COTP Boston, MA, Reg. 87-41        | do                                   | do                       | Do.             |
| COTP Boston, MA, Reg. 87-46        | do                                   | do                       | Sept. 3, 1987.  |
| COTP Boston, MA, Reg. 87-47        | do                                   | do                       | Sept. 8, 1987.  |
| COTP Boston, MA, Reg. 87-56        | do                                   | do                       | Sept. 17, 1987. |
| COTP Boston, MA, Reg. 87-57        | do                                   | do                       | Sept. 22, 1987. |
| 1-87-17                            | East River, NY                       | do                       | July 4, 1987.   |
| 1-87-23                            | Lake Champlain, VT                   | do                       | July 3, 1987.   |
| 1-87-28                            | Liberty State Park, NJ               | do                       | July 4, 1987.   |
| 1-87-33                            | Cold Spring Harbor, Long Island, NY  | do                       | July 11, 1987.  |
| 1-87-36                            | Lake Champlain, VT                   | do                       | July 18, 1987.  |
| 1-87-37                            | Hoffman Island, New York Harbor, NY  | do                       | July 24, 1987.  |
| 1-87-48                            | East River, NY                       | do                       | Aug. 29, 1987.  |
| 1-87-50                            | Newtown Creek, Long Island City, NY  | do                       | Aug. 25, 1987.  |
| 1-87-55                            | Hudson River, NY, NY                 | do                       | Sept. 13, 1987. |
| 1-87-60                            | Newtown Creek, Long Island City, NY  | do                       | Sept. 17, 1987. |
| 1-87-61                            | Hudson River, Troy, NY               | do                       | Sept. 19, 1987. |
| 1-87-063                           | Norwalk Harbor, CT                   | do                       | Sept. 11, 1987. |
| 1-87-66                            | Shark River, Belmar, NJ              | do                       | Sept. 28, 1987. |
| 1-87-54                            | Upper New York Bay                   | Security zone            | Sept. 10, 1987. |
| 1-87-65                            | East River, NY                       | do                       | Sept. 21, 1987. |
| 1-87-20                            | Great Kennebec River                 | Special local regulation | July 5, 1987.   |
| 1-87-27                            | Coney Island Beach, NY               | do                       | July 1, 1987.   |
| 1-87-31                            | Boothbay Harbor, ME                  | do                       | July 15, 1987.  |
| 1-87-34                            | Bristol, RI                          | do                       | Aug. 8, 1987.   |
| 1-87-44                            | New Haven, CT                        | do                       | Sept. 19, 1987. |
| 1-87-45                            | West Patchogue, NY                   | do                       | Do.             |
| 1-87-49                            | Seaside Heights, NJ                  | do                       | Sept. 13, 1987. |
| 1-87-51                            | Freeport, NY                         | do                       | Sept. 12, 1987. |
| 1-87-64                            | Middletown, CT                       | do                       | Oct. 11, 1987.  |
| 2-87-04                            | Upper Mississippi River Mile 481     | do                       | July 11, 1987.  |
| 2-87-05                            | Ohio River, Mile 170                 | do                       | Sept. 12, 1987. |
| COTP Louisville, KY, Reg. 87-01    | Ohio River, Mile 603                 | Safety zone              | July 4, 1987.   |
| COTP Louisville, KY, Reg. 87-03    | Ohio River, Mile 608                 | do                       | Do.             |
| COTP Louisville, KY, Reg. 87-05    | Ohio River, Mile 758                 | do                       | Do.             |
| COTP Louisville, KY, Reg. 87-07    | Ohio River, Mile 469                 | do                       | Do.             |
| COTP Louisville, KY, Reg. 87-09    | Ohio River, Mile 603                 | do                       | Sept. 6, 1987.  |
| COTP Louisville, KY, Reg. 87-10    | Ohio River, Mile 602                 | do                       | Sept. 12, 1987. |
| COTP St. Louis MO, Reg. 87-05      | Illinois River, Mile 162             | do                       | July 4, 1987.   |
| COTP Memphis, TN, Reg. 87-07       | Mississippi River, Mile 735          | do                       | Do.             |
| COTP Nashville, TN, Reg. 87-02     | Cumberland River, Mile 190           | do                       | Do.             |
| COTP Nashville TN, Reg. 87-03      | Tennessee River, Mile 255            | do                       | Do.             |
| COTP Huntington, WV, Reg. 87-06    | Ohio River Mile 355                  | do                       | Do.             |
| COTP Philadelphia, PA, Reg. 87-004 | M/V Royal Viking Sky-Penn's Landing  | Security zone            | Sept. 17, 1987. |
| COTP Baltimore, MD, Reg. 87-04     | Baltimore Harbor                     | do                       | Aug. 18, 1987.  |
| COTP Baltimore, MD, Reg. 87-03     | do                                   | Safety zone              | Aug. 13, 1987.  |
| COTP Hampton Roads, VA, Reg. 87-21 | USS Theodore Roosevelt, James River  | do                       | July 27, 1987.  |
| COTP Hampton Roads, VA, Reg. 87-22 | M/V Vanda, Elizabeth River           | do                       | Aug. 11, 1987.  |
| COTP Hampton Roads, VA, Reg. 87-23 | do                                   | do                       | Aug. 12, 1987.  |
| COTP Hampton Roads, VA, Reg. 87-24 | M/V Norstar, South Elizabeth River   | do                       | Aug. 14, 1987.  |
| COTP Hampton Roads, VA, Reg. 87-25 | do                                   | do                       | Aug. 15, 1987.  |
| COTP Hampton Roads, VA, Reg. 87-26 | do                                   | do                       | Aug. 17, 1987.  |
| 5-87-31                            | USS John F. Kennedy, Elizabeth River | Special local regulation | Aug. 22, 1987.  |
| 5-87-048                           | Toms River, NJ                       | do                       | July 4, 1987.   |
| 5-87-049                           | Elizabeth River, Norfolk, VA         | do                       | July 4, 1987.   |
| 5-87-52                            | Delaware River, Camden, NJ           | do                       | July 5, 1987.   |
| 5-87-54                            | Delaware River, Raccoon Island, NJ   | do                       | July 3, 1987.   |
|                                    | Inner Harbor, Baltimore, MD          | do                       | July 4, 1987.   |



| Docket No.                              | Location                                | Type                     | Date           |
|-----------------------------------------|-----------------------------------------|--------------------------|----------------|
| 5-87-57                                 | York River, VA                          | do                       | Do             |
| 5-87-59                                 | Anchorage Area "O", Elizabeth River     | do                       | July 18, 1987  |
| 5-87-60                                 | Elizabeth River, Norfolk, VA            | do                       | July 19, 1987  |
| 5-87-061                                | Delaware River New Jersey & Penn        | do                       | July 18, 1987  |
| 5-87-62                                 | Savannah River, Annapolis, MD           | do                       | Aug. 7, 1987   |
| 5-87-064                                | Susquehanna River, MD                   | do                       | Aug. 29, 1987  |
| 5-87-067                                | Delaware River, Philadelphia, PA        | do                       | Aug. 22, 1987  |
| 5-87-079                                | do                                      | do                       | Sept. 17, 1987 |
| 7-87-23                                 | Miami Beach, FL                         | do                       | July 18, 1987  |
| 7-87-029                                | Sarasota Bay, New Pass                  | do                       | July 3, 1987   |
| COTP San Juan, PR, Reg. 87-32           | Vieques, PR                             | Security Zone            | Aug. 6, 1987   |
| COTP Miami FL, Reg. 87-47               | USS Key West, Key West, FL              | do                       | Sep. 17, 1987  |
| COTP Savannah, GA, Reg. 87-41           | M/V Cape Hudson, Savannah River, GA     | do                       | Sep. 9, 1987   |
| COTP Savannah, GA, Reg. 87-42           | M/V American Eagle, Savannah River, GA  | do                       | Sep. 12, 1987  |
| COTP Savannah, GA, Reg. 87-43           | M/V Lyra, Savannah River, GA            | do                       | Do             |
| COTP Savannah, GA, Reg. 87-28           | Savannah River                          | Safety zone              | July 5, 1987   |
| COTP Miami, FL, Reg. 87-033             | Dania, FL                               | do                       | July 27, 1987  |
| COTP Charleston, SC, Reg. 87-165, T0703 | Ashley River, Charleston, SC            | do                       | July 4, 1987   |
| COTP Corpus Christi, TX, Reg. 87-04     | Matagorda Bay, TX                       | do                       | Mar. 24, 1987  |
| COTP Corpus Christi, TX, Reg. 87-05     | Corpus Christi Bay, TX                  | do                       | May 10, 1987   |
| COTP Corpus Christi, TX, Reg. 87-06     | do                                      | do                       | May 22, 1987   |
| COTP Corpus Christi, TX, Reg. 87-07     | Matagorda Bay, TX                       | do                       | June 8, 1987   |
| COTP Houston, TX, Reg. 87-004           | Houston Ship Channel                    | do                       | July 18, 1987  |
| COTP Mobile, AL, Reg. 87-07             | Gulf Shores, AL                         | do                       | July 4, 1987   |
| COTP Port Arthur, TX, Reg. 87-03        | Beaumont, TX and Sabine Neches Waterway | Security zone            | Aug. 3, 1987   |
| COTP Mobile, AL, Reg. 87-08             | Mobile Harbor                           | do                       | Aug. 29, 1987  |
| 8-87-07                                 | Pensacola Beach, FL                     | Special local regulation | July 16, 1987  |
| 9-87-05                                 | Toledo/Maumee River                     | do                       | July 4, 1987   |
| 9-87-08                                 | Duluth Harbor, MN                       | do                       | Do             |
| 9-87-09                                 | Detroit River, MI                       | do                       | July 2, 1987   |
| 9-87-12                                 | Barkers Island, Superior, WI            | do                       | July 4, 1987   |
| 9-87-15                                 | Cuyahoga River, Cleveland, OH           | do                       | July 24, 1987  |
| 9-87-16                                 | Chicago Park, Lake Michigan             | do                       | July 18, 1987  |
| 9-87-17                                 | Niagara River, Tonawanda, NY            | do                       | July 25, 1987  |
| 9-87-19                                 | Grand Traverse Bay, Lake Michigan       | do                       | Do             |
| 9-87-20                                 | Niagara River, Tonawanda, NY            | do                       | Sep. 26, 1987  |
| 9-87-22                                 | Saginaw Bay, MI, Lake Huron             | do                       | Aug. 28, 1987  |
| COTP Detroit, MI, Reg. 87-02            | St. Clair River, Port Huron, MI         | Safety zone              | July 31, 1987  |
| COTP Detroit, MI, Reg. 87-03            | Detroit River, Detroit, MI              | do                       | Sept. 19, 1987 |
| COTP Duluth, MN, Reg. 87-01             | Lake Superior, Duluth-Superior Harbor   | do                       | July 26, 1987  |
| COTP Detroit, MI, Reg. 87-01            | Detroit River, Detroit, MI              | Security zone            | Sept. 19, 1987 |
| COTP Milwaukee, WI, Reg. 87-01          | Port Washington, WI, Lake Michigan      | do                       | July 27, 1987  |
| 11-87-04                                | Naval Station, San Diego, CA            | Special local regulation | July 25, 1987  |
| COTP San Diego, CA, Reg. 87-11          | San Diego Bay, CA                       | Safety zone              | June 29, 1987  |
| COTP San Diego, CA, Reg. 87-12          | do                                      | do                       | July 2, 1987   |
| COTP San Diego, CA, Reg. 87-13          | do                                      | do                       | July 6, 1987   |
| COTP San Diego, CA, Reg. 87-14          | do                                      | do                       | July 27, 1987  |
| COTP San Diego, CA, Reg. 87-15          | do                                      | do                       | Aug. 13, 1987  |
| COTP San Diego, CA, Reg. 87-16          | do                                      | do                       | Aug. 15, 1987  |
| COTP San Diego, CA, Reg. 87-17          | do                                      | do                       | Aug. 27, 1987  |
| COTP LA/LB, CA, Reg. 87-11              | Los Angeles/Long Beach, CA              | do                       | July 4, 1987   |
| COTP LA/LB, CA, Reg. 87-12              | do                                      | do                       | July 17, 1987  |
| COTP LA/LB, CA, Reg. 87-12              | do                                      | do                       | June 28, 1987  |
| COTP LA/LB, CA, Reg. 87-13              | do                                      | do                       | July 19, 1987  |
| COTP San Francisco, CA, Reg. 87-10      | Monterey Bay, CA                        | do                       | July 7, 1987   |
| COTP San Francisco, CA, Reg. 87-11      | do                                      | do                       | July 4, 1987   |
| COTP San Francisco, CA, Reg. 87-12      | San Francisco Bay, CA                   | Security zone            | July 2, 1987   |
| COTP San Francisco, CA, Reg. 87-13      | do                                      | do                       | Sept. 17, 1987 |
| 12-87-04                                | Crissy Field, San Francisco, CA         | Special local regulation | July 4, 1987   |
| 13-87-04                                | Elliott Bay, Seattle, WA                | do                       | Do             |
| 13-87-05                                | Commencement Bay, Tacoma, WA            | Special Local Regulation | Do             |
| 13-87-08                                | Snake River, Clarkston, WA              | do                       | July 17, 1987  |
| COTP Puget Sound, WA, Reg. 87-01        | Ballard, WA                             | Safety zone              | May 26, 1987   |
| COTP Puget Sound, WA, Reg. 87-03        | Port Townsend, WA                       | do                       | July 29, 1987  |
| COTP Honolulu, HI, Reg. 87-02           | Mamala Bay, Oahu, HI                    | do                       | Sept. 18, 1987 |
| COTP Western Alaska, Reg. 87-01         | Resurrection Bay, Seward, AK            | do                       | July 2, 1987   |
| COTP Western Alaska, Reg. 87-02         | do                                      | do                       | July 2, 1987   |

Date: December 2, 1987.

J.J. Smith,  
 Captain, U.S. Coast Guard, Executive  
 Secretary, Marine Safety Council.  
 [FR Doc. 87-28008 Filed 12-4-87; 8:45 am]

BILLING CODE 4910-14-M

## DEPARTMENT OF EDUCATION

## 34 CFR Part 668

**Student Assistance, Postsecondary  
 Education; Appeal Procedures for  
 Audit Determinations and Program  
 Review Determinations; Correction**

AGENCY: Department of Education.

ACTION: Final rule; correction.

**SUMMARY:** This document corrects  
 section designation errors published in

the Federal Register on August 12, 1987  
 (52 FR 30114).

EFFECTIVE DATE: December 7, 1987.

**FOR FURTHER INFORMATION CONTACT:**  
 Joyce R. Coates. Telephone number (202)  
 732-4888.

**SUPPLEMENTARY INFORMATION:** In the  
 final regulations, Student Assistance  
 General Provisions, Subpart H—Appeal  
 Procedures for Audit Determinations  
 and Program Review Determinations,  
 published in the Federal Register,  
 August 12, 1987, document 87-18352  
 beginning on page 30114, corrections are  
 made as follows:



**PART 668—[CORRECTED]**

1. The numbering of §§ 668.90 through 668.102 is corrected by changing the section designations from §§ 668.90 through 668.102 to §§ 668.111 through 668.123, respectively, in the table of contents and in the section designations in the text.

2. In redesignated § 668.113, paragraph (b), "668.95" is corrected to read "668.116."

3. In redesignated § 668.114, paragraph (c), "668.95" is corrected to read "668.116."

4. In redesignated § 668.116, paragraphs (e)(1)(ii) and (iv), "668.92" is corrected to read "668.113."

5. In redesignated § 668.121, paragraph (b), "668.98" is corrected to read "668.119."

Dated: November 25, 1987.

**C. Ronald Kimberling,**

*Assistant Secretary for Postsecondary Education.*

[FR Doc. 87-27931 Filed 12-4-87; 8:45 am]

BILLING CODE 4000-01-M

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 85**

[FRL-3271-1]

**Motor Vehicles; Emission Control System Performance Warranty Short Tests; Alternative Quality Control Procedures; State of Maryland**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rulemaking; Final determination of equivalency.

**SUMMARY:** This action approves certain quality control procedures used by the State of Maryland in its emissions inspection/maintenance program as equivalent to procedures outlined in § 85.2217 of the Emission Control System Performance Warranty Short Tests regulations (40 CFR Part 85, Subpart W). This finding of equivalency of Maryland's alternative procedures legitimizes the quality control procedures for Performance Warranty purposes, allowing owners of failed vehicles in the Maryland program to claim warranty coverage.

**DATE:** This final rule is effective on January 6, 1988.

**ADDRESSES:** Copies of material relevant to this action are contained in Public Docket No. A-84-30, U.S. Environmental Protection Agency, Central Docket

Section, Room Four, South Conference Center, 401 M Street SW., Washington, DC 20460. The docket may be inspected between 8 a.m. and 3 p.m. on weekdays. As provided in 40 CFR Part 2, a reasonable fee may be charged for photocopying.

**FOR FURTHER INFORMATION CONTACT:** Eugene J. Tierney, Emission Control Technology Division, Office of Mobile Sources, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, Telephone: (313) 668-4456.

**SUPPLEMENTARY INFORMATION:****A. Background**

EPA published a Notice of Proposed Rulemaking on April 17, 1987 (52 FR 12561) making a preliminary determination that the alternative quality control procedures being used in the Maryland I/M program are equivalent to those required in § 85.2217.

EPA solicited comments on its preliminary determination that Maryland's alternative quality control procedures are equivalent to those required by § 85.2217. However, no comments were received since publication of the notice.

**B. Final Determination**

This action announces EPA's final determination that the alternative quality control procedures being used in the Maryland I/M program are equivalent to those required in § 85.2217, as discussed in 52 FR 12561.

**C. Administrative**

This action is exempt from review by the Office of Management and Budget under Executive Order 12291. In addition, this action does not meet any of the criteria for classification as a "major rule," as defined by section 1(a) of Executive Order 12291. Thus, no regulatory impact analysis is required and none has been prepared.

Pursuant to section 3(a) of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, I hereby certify that this action will not have a significant adverse impact on a substantial number of small entities. The only entities potentially affected by a final determination of equivalency are automobile manufacturers whose performance warranty liability may be affected. However, these manufacturers are not small entities. Thus, no regulatory flexibility analysis is required and none has been prepared.

**List of Subjects in 40 CFR Part 85**

Imports, Labeling, Motor vehicle

pollution, Reporting and recordkeeping requirements, Research, Warranties.

**Authority:** Section 207, 301(a), Clean Air Act as amended (42 U.S.C. 7541 and 7601(a)).

Dated: November 27, 1987.

**Lee M. Thomas,**

*Administrator.*

[FR Doc. 87-27944 Filed 12-4-87; 8:45 am]

BILLING CODE 6560-50-M

**40 CFR Part 85**

[FRL-3270-9]

**Motor Vehicles; Emission Control System Performance Warranty Short Tests; Alternative Quality Control Procedures; State of New York**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rulemaking; final determination of equivalency.

**SUMMARY:** This action approves certain quality control procedures used by the State of New York in its emissions inspection/maintenance program as equivalent to procedures outlined in § 85.2217 of the Emission Control System Performance Warranty Short Tests regulations (40 CFR Part 85, Subpart W). This finding of equivalency of New York's alternative procedures legitimizes the quality control procedures for Performance Warranty purposes, allowing owners of failed vehicles in the New York program to claim the intended warranty coverage.

**DATE:** This final rule is effective on January 6, 1988.

**ADDRESSES:** Copies of material relevant to this action are contained in Public Docket No. A-84-30, U.S. Environmental Protection Agency, Central Docket Section, Room Four, South Conference Center, 401 M Street SW., Washington, DC 20460. The docket may be inspected between 8 a.m. and 4 p.m. on weekdays. As provided in 40 CFR Part 2, a reasonable fee may be charged for photocopying.

**FOR FURTHER INFORMATION CONTACT:** Eugene J. Tierney, Emission Control Technology Division, Office of Mobile Sources, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, Telephone: (313) 668-4456.

**SUPPLEMENTARY INFORMATION:****A. Background**

EPA published a Notice of Proposed Rulemaking on April 17, 1987 (52 FR



12563) making a preliminary determination that the alternative quality control procedures being used in the New York I/M program with the CVIS Model 9000 are equivalent to those required in § 85.2217.

EPA solicited comments on its preliminary determination that New York's alternative quality control procedures are equivalent to those required by § 85.2217. However, no comments were received since publication of the notice.

#### B. Final Determination

This action announces EPA's final determination that the alternative quality control procedures being used in the New York I/M program with the CVIS Model 9000 are equivalent to those required in § 85.2217, as discussed in 52 FR 12563. If significant modifications to the CVIS Model 9000 are made or if New York chooses to purchase new analyzers, and if the requirements of § 85.2217 are not met by the new equipment, the State must apply for a new determination of equivalency.

#### C. Administrative

This action is exempt from review by the Office of Management and Budget under Executive Order 12291. In addition, this action does not meet any of the criteria for classification as a "major rule," as defined by section 1(a) of Executive Order 12291. Thus, no regulatory impact analysis is required and none has been prepared.

Pursuant to section 3(a) of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, I hereby certify that this action will not have a significant adverse impact on a substantial number of small entities. The only entities potentially affected by a final determination of equivalency are automobile manufacturers whose performance warranty liability may be affected. However, these manufacturers are not small entities. Thus, no regulatory flexibility analysis is required and none has been prepared.

#### List of Subjects in 40 CFR Part 85

Imports, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements, Research, Warranties.

Authority: Sections 207, 301(a), Clean Air Act as amended (42 U.S.C. 7541 and 7601(a)).

Date: November 27, 1987.

Lee M. Thomas,

Administrator.

[FR Doc. 87-27995 Filed 12-4-87; 8:45 am]

BILLING CODE 6560-50-M

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

#### 43 CFR Part 4

#### Department Hearings and Appeals Procedures

**AGENCY:** Office of Hearings and Appeals, Interior.

**ACTION:** Final rule.

**SUMMARY:** This rulemaking corrects the language in Departmental regulation 43 CFR 4.5 *Power of the Secretary and Director*, in order to reflect the powers which are reserved to the Secretary of the Interior and to the Director of the Office of Hearings and Appeals in appellate and other review proceedings before the Department. No change is made with respect to proceedings before the Interior Board of Contract Appeals which are subject to the Contract Disputes Act of 1978.

**EFFECTIVE DATE:** January 6, 1988.

**FOR FURTHER INFORMATION CONTACT:** Frances A. Patton, Special Counsel to the Director, Office of Hearings and Appeals, Department of the Interior, 4015 Wilson Boulevard, Arlington, VA 22203; Telephone: (703) 235-3810 (not toll free).

**SUPPLEMENTARY INFORMATION:** Department regulation 43 CFR 4.5 *Power of the Secretary and Director*, as revised by publication in 50 FR 43703-43705 (October 29, 1985), effective as of November 29, 1985, erroneously excepts from the reserved powers of the Secretary and the Director, all proceedings before the Interior Board of Contract Appeals. It was intended in that publication only to except proceedings before the Interior Board of Contract Appeals subject to the Contract Disputes Act of 1978. The Interior Board of Contract Appeals continues to consider and decide cases that are not subject to the Contract Disputes Act of 1978, and the reserved powers of the Secretary and the Director are applicable in such proceedings. Therefore, the regulation is being changed to except from the reserved powers of the Secretary and the Director only those proceedings before the Interior Board of Contract Appeals which are subject to the Contract Disputes Act of 1978. Other editorial changes are being made in § 4.5(b) to clarify the reserved powers of the Director under delegated authority of the Secretary.

This rulemaking is being published as a final rule without prior publication of a proposed rule because changes are being made only to a rule of agency

organization, procedure, and practice, 5 U.S.C. 553(b)(A). Further, the effect of this rulemaking is limited to correction of erroneous provisions in the Department's regulation and prompt correction of the regulation is in the public interest.

#### Federal Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

#### Compliance with Other Laws

The Department of the Interior has determined that this document constitutes a change to a rule of agency organization and management, not subject to the provisions of Executive Order 12291, and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule has no economic effect since it neither removes existing requirements nor imposes new ones. The Department of the Interior has also determined, on the basis of the categorical exclusion of regulations of a procedural nature set forth at 516 DM 2 Appendix 1, section 1.10, that this rulemaking will not significantly affect the quality of the human environment.

#### Drafting

This rulemaking was drafted by Frances A. Patton, Special Counsel to the Director, Office of Hearings and Appeals.

#### List of Subjects in 43 CFR Part 4

Administrative practice and procedure.

Dated: October 13, 1987.

Donald Paul Hodel,  
Secretary.

Accordingly, 43 CFR Part 4 is amended as follows:

#### PART 4—[AMENDED]

1. The authority citation for Part 4 continues to read:

Authority: R.S. 2478, as amended, 43 U.S.C. 1201, unless otherwise noted.

#### Subpart A—General; Office of Hearings and Appeals

2. In § 4.5, paragraphs (a)(1), (a)(2) and (b) are revised, as set forth below:

#### § 4.5 Power of the Secretary and Director.

(a) \* \* \*

(1) The authority to take jurisdiction at any state of any case before any employee or employees of the



Department, including any administrative law judge or board of the Office, except a case before the Board of Contract Appeals which is subject to the Contract Disputes Act of 1978, and render the final decision in the matter after holding such hearing as may be required by law; and

(2) The authority to review any decision of any employee or employees of the Department, including any administrative law judge or board of the Office, or to direct any such employee or employees to reconsider a decision, except a decision by the Board of Contract Appeals which is subject to the Contract Disputes Act of 1978.

(b) *The Director.* Except for cases or decisions subject to the Contract Disputes Act of 1978, the Director, pursuant to his delegated authority from the Secretary, may assume jurisdiction of any case before any board of the Office or review any decision of any board of the Office or direct reconsideration of any decision by any board of the Office.

[FR Doc. 87-28005 Filed 12-4-87; 8:45 am]

BILLING CODE 4310-79-M

## FEDERAL MARITIME COMMISSION

### 46 CFR Part 586

[Docket No. 87-6]

#### Actions to Adjust or Meet Conditions Unfavorable to Shipping in the United States/Peru Trade

**AGENCY:** Federal Maritime Commission.

**ACTION:** Final rule.

**SUMMARY:** The Federal Maritime Commission finds that there exist unfavorable conditions to shipping in the foreign oceanborne trade between the United States and Peru. This final rule suspends the tariffs of certain Peruvian-flag carriers in that trade unless certification is received ensuring that these conditions no longer exist. The effect of the rule will be to adjust or meet unfavorable conditions by imposing burdens on Peruvian-flag carriers which approximate those imposed on non-Peruvian-flag carriers by Peruvian laws and regulations.

**EFFECTIVE DATE:** March 7, 1988.

**FOR FURTHER INFORMATION CONTACT:** Robert D. Bourgoin, General Counsel, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573, (202) 523-5740.

## SUPPLEMENTARY INFORMATION:

### Background Information

The Federal Maritime Commission ("Commission" or "FMC") instituted this proceeding by Notice of Proposed Rulemaking ("Proposed Rule") published in the *Federal Register* on April 13, 1987 (52 FR 11832), to address apparent conditions unfavorable to shipping in the United States/Peru oceanborne trade (the "Trade"), pursuant to the authority of section 19(1)(b) of the Merchant Marine Act, 1920, 46 U.S.C. app. 876(1)(b) ("Section 19"). Comments on the Proposed Rule were originally due on May 13, 1987. However, by further notices in the *Federal Register*, this period was extended to July 3, 1987 (52 FR 18408), July 31, 1987 (52 FR 26027), and finally August 10, 1987 (52 FR 28578). These extensions were granted at the request of the Peruvian-flag carriers to accommodate ongoing negotiations between the U.S. Government ("USG") and the Government of Peru ("GOP").

The Proposed Rule was issued after consideration of a number of complaints received from shippers, shippers' associations, freight forwarders and third-flag carriers regarding conditions in the Trade. In addition, certain comments filed in connection with a proposed equal access agreement<sup>1</sup> among U.S. and Peruvian-flag carriers cited certain potential adverse conditions in the Trade.

These complaints arose out of the enactment, implementation and enforcement by the GOP of Supreme Decree No. 009-86-TC<sup>2</sup> ("Supreme Decree"), which became effective on February 28, 1986, and which reserves for Peruvian-flag carriers 100 percent of all imported and exported ocean freight generated by Peru's foreign trade. The amount of cargo reserved by the Supreme Decree for Peruvian-flag carriers may be reduced as follows: (1) On the basis of strict reciprocity;<sup>3</sup> (2)

<sup>1</sup> The U.S./Peru Equal Access Agreement, Agreement No. 204-010986, was filed with the Commission on August 24, 1986. The parties responded to a Commission request for further information on May 21, 1987, and the agreement became effective on July 3, 1987.

<sup>2</sup> Supreme Decree No. 009-86-TC amended Supreme Decree No. 036-82-TC, which reserves Peruvian import and export cargoes for Peruvian-flag vessels and sets out waiver and cargo manifest certification requirements. While Supreme Decree No. 036-82-TC has been in place since September, 1982, apparently, non-associate and non-Peruvian-flag carriers were allowed to operate freely in the Trade.

<sup>3</sup> E.g., U.S.-flag carriers' access to Peruvian cargoes will be proportional to Peruvian-flag carriers' access to U.S. cargoes.

pursuant to government or commercial agreements<sup>4</sup> among non-Peruvian and Peruvian-flag carriers, preferably including Compania Peruana de Vapores, the Peruvian state shipping line; or (3) when the Peruvian Director General of Maritime Transportation or Peruvian Consuls grant non-Peruvian-flag or non-associate carriers permission to carry Peruvian export or import cargoes. Pursuant to the Supreme Decree, permission for the use of non-Peruvian-flag or non-associate carriers may be granted in the form of a waiver or cargo manifest certification when Peruvian-flag or associate carriers are not available and in position within 12 days<sup>5</sup> following the proposed date of shipment of non-perishable products, or within 4 days in the case of perishable products, or when no Peruvian-flag carrier serves the relevant port.<sup>6</sup>

The Proposed Rule recognized the appearance of unfavorable conditions in the Trade, and proposed the suspension of tariffs of Peruvian-flag carriers unless such carriers within 25 days of the issuance of a final rule obtained authorized status by filing with the Commission a certificate from the GOP stating unequivocally that no law, regulation or practice precludes any non-Peruvian-flag vessel from competing in the Trade on the same basis as any other vessel.

Comments on the Proposed Rule were received from the following carriers, shippers and shippers' associations: Compania Peruana de Vapores ("CPV"), Naviera Neptuno, S.A. ("Neptuno") and Empresa Naviera Santa, S.A. ("Santa")—joint comments; Lykes Brothers Steamship Co., Inc. ("Lykes"); Crowley Caribbean Transport, Inc. ("CCT"); the American Chamber of Commerce of Peru ("Chamber"); Occidental International Exploration and Production Company ("Occidental"); Naviera Amazonica Peruana, S.A. ("NAPSA"); Great Lakes Transcaribbean Line ("GLTL"); Compania Sud Americana de Vapores ("CSAV"); Shippers for Competitive Ocean Transportation ("SCOT") and the

<sup>4</sup> Non-Peruvian-flag carriers which become parties to such commercial agreements may be granted associate status upon approval by the GOP. Associate carriers are generally excepted from cargo manifest certification and waiver requirements under Supreme Decree Nos. 009-86-TC and 036-82-TC.

<sup>5</sup> Supreme Decree No. 033-86-TC of June 11, 1986, modified Supreme Decree No. 009-86-TC by reducing the number of days a shipment must wait for a Peruvian or associate carrier from 15 days to 12 days.

<sup>6</sup> The waiver and cargo manifest requirements have been replaced with an authorization procedure. This procedure is discussed below.



Chemical Manufacturers Association ("CMA")—joint comments and individual supplemental comments; and Tidewater Resources, Ltd. ("Tidewater"). During the comment period communications from the U.S. Departments of State and Transportation and the GOP were received by the Commission.

#### Diplomatic Activities

##### A. Memorandum of Understanding ("MOU")

On May 1, 1987, the USG and the GOP signed a MOU which relates to access by third-flag vessels to the Trade. In their transmittal of the MOU to the Commission, the U.S. Executive Agencies noted that they intend this agreement to lead to greater opportunities for third-flag carriers to compete in the Trade.

The MOU committed the GOP to promulgate regulations ("Regulations") within 45 days to implement provisions of the MOU dealing with third-flag carrier access to the Trade. Due to delays in the drafting of these Regulations and discussions between the USG and GOP on the terms of the Regulations, they did not become effective until July 29, 1987.

On August 7, 1987, the Commission issued in the *Federal Register* a notice of availability at the Federal Maritime Commission of Peruvian Resolution No. 027-87-TC/AC ("Resolution") (52 FR 29396) which contains the Regulations. Subsequently, Vance Fort, Deputy Assistant Secretary for Policy and International Affairs, U.S. Department of Transportation, transmitted a copy of the Resolution, with a letter requesting that the Commission terminate this proceeding and withdraw the Proposed Rule. Mr. Fort states that an interagency review of the Regulations contained in the Resolution "found that they substantially meet the requirements of paragraphs 1 and 2 of the MOU."<sup>1</sup> He

advises that the Executive Agencies' initial concerns over certain ambiguities in the Regulations, relating to nationality determination and service, had been resolved through assurances from the GOP. Mr. Fort explains that the USG's main interest is in maintaining a trade open to third-flag carriers and that the Executive Agencies will monitor developments in the Trade and actions taken by the GOP with regard to its authorization process. Finally, Mr. Fort advises that the Executive Agencies will call for consultations with the GOP if the Executive Agencies believe that operators from third countries are being unfairly denied access.

##### B. The Resolution

The Resolution containing the Regulations which implement the MOU was signed on July 27, 1987, and was published in the Official Gazette, "El Peruano," and became effective on July 29, 1987. The Regulations set forth the requirements and procedures that shipping lines operating third-flag vessels must observe in order to obtain authorizations from the Peruvian Ministry of Transportation and Communications ("Ministry") to participate in the Trade.

Among other things, the Resolution provides that: (1) Prior authorization must be obtained by third-flag operators from the Ministry to participate with free access to the Trade; (2) the Ministry may deny authorization if the country of nationality of the third-flag operator bars participation with free access to Peruvian-flag carriers in any of its trade dealings with third countries, based on the principle of reciprocity; (3) any authorization granted will be valid for a period of two years and may be renewed for subsequent two-year periods; (4) the granting of any authorization implies an obligation by the operator obtaining it to abide by all Peruvian laws and regulations applicable to the activity to be performed; and (5) any authorization granted may be revoked if: The authorization was obtained through false statements, information or documents; the country of the operator's nationality has not maintained the reciprocity required; or, the authorized operator fails to comply with the commitments undertaken.

##### C. Peruvian Aide-Memoire on the Resolution

The Department of State ("DOS") transmitted to the Commission an Aide-Memoire from the GOP which outlines Peru's plans for implementing the Regulations. The GOP advises that for a

90-day period starting July 27, 1987, the date the Regulations were published, it will continue to adhere to a flexible course of conduct in order to avoid any interruption in the participation of third-flag carriers that have served the Trade during the previous six months. Further, the GOP states that, during this 90-day period, it will consider any applications for authorization submitted. In addition, the GOP clarifies that the "authorization" system under the Resolution has totally replaced the existing "waiver" system for granting third-flag carrier access to the Trade.

#### Summary of Comments

##### A. CPV, Neptuno and Santa ("Peruvian Carriers")

Joint comments were submitted to the Commission by CPV, Neptuno and Santa, three Peruvian Carriers. The Peruvian Carriers urge the Commission to discontinue this proceeding.

The Peruvian Carriers explain that Peru's cargo reservation laws, Supreme Decree No. 036-86-TC, issued September 1982, and the Supreme Decree, issued February 1986, provide that, under certain circumstances, cargo reserved to Peruvian-flag vessels may be carried by vessels of its bilateral trading partner. They advise that vessels of Peru's bilateral trading partner may carry reserved cargo if the bilateral trading partner provides Peruvian-flag vessels equal access to its reserved cargo. In addition, it is stated that the Supreme Decree provides that associate status, and the resulting equal access to reserved cargoes, can be obtained by carriers of other countries, if these carriers enter into an agreement which provides Peruvian-flag carriers reciprocal equal access to reserved cargoes. The Peruvian Carriers note that they have entered into such an equal access agreement with two U.S.-flag carriers,<sup>2</sup> and advise that even though this equal access agreement did not become effective until July 3, 1987, the Peruvian authorities had previously granted U.S.-flag carriers associate status.

The Peruvian Carriers state that the Resolution implements the MOU by allowing third-flag vessels to participate with free access to the Trade, subject to specified procedures and policies. The GOP is said to have come to an agreement with the USG that, upon application, Peruvian authorities will expeditiously issue authorizations to third-flag operators to participate with

<sup>1</sup> Paragraphs 1 and 2 of the MOU read as follows: The parties have agreed to the following: 1. Upon application by operators of third-flag vessels, relevant Peruvian authorities will issue expeditiously renewable two-year authorizations to participate with free access in the United States-Peru trade. Consistent with the principle of reciprocity, such authorizations may be denied to third flag vessel operators whose countries are denying Peruvian operators access to their trades as cross-traders.

2. Within forty-five (45) days of the signing of this Memorandum of Understanding, the Ministry of Transport and Communications of Peru will implement the previous paragraph by promulgating pertinent regulations.

<sup>2</sup> See n. 1.



free access to the Trade, on the basis of reciprocity.

The Peruvian Carriers contend that the ability of Peruvian authorities to deny authorization to third-flag operators whose countries deny Peruvian-flag operators access to their trades as cross-traders, is an equitable policy and one that is recognized by the MOU. They further submit that such a policy is recognized by the laws of the United States, specifically, section 13(b)(5) of the Shipping Act of 1984 ("1984 Act"), 46 U.S.C. app. 1712(b)(5). The Peruvian Carriers point out that under section 13(b)(5) the Commission may ban vessels of a country from the U.S. foreign trade, if the Commission finds that the government of that country has unduly impaired the access of a U.S.-flag carrier to trade between foreign ports.

The Peruvian Carriers take the position that the Proposed Rule should not be adopted because the Peruvian laws and regulations which the Proposed Rule addresses have been materially changed by reason of the MOU and Resolution. They maintain that Peru's current laws and regulations do not create conditions that are unfavorable to shipping the Trade. They, therefore, request that the Commission discontinue the proceeding.

#### B. Lykes

Lykes, a U.S.-flag carrier, supports termination of this proceeding. It advises that, since March 1987, it has and will continue to provide the Trade with the same level of service described in earlier comments. Lykes maintains that its Atlantic and Gulf services, combined with the Peruvian-flag carriers' services, provide substantial shipping opportunities for the Trade.

Lykes expresses concern that the adoption of the Proposed Rule could ultimately prove to be more detrimental than beneficial to the Trade. Lykes fears the entire Trade could be shut down, thus adversely affecting carriers participating in the Trade, as well as shippers, consignees and consumers.

#### C. CCT

CCT, another U.S.-flag carrier, also urges that the proceeding be terminated.<sup>9</sup> It explains that since June 1981, it has maintained a regular fortnightly service from Miami to/from Peru, via the port of Paita, servicing the cities of Lima/Callao and other inland points in Peru. CCT reports that it has had no difficulties or interruption of its service to Peru. Further, CCT notes that

despite growth in the volume of cargoes from last year, it is unaware of any case where cargo has been shut out for lack of space. Thus, CCT contends that the Trade is adequately serviced.

#### D. Chamber of Commerce of Peru

The Chamber advises that it opposes the implementation of the proposed FMC sanction against Peruvian-flag vessels. It states that such action would inflict serious damage on U.S. commercial interests in Peru and on U.S. exporters.

The Chamber contends that current rates, frequencies and quality of maritime service in the Trade are acceptable, and that the service offered by private Peruvian carriers is improving. The Chamber reports that, with the exception of Chilean-flag carriers, its members have not encountered problems in obtaining waivers to use third-flag vessels. The loss of access to Chilean-flag carriers is not perceived by Chamber members as a significant disruption in the Trade.

The Chamber views retaliation by the GOP as a likely response to the implementation of the Proposed Rule. It believes that such a response may lead to the destabilizing of U.S. investments in Peru. The closing of Peruvian ports to U.S.-flag carriers would allegedly cause Peruvian state-owned firms and even U.S. companies in Peru to shift to non-U.S. sources of supply, thus injuring U.S. exporters.

#### E. Occidental

Occidental argues that the Proposed Rule threatens United States' economic interests. In particular, it opposes the suspension of FMC Tariff No. 3. Occidental explains that, under this tariff, NAPSAs, a Peruvian-flag carrier, transports critical oil exploration, drilling and operating equipment and supplies up the Amazon River to the port of Iquitos, Peru, for use by Occidental's operations in that area.

Occidental advises that the majority of its cargo has been transported by NAPSAs, the only regularly scheduled service on this route. It states that NAPSAs provides reliable service at reasonable rates. To Occidental's knowledge, no third-flag carrier currently provides regular service to Iquitos. Occidental explains that alternative methods of transportation to Iquitos would be extremely expensive and impracticable. If FMC Tariff No. 3 were suspended, Occidental would allegedly be forced to consider obtaining supplies from sources which would not require movement through U.S. ports. Occidental, therefore, requests that the

Commission not suspend FMC Tariff No. 3.

#### F. NAPSAs

NAPSAs opposes implementation of the Proposed Rule. It contends that the Supreme Decree is in no way directed against United States' carriers or United States' interests generally. NAPSAs submits that the Supreme Decree is simply one aspect of a longstanding dispute between the GOP and Chile. Any adverse effects allegedly suffered by United States shippers are said to have been transitory and have been largely corrected. NAPSAs, therefore, urges that the Commission not suspend the Peruvian-flag carriers' tariffs unless it finds that the Peruvian actions will actually cause substantial and continuing harm to United States interests. NAPSAs believes that the suspension of all Peruvian-flag carriers' tariffs would constitute an arbitrary and capricious action. It cautions that U.S. shippers and carriers will experience ill-effects if Commission sanctions are imposed.

NAPSAs further contends that the Commission does not have the statutory authority to proceed, given the circumstances of this case, and that the rulemaking is procedurally deficient. It maintains that both the language and history of the Merchant Marine Act, 1920, as well as considerations of sound policy, militate against undue intervention in disputes that neither directly target U.S. interests nor harm U.S.-flag carriers.

If the Commission does decide to impose sanctions on Peruvian-flag carriers, NAPSAs urges that NAPSAs's tariff covering the U.S./Iquitos, Peru, trade, FMC Tariff No. 3, not be suspended because: (1) The tariff applies to a route unrelated to Peru's Pacific trade which has been the subject of the shipper and third-flag carrier complaints filed with the Commission; and (2) U.S. interests would be harmed. NAPSAs advises that it only offers service to/from Iquitos. NAPSAs states that no third-flag carrier has ever provided a regular service to Iquitos and that, currently, it is the only carrier in that trade. It contends that, given these facts, U.S. shippers in the Iquitos trade have not even been allegedly injured by the Supreme Decree.

#### G. GLTL

GLTL requests that the Commission suspend this proceeding for a period of 90 to 120 days in order to determine whether the GOP's implementation of the Regulations will resolve the issues raised in this proceeding. The record

<sup>9</sup> The Commission interprets CCT's request for "suspension" to mean discontinuance.



currently before the Commission is said to be more than adequate for the Commission to determine that Peru's cargo reservation regime has created conditions unfavorable to shipping in the Trade. GLTL contends that unless these unfavorable conditions are substantially mitigated by the GOP Regulations, implementation of the Commission's Proposed Rule would be warranted.

GLTL is encouraged by the tenor of the Regulations and the concept therein of continued third-flag carrier participation in the Trade. It expresses concern, however, that certain provisions of the Regulations may be interpreted and applied by the GOP in such a way as to vitiate the Regulations' potentially favorable impact.

GLTL advises that until the ambiguities regarding the interpretation and implementation of the Peruvian Regulations are clarified, it is premature to discontinue the proceeding. GLTL contends that the brief suspension it proposes will not adversely impact or burden any interested party. It urges, however, that any suspension period be subject to earlier reopening upon application establishing any interim action by the GOP excluding any third-flag carrier from continuing its present access to and participation in the Trade.

#### H. CSAV

CSAV, a Chilean-flag carrier, submits that, despite the MOU and Peruvian Regulations, unfavorable conditions in the Trade continue to exist. The exclusion of CSAV and other third-flag carriers over a period of more than a year by Peruvian decrees and regulations allegedly have created conditions which are detrimental to U.S. and South American shippers, as well as to carriers in the Trade.

CSAV takes the position that while the MOU is of interest to the proceeding, it does not alter the governing principles for the Commission's mandate to adjust or meet conditions unfavorable to U.S. commerce. It suggests that considerable problems with serious implications for U.S. law and policy arise from the terms of the MOU and the Regulations. One such problem allegedly arises from the requirement that third-flag carriers obtain authorizations from the GOP to serve the Trade. CSAV maintains that such a requirement is inconsistent with the premise of "free access" to the Trade and defeats the purpose of Section 19, which is to guarantee open access. Further, CSAV maintains that the threat of revocation of the authorization would constantly exist for third-flag carriers.

CSAV submits that problems also arise from the two-year limitation on authorizations. It believes that many shippers, knowing in advance that a carrier's right to operate is only temporary, will not offer cargoes to that carrier because they look to carriers for long-term stability of service. Further, CSAV contends that long before the authorization expires, shippers will refuse to risk giving cargoes to a carrier that may not be able to transport them if its authorization is not renewed. In addition, CSAV submits that carriers will have little incentive to devote capital expenditures and marketing efforts to a service where the authority to operate may be terminated or not renewed. Therefore, any time limitation on the authorization period allegedly is, in itself, a condition unfavorable to shipping and is contrary to Section 19.

CSAV contends that additional problems arise from the fact that authorizations may be denied if the country of nationality of the third-flag carrier denies Peruvian-flag carriers access to its trades. It submits that this will nullify the intent of Congress underlying Section 19. Further, U.S. shippers and consignees will allegedly bear the cost, through lost service and higher rates, for a dispute between two foreign governments which has no relation to U.S. commerce.

CSAV asserts that the notion that Peruvian authorities may deny certain carriers authorization to participate in the Trade pursuant to the MOU, cannot be justified on grounds that section 13(b)(5) of the 1984 Act grants the Commission similar authority. CSAV states that nowhere has Congress or the Commission suggested that section 13(b)(5) sanctions would be applied to trades completely unrelated to the dispute in question.

CSAV believes that Peruvian authorities will probably deny Chilean carriers' application for authorization on the basis of alleged restrictions on the operations of Peruvian carriers in Chile's trade with Brazil and Argentina.<sup>10</sup> It explains that the Chilean Government has suggested on several occasions to the GOP a mutual opening of trade with Brazil.<sup>11</sup>

<sup>10</sup> Peruvian Resolution No. 044-86-TC/AC, which excludes Chilean carriers from certain Peruvian/third-country trades, remains in effect. Chilean Resolution No. 2, which excluded Peruvian carriers from certain Chile/third-country trades, was suspended on March 31, 1987, for six months. Resolution No. 2 will be revoked if Peru withdraws its restrictions on Chilean-flag carriers.

<sup>11</sup> CSAV states that Chile and Peru have identical agreements with Brazil.

CSAV suggests that even if it were granted an authorization, it would still be subject to the waiver requirement of the Supreme Decree.<sup>12</sup> It maintains that the waiver system of the Supreme Decree makes it nearly impossible for third-flag carriers to operate in the Trade.

If Peru is allowed to settle disputes with foreign nations by imposing burdens on U.S. commerce, CSAV maintains that other nations may follow suit. It is concerned that other nations may generate external disputes so as to create protected markets for their national carriers in their trade with the United States. If this occurs, CSAV believes that the U.S. trades could become bilateralized. CSAV submits that it is not the role of the Commission to involve itself in disputes between foreign nations, and to do so would have undesirable results.

CSAV concludes that the Peruvian Regulations do not reduce the unfavorable conditions in the Trade and, in fact, worsen the problem. It, therefore, recommends that the Commission pursue its proceeding until such time as all carriers wishing to serve the Trade have genuine access to cargoes.

#### I. SCOT/CMA

SCOT/CMA submitted joint comments prior to the issuance of the Peruvian Regulations and individual supplemental comments after the Regulations were issued. They assert that the facts in the instant case show that unfavorable conditions do exist and will continue to exist as long as the GOP restricts the participation of third-flag carriers in the Trade. SCOT/CMA urges the Commission to implement its proposed sanctions unless: (1) All carriers willing to serve the Trade are granted authorized status; and (2) no other law, rule or practice inhibits the ability of any carrier to operate in the Trade or any shipper or consignee to select the carrier of its choice.

SCOT/CMA detail problems which they allege exist in the Trade. These problems include inadequate service and the requirement that third-flag carriers obtain waivers to operate.<sup>13</sup>

<sup>12</sup> CSAV interprets Article 9 of the Resolution which states that the granting of the authorization implies an obligation by the operator obtaining it to abide by all Peruvian laws and regulations applicable to the activity to be performed, to mean that the Supreme Decree's waiver requirement would apply to authorized third-flag carriers. However, the GOP states in its Aide-Memoire that waivers will not be required by authorized third-flag carriers.

<sup>13</sup> See n. 12.



SCOT/CMA submit that the MOU does not relieve the Commission of its Congressionally-mandated duty to enforce Section 19 to adjust or meet conditions unfavorable to shipping in the U.S. foreign trade. They express concern with certain provisions of the MOU which they contend may perpetuate unfavorable conditions in the Trade. Cited, for example, is the provision in the MOU which enables the Peruvian authorities to deny authorized status to certain third-flag carriers. SCOT/CMA maintain that this provision was intended to allow Peruvian authorities to exclude Chilean-flag carriers from the Trade as long as Chile is denying Peruvian-flag carriers access to the Chile/Brazil or Chile/Argentina trade. Under this provision, U.S. shippers allegedly could be denied their right to use Chilean-flag service if the GOP convinces U.S. authorities that Chile is restricting Peruvian-flag access to the Chile/Brazil or Chile/Argentina trade.

If the GOP has a maritime dispute with Chile, SCOT/CMA contend that Peru should limit its retaliation to restrictions on Chilean carrier access to the Peru/Chile trade or to comparable "disputes trades," *i.e.*, Peru/Brazil or Peru/Argentina. They assert that the Commission should not allow U.S. trades to be the stakes in a dispute between Peru and Chile, nor allow the resolution of disputes between two foreign nations to be a necessary predicate to Section 19 action.

SCOT/CMA believe that allowing Peru to restrict Chilean-flag carriers access to U.S. trades because of restrictions placed on Peruvian carriers in the Chile/Brazil trade could set a dangerous precedent. They maintain that such a precedent could be used to justify the exclusion of U.S. carriers in a particular trade on the basis of a bilateral cargo reservation agreement that the U.S. has with a foreign country.

SCOT/CMA concur with CSAV that the GOP's denial of Chilean-flag carrier access to U.S. trades, under the circumstances proffered by the GOP, cannot be compared to actions the Commission can take under section 13(b)(5) of the 1984 Act. They argue that sanctions should not be applied in unrelated trades and would not be so applied under section 13(b)(5).

SCOT/CMA state that they recognize that the foreign policy developed by the Executive Branch pursuant to the MOU, may override the Commission's decision to impose sanctions. They recommend, however, that until such time as the President informs the Commission that the sanctions should be postponed, discontinued or suspended, pursuant to

46 CFR 585.13, the Commission should implement its proposed sanctions.

In CMA's individual supplemental comments it continues to support the Commission's proposed section 19 sanctions against Peruvian-flag carriers on the basis that the Peruvian Regulations do not permit all third-flag carriers to operate in the Trade. In SCOT's individual supplemental comments it states that the denial of Chilean-flag carriers' access to the Trade is significant because these are the only third-flag carriers that have offered service from the U.S. Atlantic and Gulf Coasts to Peru.

#### J. Tidewater

Tidewater, a U.S. exporter, suggests that discontinuance of the proceeding would be premature. It advises that, prior to the GOP restrictions placed on Chilean-flag carriers, it had preferred to employ such a carrier in the Trade. It expresses hope that Chilean-flag carriers would be granted the authorization cited in the MOU. Tidewater believes that Chilean-flag carriers are entitled to such authorization because Chilean Resolution No. 2, excluding Peruvian-flag carriers from certain Chilean trades, was rescinded.<sup>14</sup>

Tidewater describes current service in the Trade without Chilean-flag carriers as usually acceptable but reliably late. Further, Tidewater alleges a shortage of readily available container space in the Trade. It explains that as a small exporter it distinguishes itself from larger exporters by superior service, and, as a result, unreliable transportation greatly reduces its effectiveness.

#### Discussion

On the basis of all the information received, the Commission finds that "conditions unfavorable to shipping," within the meaning of section 19, exist in the foreign oceanborne trade between the United States and Peru. The GOP, through its laws and regulations, has imposed burdens on non-Peruvian-flag carriers which are not experienced by Peruvian-flag carriers. Further, shippers have been deterred or restricted from employing the carrier of their choice. Thus, the restrictions imposed by the GOP have had an injurious effect on carriers, shippers and the Trade, generally.

While the Commission recognizes the good faith efforts made by the USG and GOP to address the situation in the Trade through diplomatic means, the resultant Peruvian Resolution which

implements the MOU does not, in our opinion, satisfactorily resolve that situation. In fact, it in effect continues in place the very types of restrictions and impediments which prompted this proceeding in the first instance. Although third-flag carriers are no longer required to obtain "waivers" for individual shipments, they must now obtain "authorizations" to participate in the Trade. The Commission finds this authorization process as inconsistent with free access to trade concepts, as was the "waiver" system it replaces.

The Resolution puts third-flag carriers in a position where it is unlawful for them to carry cargoes in the Trade without obtaining an authorization. Although U.S.-flag carriers, unlike third-flag carriers, have been able to participate in the Trade, they nevertheless are technically required under the Supreme Decree to become associate carriers to gain free access to the Trade. On the other hand, Peruvian-flag carriers which compete for U.S. export and import cargoes are subjected to none of the impediments imposed on non-Peruvian-flag carriers by Peruvian cargo reservation laws.

Further, the authorization system, in itself, could deter potential competitors from entering the Trade. The fact that the authorization would be effective only for a two-year period and may be terminated during that time by the GOP could also have a similar effect. The uncertainty present in any limited grant of trade access authority could discourage carriers from entering the Trade and could influence a shipper not to select third-flag carriers operating under such limited authority.

It is therefore difficult for the Commission to view the GOP's authorization system as substantially different from the waiver system under the Supreme Decree. By establishing, at the very minimum, condition precedent procedural requirements, it imposes artificial impediments to free and open trade access not dissimilar to those imposed by the challenged waiver system.

Prior pronouncements by the Commission clearly and unequivocally indicate its position on that system. The Commission in its letter of October 23, 1986, to DOS' Deputy Assistant Secretary, Jeffrey N. Shane, advised that a satisfactory resolution to the problems in the Trade may not be reached until the GOP "suspends any implementation of its waiver system." Further, the Commission stated in its Proposed Rule that:

[t]he very existence of the waiver system and cargo manifest certification requirement

<sup>14</sup> See n. 10.



appears to deter shippers from using non-Peruvian-flag carriers. Indications are that these requirements, even when made subject to some form of penalty immunity, have a chilling effect on a shipper's selection of the carrier of its choice.<sup>15</sup>

Much the same can be said about the present "authorization" procedure.

It is unknown at this time whether Chilean-flag carriers will be granted authorizations and allowed to operate in the Trade. However, it does not appear likely given the existence of Peruvian Resolution No. 044-86-TC/AC<sup>16</sup> which excludes Chilean-flag carriers from certain Peru/third-country trades. Chilean-flag carriers have been denied access to the Trade for more than one year. Shipper comments to the Commission indicate that they wish to employ these carriers and did so prior to the carriers' exclusion from the Trade by the GOP.

In any event, the Commission cannot accept as a satisfactory resolution of this matter an accommodation which would permit the GOP to deny authorization to a third-flag operator in the U.S./Peru trade if the country of nationality of that operator bars participation to Peruvian-flag carriers in any of its third-country trades. To accept the proposition that the GOP can settle disputes with foreign nations by imposing burdens on U.S. commerce, in effect, would allow the GOP to hold the U.S.-Peru trade hostage to obtaining concessions elsewhere. Allowing this situation would establish a precedent with serious implications. First and foremost, it would abdicate the Commission's statutorily-mandated responsibilities under section 19 to remedy unfavorable conditions in the United States foreign trade. As a result, the Commission's ability to maintain open trades and prevent interruptions to the flow of U.S. oceangoing commerce would be impaired. Given the number of countries with restrictive maritime policies and practices, many third-flag

carriers could be denied access to U.S. trades. The result could be a reduction in competition with increases in rates and decreases in service.

The GOP's denial of authorization and, hence, access to the Trade under the conditions set forth in Article 3 of the Resolution, is not, contrary to the Peruvian Carriers' argument, similar to action the Commission can take pursuant to section 13(b)(5) of the 1984 Act. As explained by the Commission and noted by SCOT/CMA:

Whatever sanctions might be imposed by the Commission [under section 13(b)(5)] will be against those parties which are either directly or indirectly responsible for undue impairment of access of a U.S.-flag vessel.<sup>17</sup>

Because the Commission finds that the Peruvian Resolution implementing the MOU restricts third-flag carrier access to the Trade and does not allow shippers to freely select their preferred carriers, it is denying the request made by the U.S. Executive Agencies, Peruvian-flag carriers and certain other commenters to discontinue the proceeding and withdraw the Proposed Rule.

Further, the Commission will not discontinue the proceeding based on procedural and jurisdictional challenges or contentions that U.S. interests, including carriers and shippers, have not suffered any lasting harm and that, in any event, any difficulties have been cured by the MOU and Resolution.<sup>18</sup>

<sup>17</sup> Docket No. 84-22, *Actions to Address Conditions Unfavorable to Shipping in the Foreign Trade of the United States and Conditions Unduly Impairing Access of U.S.-Flag Vessels to Ocean Trade between Foreign Ports*, 22 S.R.R. 1422 (1984).

<sup>18</sup> NAPSA states that the Commission does not have the statutory authority in these circumstances to proceed under section 19 and that the instant rulemaking is procedurally deficient. NAPSA does not, however, address these statutory and procedural issues, stating that it understands that CPV, Neptuno and Santa, the Peruvian Carriers, will address them. The Peruvian Carriers, however, do not address these issues in their comments on the Proposed Rule. These carriers did raise procedural issues in their "Petition of Peruvian Carriers for Changed Procedure," April 21, 1987. The Commission responded to the procedural issues raised in this petition in its "Order Denying Petition," served June 18, 1987.

NAPSA also urges in its comments that Section 19 should not be invoked, as a matter of policy, to deal with incidental trade problems which result when United States carriers or shippers are not the direct target of foreign state actions. In connection with this argument, NAPSA also urges the Commission to act with circumspection where there is no adverse effect on United States carriers, alleging that the language and history of the Merchant Marine Act of 1920 indicate that the Act's primary—if not sole—purpose was to develop, maintain and protect the U.S.-flag merchant marine. While NAPSA does not go so far as to argue that Section 19 and the Commission's authority are so limited as to encompass only those U.S. interests represented by U.S.-flag vessels, its selective reading of the legislative history would restrict our "clear" statutory mandate to such interests, relegating

While U.S.-flag carriers, apparently, have been allowed to operate in the Trade pursuant to their associate status,<sup>19</sup> it is clear that third-flag carrier access to the Trade has been and continues to be impaired and, in the case of Chilean-flag carriers in particular, denied altogether. The result is that U.S. shippers have not been allowed to freely select the carrier of their choice. Further, there is no indication that the Peruvian Resolution will alleviate this situation.

The restrictions imposed on third-flag carriers call into question the argument made by some commenters that service in the Trade is adequate. Although the issue of service adequacy in the Trade is a matter of considerable dispute among those commenting on the Proposed Rule, "adequacy of service is not necessarily the primary consideration in section 19 proceedings."<sup>20</sup> But even:

\* \* \* [a] showing that the Peruvian-flag carriers and particularly the Peruvian national carrier, now offer "adequate service" might mean merely that they have been able to increase their share of the market and consolidate their gains during the period when their third-flag competitors were excluded from the market \* \* \*.<sup>21</sup>

As a general matter, however, the diminution of competition in the market for shipping services resulting from the GOP Supreme Decree appears to contradict the carriers' claims that U.S. shippers have suffered no lasting or long-term detrimental effects.

The Commission has also determined that suspension of the proceeding for a

shipper interests to subordinate status. As the Commission on numerous occasions has pointed out, the language of Section 19 and the legislative history of the Merchant Marine Act, 1920, of which it is a part, indicates a far broader purpose. For example, in advocating that the U.S. Shipping Board (now the FMC) be given power in some form to respond to foreign acts like the British Board of Trade's "Orders in Council," the witness before the Senate Committee considering the bill, William L. Clark of the Pacific Steamship Company, noted that the British Orders are "worked out in harmony with British Commerce and British shipping, protective of both." The Committee Chairman responded that the U.S. should "emulate" the British approach. *Hearings Before the Senate Committee on Commerce, Establishment of An American Merchant Marine*, 66th Cong., 1st and 2nd Sess. 1465-1466 (1919-1920). Thereafter, during consideration of the bill by the Senate, the Committee Chairman described the powers and discretion conferred on the agency which was "to build up American trade, American shipping, and American interests \* \* \*. We are giving them this power and giving them this discretion to use in the interest of American trade and American shipping \* \* \*." 59 Cong. Rec. 6613 (1920).

<sup>19</sup> Associate status was granted to the U.S.-flag carriers prior to the effectiveness of the U.S./Peru Equal Access Agreement.

<sup>20</sup> See pp. 16-17 of Proposed Rule.

<sup>21</sup> See "Order Denying Petition," served June 18, 1987, p. 13.

<sup>15</sup> See Proposed Rule, p. 18.

<sup>16</sup> As the Commission stated in issuing its Proposed Rule: The practical effect of Peruvian Resolution No. 044-86-TC/AC is to deny U.S. shippers the ability to employ Chilean-flag carriers which, prior to the implementation of the Supreme Decree, were the major third-flag carriers in the Trade. Chilean-flag carriers are said to provide efficient, low-cost service in the Trade. The denial of such service, coupled with the fact that Chilean-flag carriers are currently allowed to operate within the Peru/Europe trade, may effectively create conditions unfavorable to shipping in the U.S. trades by discriminating against U.S. shippers in the U.S. trade with Peru vis-a-vis their competitors shipping cargoes between Europe and Peru. The result of these restrictions on shipping service in the Trade may be to put at risk the Peruvian markets of U.S. shippers, and bring about the loss of these markets to European competitors.



specified period of time, e.g., 90 or 120 days, to provide an opportunity to determine whether the implementation of the Regulations will resolve the unfavorable conditions in the Trade, is not an acceptable course of action. Such action, just as discontinuance, would imply that the Commission accepts both the GOP's authorization process for third-flag carrier access to the Trade and the practice by the GOP of settling maritime disputes with foreign nations by imposing burdens on U.S. commerce. As noted above, the Commission finds both of these concepts objectionable.

#### Final Rule

For the reasons stated above the Commission finds it necessary and appropriate to issue a rule, pursuant to Section 19, to adjust or meet conditions described above which it finds unfavorable to shipping in the Trade ("Final Rule").

The Final Rule will suspend the tariffs of Peruvian-flag carriers operating in the Trade, with the exception of NAPSA's FMC Tariff No. 3 for U.S./Iquitos, Peru, service, unless such carriers obtain authorized status from the Commission. NAPSA's tariff in the U.S./Iquitos trade is not being suspended because the Commission finds this subtrade distinguishable from the Trade generally, and therefore entitled to different treatment. The Commission has not received any complaints regarding the U.S./Iquitos trade. Moreover, there is no alternative to NAPSA's service in this subtrade.

The Commission recognizes the considerable efforts made by the U.S. Government and GOP to resolve the situation in the Trade through diplomatic channels. The MOU reflects these good faith efforts. Further, the Commission does not intend to preclude, and continues to support, a diplomatic resolution of the situation in the Trade. The Final Rule will, therefore, become effective 90 days from the date of publication in the *Federal Register*, rather than the usual 30 days, to accommodate any further attempts at a diplomatic accommodation.

The Final Rule therefore allows Peruvian-flag carriers 85 days from the date of publication in the *Federal Register* in which to act to avoid suspension of their tariffs in the Trade. Such carriers may obtain authorized status by filing with the Commission a certificate from the GOP stating unequivocally that no law, regulation or practice precludes any non-Peruvian-flag vessel from competing in the Trade on the same basis as any other vessel. If a Peruvian-flag carrier fails to submit the required certificate within the

prescribed days, its tariffs will be suspended 5 days subsequently. Unless implementation of the Peruvian authorization system is suspended and all carriers wishing to operate in the Trade are allowed to do so, Peruvian-flag carriers could not obtain FMC authorized status.

#### List of Subjects in 46 CFR Part 586

Cargo vessels, Exports, Foreign relations, Imports, Maritime carriers, Penalties, Rates and fares, Reporting and recordkeeping requirements.

Therefore, pursuant to section 19(1)(b) of the Merchant Marine Act, 1920, 46 U.S.C. app. 876(1)(b), Reorganization Plan No. 7 of 1961, 75 Stat. 840, and 46 CFR Part 585, Part 586 is added to Title 46, Subchapter D of the Code of Federal Regulations to read as follows:

#### PART 586—ACTIONS TO ADJUST OR MEET CONDITIONS UNFAVORABLE TO SHIPPING IN THE UNITED STATES/PERU TRADE ("THE TRADE")

##### Sec.

586.1 Conditions unfavorable to shipping in the Trade.

586.2 Peruvian-flag carriers without authorized status—suspension of tariffs.

Authority: 46 U.S.C. app. 876(1)(b); 46 CFR Part 585; Reorganization Plan No. 7 of 1961, 75 Stat. 840, August 12, 1961.

##### § 586.1 Conditions unfavorable to shipping in the Trade.

(a) The Federal Maritime Commission has determined that the Government of Peru has created conditions unfavorable to shipping in the foreign trade of the United States by enacting, implementing and enforcing laws and regulations which unreasonably restrict non-Peruvian-flag carriers from competing in the Trade on the same basis as Peruvian-flag carriers, and additionally deny to non-Peruvian-flag carriers effective and equal access to cargoes in the Trade. Moreover, the laws and regulations at issue unilaterally allocate and reserve export liner cargoes from the United States for carriage by Peruvian-flag carriers.

(b) Peruvian law provides that non-Peruvian-flag carriers must become associate carriers or obtain authorizations to operate in the Trade. The enforcement of an authorization system and the ability of the Government of Peru to deny an authorization if the country of nationality of the carrier denies access to Peruvian carriers in any of its trade dealings with third-countries discriminate against U.S. shippers and exporters, restrict their opportunities to select a carrier of their own choice, and

hamper their ability to compete in international markets.

##### § 586.2 Peruvian-flag carriers without authorized status—suspension of tariffs.

(a)(1) On a date 90 calendar days from the date of publication of this final rule in the *Federal Register*, the following tariffs and all amendments thereto, insofar as they relate to the Trade, shall be suspended, unless the enumerated Peruvian-flag carriers first obtain authorized status pursuant to paragraph (b) of this section:

##### *Compania Peruana de Vapores (CPV)*

FMC No. 14—Applicable BETWEEN United States Atlantic and Gulf Ports AND Ports in South America, Trinidad, and the Leeward and Windward Islands.

FMC No. 15—Applicable FROM United States West Coast Ports and Hawaii TO Ports in Chile, Peru, Mexico, Panama and the West Coast of Central America.

FMC No. 16—Applicable FROM Ports in Chile, Peru, Mexico, Panama and the West Coast of Central America TO United States West Coast Ports and Hawaii.

##### *Empresa Naviera Santa, S.A.*

FMC No. 3—Applicable FROM Rail Container Terminals at United States Pacific Coast Ports TO Ports in South America.

FMC No. 5—Applicable FROM Rail Terminals at United States Interior Ports and Points TO Peru and Chile.

FMC No. 7—Applicable BETWEEN United States Atlantic and Gulf Ports AND Ports in Peru.

##### *Naviera Neptuno, S.A.*

FMC No. 1—Applicable BETWEEN United States Atlantic and Gulf Ports AND Ports in the Caribbean, Ports on the North, East and West Coast of South America (Including Brazil), Ports on the East and West Coast of Central America, and all Ports in Mexico.

FMC No. 2—Applicable BETWEEN United States Atlantic Coast Ports AND Ports on the West Coast of South America.

FMC No. 4—Applicable BETWEEN Ports in Florida AND Ports in Peru.

FMC No. 5—Applicable BETWEEN United States Pacific Ports AND Peru and Pacific Coast Ports in Chile, Colombia and Ecuador.

FMC No. 6—Applicable BETWEEN United States Gulf Ports AND Ports in Peru, Chile and Ecuador.



*Naviera Universal, S.A. (Uniline)*

FMC No. 2—Applicable BETWEEN United States Ports and Points AND Ports and Points in Central America, South America, Mexico, and the Caribbean.

(2) Other tariffs which may be filed by or on behalf of the carriers listed in paragraph (a)(1) of this section or other Peruvian-flag carriers in the Trade shall also be suspended if the conditions of paragraph (b) of this section are not met.

(3) The right of the carriers listed in paragraph (a)(1) of this section, or any other Peruvian-flag carrier in the Trade to use the following conference tariffs, or any other conference tariff covering the Trade, including intermodal tariffs covering service from interior U.S. points, will, absent compliance with paragraph (b) of this section, be suspended:

*Atlantic & Gulf/West Coast of South America Conference*

FMC No. 2—Applicable FROM United States Atlantic and Gulf Ports TO West Coast Ports in Peru and Chile via the Panama Canal.

FMC No. 3—Applicable FROM Points in the United States TO Points and Ports in Chile, Peru, and Bolivia moving through United States Atlantic and Gulf Ports of Interchange.

FMC No. 5—Applicable FROM Points and Ports in Chile, Peru and Bolivia TO Points and Ports in the United States, moving through United States Atlantic and Gulf Ports of Interchange.

FMC No. 6—Applicable FROM Chilean and Peruvian Ports of Call via the Panama Canal TO Ports of Call on the Atlantic and Gulf Coasts of the United States.

(4) In the event of suspension of tariffs pursuant to this paragraph, all affected conference or rate agreement tariffs shall be amended to reflect said suspensions. Operation by any carrier under suspended, cancelled or rejected tariffs shall subject said carrier to all applicable remedies and penalties provided by law.

(b)(1) In order to avoid suspension of its tariffs pursuant to paragraph (a) of this section, or to reinstate tariffs suspended for previous failure to follow the procedures prescribed herein, each Peruvian-flag carrier enumerated in paragraph (a)(1) of this section must secure authorized status from the Federal Maritime Commission.

(2) Authorized status shall be conferred upon a Peruvian-flag carrier upon that carrier's submission to the Commission within 85 calendar days of the date of publication of this final rule in the Federal Register of a certificate

from the Government of Peru stating unequivocally that no law, regulation or policy of the Government of Peru will:

(i) Preclude any non-Peruvian-flag carrier from competing in the Trade on the same basis as any other carrier;

(ii) Result in less than meaningful and competitive access by any non-Peruvian-flag carrier, to cargo designated as reserved under Supreme Decree No. 009-86-TC; and

(iii) Impose any administrative burden, including but not limited to, the necessity to secure an authorization based on the national status of the carrier, or otherwise discriminate against any non-Peruvian-flag carrier in the Trade.

(3) If no such submission is made, the tariffs identified in paragraph (a) of this section shall be suspended effective 5 calendar days after the expiration of the 85-day period.

(c) When the tariff of a Peruvian-flag carrier has been suspended for failure to secure authorized status, that carrier may apply for authorized status by submitting to the Commission the certification described in paragraph (b)(2) of this section. Reinstatement of the tariff will occur upon Commission review and approval of the certification.

(d) Upon conferment of authorized status, the Commission may require periodic reports from the Peruvian-flag carriers in order to monitor conditions in the Trade.

By the Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 87-27974 Filed 12-4-87; 8:45 am]

BILLING CODE 6730-01-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 76

[MM Docket No. 85-349]

### Carriage of Television Broadcast Stations on Cable Television Systems; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: Action taken herein corrects an error concerning the expiration date of the mandatory signal carriage provisions of the must carry rules. These provisions will now be in effect until June 10, 1992.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Scott Roberts, Mass Media Bureau, (202) 632-6302.

SUPPLEMENTARY INFORMATION: On March 26, 1987, we adopted revisions to our new must carry cable rules in a *Memorandum Opinion and Order (Order)* in MM Docket No. 85-349, 52 FR 17574 (published May 11, 1987). It has come to our attention that one revised rule section (§ 76.64 Expiration of mandatory carriage provisions) was inadvertently omitted from the new rules as provided in Appendix B of that *Order*.

Accordingly, Part 76 of Title 47 of the Code of Federal Regulations is amended as follows:

### PART 76—[AMENDED]

1. The authority citation for Part 76 continues to read as follows:

Authority: 47 U.S.C. 154, 303, and 521.

2. Section 76.64 is revised to read as follows:

#### § 76.64 Expiration of mandatory carriage provisions.

The provisions of §§ 76.58, 76.58, 76.60, and 76.62(b) shall remain in force until June 10, 1992, and shall thereafter be of no further force or effect.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-27982 Filed 12-4-87; 8:45 am]

BILLING CODE 6712-01-M

### 47 CFR Part 76

[MM Docket No. 85-349, GEN Docket No. 87-107; FCC 87-369]

### Carriage of Television Broadcast Stations on Cable Television Systems and Technical Standards for Input Selector Switches

AGENCY: Federal Communications Commission.

ACTION: Final rule; stay of compliance date.

SUMMARY: Action taken herein stays the compliance dates for implementing 47 CFR 76.66 input selector switches and consumer education in order to avoid requiring some cable operators to distribute two separate information items within a short period of time.

DATES: The compliance dates are stayed from December 10, 1987, as adopted in MM Docket No. 85-349 and January 28, 1988, as adopted in GEN Docket 87-107 to a congruent date of February 29, 1988.



**ADDRESS:** Federal Communications Commission, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Scott Roberts, Mass Media Bureau, (202) 632-6302.

**SUPPLEMENTARY INFORMATION:** 1. On March 26, 1987, the Commission adopted revisions to its regulatory program for addressing the cable must carry matter in a *Memorandum Opinion and Order* in MM Docket No. 85-349, 52 FR 17574 (published May 11, 1987). In that action, the Commission revised § 76.66 of its rules, which provides input selector switch and consumer education requirements, to specify that cable systems were to comply with these requirements within six months of June 10, 1987, i.e. by December 10, 1987. Under the provisions of § 76.66, cable systems, *inter alia*, must provide subscribers information regarding the purpose and function of input selector switches and offer to supply and install such switches for them on an annual basis through June 10, 1992. This section also requires cable operators to provide their subscribers with consumer information on the need for maintaining independent access to off-the-air broadcast signals annually on a continuing basis.

2. On November 19, 1987, the Commission adopted a *Report and Order* in GEN Docket No. 87-107 (*Report and Order*), FCC 87-357, which, *inter alia*, amended § 76.66. These amendments were to clarify that cable operators may install antenna ground systems for their subscribers and separately charge for such installations and to add a new information requirement concerning the interference potential of input selector switches. These rules changes will become effective on January 28, 1988.

3. It has come to our attention that because the amendments to § 76.66 do not take effect until January 28, 1988, some cable operators could be faced with two informational requirements—one on or prior to December 10, 1987, and one on January 28, 1988, seven weeks later. We also have become aware that because of uncertainty about the possible rule changes resulting from the input selector switch technical standards proceeding, many cable operators have delayed the distribution of their switch offerings and consumer information programs. We believe that it would be undesirable to create a situation where a cable operator would be required to distribute two separate information items within a short period of time. This would be burdensome for cable operators and could lead to confusion on the part of subscribers that

could serve to hinder the effectiveness of the program for encouraging them to install and use input selector switches.

4. While we intend for the input selector switch and consumer education rules to be implemented as soon as possible, we believe that these considerations warrant additional time for compliance. Thus, for cable systems that have not yet mailed out the switch offer and consumer information in compliance with the § 76.66 provisions in effect prior to the *Report and Order*, we are staying the compliance date for that section such that all portions thereof must be complied with on the same date. This will allow time for cable operators who have not yet distributed their input selector switch offer and consumer information to draft the new information that is required in the recent *Report and Order* and combine the informational requirements of both actions in one distribution. To facilitate inclusion of the switch offer and consumer information in the regular statements of cable systems that bill in the first few days of the month, we are extending the date until February 29, 1988. System operators that have already mailed to their subscribers the input selector switch offer and educational materials required by § 76.66 need not send out a revised mailing including the material that will be mandated by § 76.66(a)(5)(iv) prior to their next mailing. This will allow those systems to avoid a second mailing at this time that could be confusing to subscribers. The new information will be required to be included in the next annual mailing of cable operators who have already distributed the switch offer and consumer information to their subscribers. This additional information should be provided to all new subscribers, however, as promptly as possible and commence for all such subscribers no later than February 29, 1988.

5. Accordingly, it is ordered that the date for compliance with § 76.66 of the Commission's rules, 47 CFR 76.66, is stayed until February 29, 1988, for cable systems that have not complied, as of December 10, 1987, with the provisions of § 76.66 in effect prior to the adoption of the *Report and Order* in MM Docket No. 87-107. In addition, it is ordered that cable systems that have complied with the provisions of 47 CFR 76.66 in effect prior to the adoption of that *Report and Order* are required only to include the new information to their next annual consumer information mailing. Authority for this action is provided in sections 4(i) and 303 of the Communications Act of 1934, as amended.

## List of Subjects in 47 CFR Part 76

Cable television.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-27963 Filed 12-4-87; 8:45 am]

BILLING CODE 6712-01-M

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### 49 CFR Part 1

[OST Docket No. 1; Amdt. 1-221]

### Organization and Delegation of Powers and Duties

**AGENCY:** Department of Transportation (DOT), Office of the Secretary.

**ACTION:** Final rule.

**SUMMARY:** This amendment delegates authority to the Federal Highway Administrator to take actions under section 324 of the Fiscal Year 1986 Department of Transportation Appropriations Act. Also, a technical correction is made to a citation concerning environmental enforcement in the delegation to all Administrators.

**EFFECTIVE DATE:** December 7, 1987.

**FOR FURTHER INFORMATION CONTACT:** Samuel E. Whitehorn, Office of the General Counsel, Department of Transportation, Washington, DC, (202) 366-9307.

**SUPPLEMENTARY INFORMATION:** Since this amendment relates to Departmental management, procedures, and practice, notice and comment on it are unnecessary and it may be made effective in fewer than thirty days after publication in the *Federal Register*.

The Secretary has determined that the authority to take certain actions under section 324 of the Fiscal Year 1986 Department of Transportation Appropriations Act, enacted as part of the Fiscal Year 1986 Continuing Resolution (Pub. L. 99-190, 99 Stat. 1288), should be delegated to the Federal Highway Administrator. Under section 324, tolls collected for motor vehicles on any bridge connecting the borough of Brooklyn, New York, and Staten Island, New York, shall only be collected for those vehicles existing from such bridge in Staten Island. The statute also provides a clause addressing enforcement whereby the Secretary of Transportation shall withhold funds if tolls are collected for those vehicles existing from such bridges in the borough of Brooklyn. In addition, the statute provides that toll bridge collection limitations can be amended



upon a determination by the Secretary of Transportation.

Under 49 U.S.C. 322, the Secretary has the authority to delegate responsibilities to other Departmental officials and offices. Therefore, the Secretary has determined that the Federal Highway Administrator should carry out the statutory responsibilities under section 324.

In the delegations to all Administrators at 49 CFR 1.45, a technical correction to paragraph (a)(4) is necessary. Section 4(f) of Pub. L. 86-670, 80 Stat. 934 (49 U.S.C. 1653(f)) was repealed by Pub. L. 97-449, 96 Stat. 2413, 2419 (1983) and recodified at 49 U.S.C. 303.

#### List of Subjects in 49 CFR Part 1

Authority delegations (government

agencies), Organization and functions (government agencies).

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended as follows:

#### PART 1—[AMENDED]

1. The authority of Part 1 continues to read as follows:

Authority: 49 U.S.C. 322.

2. Section 1.45 is amended by revising paragraph (a)(4) to read as follows:

#### § 1.45 Delegations to all Administrators.

(a) \* \* \*

(4) Carry out the functions vested in the Secretary concerning environmental enhancement by 49 U.S.C. 303.

\* \* \* \* \*

3. Section 1.48 is amended by adding paragraph (gg) to read as follows:

#### § 1.48 Delegations to Federal Highway Administrator.

\* \* \* \* \*

(gg) Carry out all of the functions vested in the Secretary under section 324 of the Fiscal Year 1986 Department of Transportation Appropriations Act (Pub. L. 99-190, 99 Stat. 1288), notwithstanding the reservation of authority under § 1.44(j) of this part.

Issued in Washington, DC, on November 30, 1987.

Jim Burnley,

Deputy Secretary.

[FR Doc. 87-27972 Filed 12-4-87; 8:45 am]

BILLING CODE 4910-62-M



# Proposed Rules

Federal Register

Vol. 52, No. 234

Monday, December 7, 1987

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

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Parts 905, 959, 971, and 987

#### Expenses and Assessment Rates for Specified Marketing Orders

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would authorize expenditures and establish assessment rates under Marketing Orders 905, 959, 971, and 987 for the 1987-88 fiscal year established for each order. Funds to administer these programs are derived from assessments on handlers.

**DATE:** Comments must be received by December 17, 1987.

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

**FOR FURTHER INFORMATION CONTACT:** Gary D. Rasmussen, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2530-S, Washington, DC 20090-6456, telephone 202-475-3918.

**SUPPLEMENTARY INFORMATION:** This rule is proposed under Marketing Order Nos. 905 (7 CFR Part 905) regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida; 959 (7 CFR Part 959) regulating the handling of onions grown in South Texas; 971 (7 CFR Part 971) regulating the handling of lettuce grown in The Lower Rio Grande Valley in South Texas; and 987 (7 CFR Part 987) regulating the handling of dates

produced or packed in Riverside County, California. These orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act.

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

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

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

There are approximately 100 handlers of Florida citrus, 40 handlers of Texas onions, 7 handlers of Texas lettuce, and 26 handlers of California dates under these marketing orders, and approximately 15,000 Florida citrus producers, 160 Texas onion producers, 30 Texas lettuce producers, and 150 California date producers. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual gross revenues for the last three years of less than \$100,000, and small agricultural service firms are defined as those whose gross annual receipts are less than \$3,500,000. The majority of the handlers and producers may be classified as small entities.

Each marketing order requires that the assessment rate for a particular fiscal year shall apply to all assessable commodities handled from the beginning of such year. An annual budget of expenses is prepared by each administrative committee and submitted to the Department of Agriculture for approval. The members of administrative committees are handlers and producers of the regulated commodities. They are familiar with the committees' needs and with the costs for goods, services and personnel in their

local areas and are thus in a position to formulate appropriate budgets. The budgets are formulated and discussed in public meetings. Thus, all directly affected persons have an opportunity to participate and provide input.

The assessment rate recommended by each committee is derived by dividing anticipated expenses by expected shipments of the commodity (e.g., pounds, tons, boxes, cartons, etc.). Because that rate is applied to actual shipments, it must be established at a rate which will produce sufficient income to pay the committee's expected expenses. Recommended budgets and rates of assessment are usually acted upon by the committees shortly before a season starts, and expenses are incurred on a continuous basis. Therefore, budget and assessment rate approvals must be expedited so that the committees will have funds to pay their expenses.

The Citrus Administrative Committee met on October 16, 1987, and unanimously recommended a 1987-88 budget of \$239,375 and an assessment rate of \$0.00375 per  $\frac{1}{2}$  bushel carton of fruit for M.O. 905. This compares to the 1986-87 budget of \$242,020 and assessment rate of \$0.00375 per carton. The major expenditure item in the 1987-88 budget is \$113,148 for employee's salaries. Revenue for the 1987-88 season is expected to total \$239,375. Such revenue consists of \$234,375 in assessment income based on shipments of 62,500,000 cartons of fruit, and \$5,000 in interest. Excess 1986-87 assessments (\$21,409) would be placed in the program reserve, resulting in a reserve of \$107,447, an amount within the maximum authorized under the order.

The South Texas Onion Committee met on October 6, 1987, and unanimously recommended a 1987-88 budget of \$312,380 for M.O. 959. The proposed budget is \$29,153 more than last year, due primarily to an increase in the promotional program budget. Other increases include office salaries (\$4,800) and an additional production research project (\$1,656). The committee also recommended an assessment rate of 5½ cents (\$0.055) per 50-pound container or equivalent, the same as last season. Based on an estimated production of 5,760,000 containers, assessment income will be \$316,800, adequate to fund committee operations. The reserve at \$218,520, is well within the limit of two



fiscal period's expenses as allowed by the order.

The South Texas Lettuce Committee met on September 29, 1987, and unanimously recommended a 1987-88 budget of \$33,363 for M.O. 971. The proposed budget is \$11,052 less than a year ago due to decreased costs for office and field salaries, payroll taxes, office supplies and printing, postage, furniture, research and travel (field). The committee also recommended an assessment rate of five cents (\$0.05) per carton, a one cent increase over last season's (1986-87) assessment rate. This rate, when applied to anticipated shipments of 420,000 cartons, would yield \$21,000 in assessment revenue which, when added to \$12,363 from interest and reserve funds, would be adequate to cover budgeted expenses.

The California Date Administrative Committee met October 29, 1987, and unanimously recommended 1987-88 expenditures of \$386,267 and an assessment rate of \$1.30 per hundredweight for M.O. 987. In comparison, 1986-87 budgeted expenditures were \$395,000 and the assessment rate was \$1.30 per hundredweight. The major expenditure item this year is \$353,253 for a market promotion program. The industry is faced with a serious oversupply of product dates. This program is necessary to stimulate sales. The rest of the anticipated expenditures are for program administration. Revenue for the 1987-88 season is expected to total \$380,000. Such revenue consists of \$375,000 in assessments based on shipments of 288,462 hundredweight of dates, and \$5,000 in interest. The anticipated \$6,267 deficit is to be financed from the program's operating reserve, which amounted to about \$21,000 as of September 30, 1987.

While this proposed action would impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed onto producers. However, these costs would be significantly offset by the benefits derived from the operation of the marketing orders. Therefore, the Administrator of AMS has determined that this action would not have a significant economic impact on a substantial number of small entities.

Based on the foregoing, it is found and determined that a comment period of less than 30 days is appropriate because the budget and assessment rate approvals for these programs need to be expedited. The committees need to have sufficient funds to pay their expenses which are incurred on a continuous basis.

#### **List of Subjects in 7 CFR Parts 905, 959, 971, and 987**

Marketing agreements and orders, Oranges, Grapefruit, Tangerines, Tangelos (Florida), Onions (Texas), Lettuce (Texas), Dates (California).

For the reasons set forth in the preamble, it is proposed that §§ 905.226, 959.228, 971.227, and 987.332 be added as follows:

1. The authority citation for both 7 CFR Parts 905, 959, 971, and 987 continues to read as follows:

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

2. New §§ 905.226, 959.228, 971.227, and 987.332 are added to read as follows:

#### **PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA**

##### **§ 905.226 Expenses and assessment rate.**

Expenses of \$239,375 by the Citrus Administrative Committee are authorized, and an assessment rate of \$0.00375 per  $\frac{1}{4}$  bushel carton of assessable fruit is established for the fiscal period ending July 31, 1988. Unexpended funds from the 1986-87 fiscal period may be carried over as a reserve.

#### **PART 959—ONIONS GROWN IN SOUTH TEXAS**

##### **§ 959.228 Expenses and assessment rate.**

Expenses of \$312,380 by the South Texas Onion Committee are authorized, and an assessment rate of \$0.055 per 50-pound container or equivalent quantity of assessable onions is established for the fiscal period ending July 31, 1988. Unexpended funds may be carried over as a reserve.

#### **PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS**

##### **§ 971.227 Expenses and assessment rate.**

Expenses of \$33,363 by the South Texas Lettuce Committee are authorized and an assessment rate of \$0.05 per carton of assessable lettuce is established for the fiscal period ending July 31, 1988. Unexpended funds may be carried over as a reserve.

#### **PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIFORNIA**

##### **§ 987.332 Expenses and assessment rate.**

Expenses of \$386,267 by the California Date Administrative Committee are authorized and an assessment rate of \$1.30 per hundredweight of assessable dates is established for the fiscal period

ending September 30, 1988. Unexpended funds from the 1986-87 fiscal period may be carried over as a reserve.

Dated: November 30, 1987.

Robert C. Keeney,

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

[FR Doc. 87-27965 Filed 12-4-87; 8:45 am]

BILLING CODE 3410-02-M

## **DEPARTMENT OF ENERGY**

### **Office of Conservation and Renewable Energy**

#### **10 CFR Part 430**

[Docket No. CE-RM-87-102]

### **Energy Conservation Program for Consumer Products; Advance Notice of Proposed Rulemaking and Request for Public Comments Regarding Energy Conservation Standards for 3 Types of Consumer Products**

**AGENCY:** Department of Energy.

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** The Energy Policy and Conservation Act (EPCA), as amended by the National Energy Conservation Policy Act (NECPA) and the National Appliance Energy Conservation Act (NAECA), requires the Department of Energy to administer a program of energy conservation standards for 12 types of household appliances. This advance notice of proposed rulemaking addresses three requirements of NAECA: To consider amending the energy conservation standards for refrigerators, refrigerator-freezers, and freezers; to establish standards for small gas furnaces; and to consider establishing energy conservation standards for television sets.

The purpose of this advance notice of proposed rulemaking is to: (1) Present for comment the product classes DOE is planning to analyze; (2) present a detailed discussion of the expected analytical methodology and analytical models that the Department expects to use in performing the analysis to support this three-product rulemaking; and (3) to facilitate the gathering of information prior to publishing the notice of proposed rulemaking.

**DATE:** Written comments in response to this advance notice of proposed rulemaking must be received by the Department by February 5, 1988.

**ADDRESSES:** Written comments are to be submitted to: U.S. Department of Energy, Office of Conservation and Renewable



Energy, Office of Hearings and Dockets, Energy Efficiency Standards for Consumer Products, Docket No. CE-RM-87-102, Room 6B-025, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9320.

#### FOR FURTHER INFORMATION CONTACT:

Michael J. McCabe, U.S. Department of Energy, Office of Conservation and Renewable Energy, Mail Station CE-132, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9127

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC-12, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9507

#### SUPPLEMENTARY INFORMATION:

- I. Introduction
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  - b. Background
- II. Methodology
- III. Models, Data and Assumptions
  - a. Engineering Performance Models and Costing Analysis
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  - e. Sensitivity Analyses
- IV. Comments
  - a. Questions for Public Comment
  - b. Comment Procedures

#### I. Introduction

##### a. Authority

Part B of Title III of the Energy Policy and Conservation Act (EPCA), Pub. L. 94-163, as amended by the National Energy Conservation Policy Act (NECPA), Pub. L. 95-619, and by the National Appliance Energy Conservation Act (NAECA), Pub. L. 100-

12,<sup>1</sup> created the Energy Conservation Program for Consumer Products other than Automobiles. The consumer products subject to this program (often referred to hereafter as "covered products") are: Refrigerators, refrigerator-freezers and freezers; room air conditioners; central air conditioners and central air conditioning heat pumps; water heaters; furnaces; dishwashers; clothes washers; clothes dryers; direct heating equipment; kitchen ranges and ovens; pool heaters; and television sets; as well as any other consumer product classified by the Secretary of Energy. See section 322. To date, the Secretary has not so classified any additional products.

Under the Act, the program consists essentially of three parts: Testing, labeling, and Federal energy conservation standards. The Department of Energy (DOE or Department), in consultation with the National Bureau of Standards (NBS), is required to amend or establish new test procedures as appropriate for each of the covered products. Section 323. The purpose of the test procedures is to provide for test results that reflect the energy efficiency, energy use, or estimated annual operating costs of each of the covered products. Section 323(b)(3). A test procedure is not required if DOE determines by rule that one cannot be developed. Section 323(d)(1). Beginning one hundred and eighty days after a test procedure for a product is adopted, no manufacturer may represent the energy consumption of, or the cost of energy consumed by the product except as reflected in tests conducted according to the DOE procedure. Section 323(c)(2).

The Federal Trade Commission (FTC) is required by the Act to prescribe rules governing the labeling of covered products for which test procedures have been prescribed by DOE. Section 324(a). These rules are to require that each particular model of a covered product bears a label that indicates its annual operating cost and the range of estimated annual operating costs for other models of that product. Section 324(c)(1). Disclosure of estimated operating cost is not required under section 324 if the FTC determines that such disclosure is not likely to assist consumers in making purchasing decisions or is not economically feasible. In such a case, FTC must

require a different useful measure of energy consumption. Section 324(c). At the present time there is an FTC rule requiring labels under the Act for the following products: Room air conditioners, furnaces, clothes washers, dishwashers, water heaters, freezers, and refrigerators and refrigerator-freezers. 44 FR 66475, November 19, 1979. The FTC has proposed a rule to require labels for central air conditioners. 45 FR 53340, August 11, 1980.

For each of 11 of the covered products, the Act prescribes an initial Federal energy conservation standard. Section 325(b)-(h). The Act establishes effective dates for the standards in 1988, 1990, 1992 or 1993, depending on the product, and specifies that the standards are to be reviewed by the Department within three to ten years, also depending on the product. Section 325 (b) through (h). After the specified three- to ten-year period, DOE may promulgate new standards for each product; however, such standards may not be less stringent than those initially established by the Act. Section 325(l)(1).

The Act also directs DOE to prescribe an energy conservation standard no later than January 1, 1989, for small gas furnaces, i.e., gas furnaces having an input of less than 45,000 Btu per hour and manufactured on or after January 1, 1992. Section 325(f)(1)(B).

With regard to another covered product, television sets, the Act allows the Department to prescribe an applicable standard; however, such standard may not become effective before January 1, 1992. Section 325(i)(3).

The Act also permits the Department to prescribe standards for any other type of consumer product that, using certain criteria, DOE may classify as a covered product. Section 325(i), (l) and (m). Any new or amended standard is required to be designed so as to achieve the maximum improvement in energy efficiency that is technologically feasible and economically justified. Section 325 (l)(2)(A).

Section 325(l)(2)(B)(i) provides that before DOE determines whether a standard is economically justified, it must first solicit comments on a proposed standard. After reviewing comments on the proposal, DOE must then determine that the benefits of the standard exceed its burdens, based, to the greatest extent practicable, on a weighing of the following seven factors:

(1) The economic impact of the standard on the manufacturers and on the consumers of the products subject to such standard;

<sup>1</sup> Part B of Title III of EPCA as amended by NECPA and NAECA, is referred to in this notice as the "Act." Part B of Title III is codified at 42 U.S.C. 6291 *et seq.* Part B of Title III of EPCA, as amended by NECPA only, is referred to in this notice as NECPA.



(2) The savings in operating costs throughout the estimated average life of the covered product in this type (or class) compared to any increase in the price of, or in the initial charges for, or maintenance expenses of, the covered products which are likely to result from the imposition of the standard;

(3) The total projected amount of energy savings likely to result directly from the imposition of the standard;

(4) Any lessening of the utility or the performance of the covered products likely to result from the imposition of the standard;

(5) The impact of any lessening of competition, determined in writing by the Attorney General, that is likely to result from the imposition of the standard;

(6) The need for national energy conservation; and

(7) Other factors the Secretary considers relevant. In addition, the Act specifies criteria for petitions to DOE in regard to amendments to standards. Section 325(k). Under the Act, any person may petition the Department to amend a Federal energy conservation standard for any covered product. Section 325(k)(1).

#### b. Background

NECPA required the Secretary, by rule, to prescribe energy efficiency standards for each of 13 covered products.<sup>2</sup> These standards were to be designed to achieve the maximum improvement in energy efficiency that was technologically feasible and economically justified.

NECPA provided, however, that no standard for a product was to be established if there were no test procedure for the product, or if DOE determined by rule either that a standard would not result in significant conservation of energy, or that a standard was not technologically feasible or economically justified. In determining whether a standard was economically justified, the Department was directed to determine whether the benefits of the standard exceeded its burdens by weighing the seven factors set forth above.

NECPA specified the priorities and procedures to be followed in adopting efficiency standards. Nine of the 13 covered products were given priority. These nine products were: Refrigerators

and refrigerator-freezers, freezers, clothes dryers, water heaters, room air conditioners, home heating equipment not including furnaces, kitchen ranges and ovens, and central air conditioners.

The DOE published an advance notice of proposed rulemaking for the nine first priority products on January 2, 1979. 44 FR 20. On December 13, 1979, the DOE published an advance notice of proposed rulemaking for dishwashers, television sets, clothes washers, and humidifiers and dehumidifiers. 44 FR 72276. An advance notice for central air conditioners (heat pumps) was published on January 23, 1980. 45 FR 5602.

After receiving comments on the advance notices, on June 30, 1980, DOE published its first proposed rulemaking for the nine products. 45 FR 43976. (Hereafter referred to as the June 1980 proposal.) The June 1980 proposal set forth DOE's proposal concerning energy efficiency standards for these covered products. It also proposed comprehensive requirements for certification and enforcement of the standards and procedures for processing petitions by States that sought exemption for regulations subject to the general preemption requirements of NECPA.

On April 2, 1982, DOE issued a further notice of proposed rulemaking with respect to the nine priority products. 47 FR 14424. (Hereafter referred to as the April 1982 proposal.) With respect to eight of the products, DOE proposed to make a determination that a standard would not result in significant conservation of energy and would not be economically justified.<sup>3</sup> The April 1982 proposal also proposed rules governing petitions to DOE both by States to obtain exemption from preemption of State or local energy efficiency standards, as well as by manufacturers to obtain preemption of State or local standards.

On December 22, 1982, DOE published a final rule in which DOE determined that efficiency standards were not warranted for clothes dryers and kitchen ranges and ovens. 47 FR 57198. (Hereafter referred to as the December 1982 final rule.) At that time, DOE also adopted final procedures by which States might obtain exemption from State or local efficiency standards from Federal preemption, and by which manufacturers might obtain preemption

of a State or local standard not otherwise preempted.

On August 30, 1983, DOE published a final rule with respect to the remaining six covered products: Refrigerators and refrigerator-freezers, freezers, water heaters, furnaces, room air conditioners and central air conditioners. 48 FR 39376. (Hereafter referred to as the August 1983 final rule.) For each of the six products covered by the August 1983 final rule, except central air conditioners, DOE determined that an energy efficiency standard would not result in significant conservation of energy and would not be economically justified. With respect to central air conditioners, DOE found that an energy efficiency standard would result in significant conservation of energy, but would not be economically justified.

On April 1, 1985, DOE published a proposed rule with respect to four covered products: Dishwashers, television sets, clothes washers and humidifiers and dehumidifiers. 50 FR 12966. (Hereafter referred to as the April 1985 proposal.) For each of the four products covered by the 1985 proposal, DOE proposed that an energy efficiency standard would not be economically justified and would not result in a significant conservation of energy.

During 1983, DOE's December 1982 and August 1983 final rules were challenged in a lawsuit brought by the Natural Resources Defense Council (NRDC) and others against the Department. On July 16, 1985, the U.S. Court of Appeals set aside DOE's December 1982 and August 1983 final rules. *NRDC v. Herrington*, 768 F.2d 1355 (D.C. Cir. 1985).

Consequently, on March 5, 1986, DOE published notices in the *Federal Register* removing the December 1982 and August 1983 final rules and withdrawing the April 1985 proposal. 51 FR 7549 and 51 FR 7582.

The National Appliance Energy Conservation Act (NAECA), which became law on March 17, 1987, amended EPCA in part by: Redefining "covered products" (specifically, refrigerators/refrigerator-freezers, and freezers were combined into one product type from two; humidifiers and dehumidifiers were deleted; and pool heaters were added); establishing Federal energy conservation standards for 11 of the 12 covered products (with television sets being the exception); and creating a schedule for which the standard levels are each to be reviewed to determine if they should be amended.

The Act directs DOE to publish an advance notice of proposed rulemaking, with a 60-day comment period, in

<sup>2</sup> The consumer products covered by NECPA included: Refrigerators and refrigerator-freezers; freezers; dishwashers; clothes dryers; water heaters; room air conditioners; home heating equipment not including furnaces; television sets; kitchen ranges and ovens; clothes washers; humidifiers and dehumidifiers; central air conditioners; and furnaces.

<sup>3</sup> The April 1982 proposal did not propose any rule with respect to the product type "home heating equipment, not including furnaces" or with respect to that class of the product water heaters made up of heat pump water heaters or with respect to those classes of the product central air conditioners that are heat pumps.



advance of the Department's consideration of prescribing a new or amended standard. Section 325(m)(1). Publication of the final rule in the **Federal Register** for which this document is an advance notice is scheduled by January 1, 1989.<sup>4</sup> The purpose of this rulemaking is three-fold: (1) To review the minimum energy efficiency standards for refrigerators, refrigerator-freezers, and freezers (hereafter referred to as refrigerators) that have been established by the Act; to propose energy efficiency standards between 71 percent and 78 percent efficiency for small gas furnaces, i.e., those having an input rate less than 45,000 Btu per hour; and, to consider the establishment of an energy conservation standard for television sets.

## II. Methodology

This section provides a brief description of the analysis of the impacts of standards. It offers an overview of the analytic methodology, and discusses the major components of the analysis: The Engineering Analysis, the Manufacturer Analysis, and the Impact Analysis which includes the Consumer Analysis. The section also discusses the interrelationships among the components which ensure consistency throughout the analysis.

A later discussion, Impact Models, Data and Assumptions, describes the computer models used in the analysis. The models predict the response of consumers, manufacturers, and utilities to future changes in the economy, including the imposition of energy conservation standards. Quantitative estimates of the impacts of standards will be calculated from the outputs from the models. The models that will be utilized in the analysis are:

- Engineering Performance Models
- Consumer Impact Models
- Manufacturer Impact Models
- Utility Impact Model

The function, data sources, assumptions and validity of the results for each model are discussed below.

The impact of appliance conservation standards will be determined by comparing projections under the base case,<sup>5</sup> with the projections under

potential standards. These projections will first be made for a base case by use of the analytic models described below. The calculations will then be repeated imposing the potential standard levels.

The differences between the projections of the energy consumption and economic variables in the base and standards cases provide quantitative estimates of the impacts of the standards. To evaluate the significance of the differences, a sensitivity analysis will be performed on the key parameters and assumptions.

The economic analysis will be performed in the following areas:

- An Engineering Analysis, which establishes the technical feasibility and product attributes including costs of design options to improve appliance efficiency.
- A Manufacturer Analysis, which provides an estimate of manufacturers' response to the proposed standards. Their response is quantified by changes in several financial performance measures.
- A Consumer Analysis, which forecasts appliance sales, efficiencies, energy use, and consumer expenditures.
- A separate Life-Cycle Cost Analysis to evaluate the savings in operating expenses relative to increases in purchase price.
- A Utility Analysis that measures the impacts of the altered energy-consumption patterns on electric utilities.
- An Industry Impact Analysis that provides the financial and competitive impacts on the appliance industry.
- A Cost-Benefit Analysis that collects the results of all the analyses into the net benefits and costs from a national perspective.

Each analysis area will be performed for each of the three products under consideration. The results of the Engineering Analysis will be reviewed by DOE to determine whether standards for each product could yield measurable energy savings. If standards would not yield energy savings, for example, if there is no combination of design options that would result in improved product efficiency, the analysis will be terminated. If energy savings are possible, then a detailed analysis is performed. In the case of small gas furnaces, the Act asks for consideration of a range of efficiencies; therefore, the analysis is performed using a base case

which assumes no regulation and standards cases at 71 and 78 percent. Since efficiencies between 71 and 78 percent are not well defined in terms of inherent design options, DOE believes that only these two standards cases should be analyzed. For television sets and refrigerators, refrigerator-freezers, and freezers, the analysis will be performed for a base case plus three levels of standards. The levels to be analyzed will be selected after the Engineering Analysis is completed and reviewed.

There is interaction among the Engineering, Consumer, Utility and Manufacturer Analyses. The Engineering Analysis establishes appliance designs and related attributes such as efficiency and costs. Based on the relationships between the prices and efficiencies of design options, the Consumer Analysis forecasts sales and efficiencies of new and replacement appliances. These data are used as inputs to the Manufacturer Analysis, which uses them to determine the financial impacts on prototypical firms within the industry. The Consumer Analysis also forecasts energy savings and consumer expenditures on the purchase and operation of the appliances. Consumer expenditures (both purchase and operation) are employed in the Life-Cycle Cost Analysis to determine consumer impacts. Changes in sales, revenues, investments, and marginal costs of utilities are calculated from the energy savings in the Utility Analysis.

Three periods of time are considered by the analysis. First, the analysis extends over a time period that is consistent with the lifetimes of each of the products. Second, the Manufacturer Analysis is performed for a typical year after the standards have been imposed. The typical year selected is the fifth, by which time all major impacts of a standard would have occurred. Third, the Engineering Analysis examines the technical feasibility of improving the efficiency of the covered products before the standards are effective—within the next three to five years.

## III. Models, Data and Assumptions

### a. Engineering Performance Models and Costing Analysis

The Engineering Analysis addresses two statutory requirements. The first requirement is the Department's evaluation of the maximum improvements in energy efficiency that are technologically feasible. The second relates to the lessening of utility to the consumer of any of the covered products

<sup>4</sup> The Act requires DOE to publish a final rule for small furnaces by January 1, 1989, and for refrigerators, refrigerator-freezers, and freezers by July 1, 1989. DOE is combining these rulemaking items into one action and is using the earlier rulemaking schedule.

<sup>5</sup> Three different interpretations of base case are necessary when analyzing the three products of today's notice. For refrigerators, the base case assumes implementation of the conservation standards set by the Act. For television sets, the base case assumes no regulation. For small gas

furnaces, the base case assumes no regulation even though no regulation is not an option under the Act. This latter interpretation is necessary to allow for quantitative analysis of the impacts of the legislated candidate levels for small gas furnaces, i.e., not less than 71 percent and not more than 78 percent AFUE.



due to the imposition of standards. In addition, the Engineering Analysis provides information on efficiencies, manufacturing costs, and appliance prices to other components of the overall analysis.

The features of appliances that provide utility to the consumer are incorporated into the analysis through the creation of appliance classes. Classes are a subset of appliance types. For example, refrigerator-freezers and freezers comprise an appliance type, while top-mounted automatic defrost refrigerator-freezers comprise an appliance class. The Engineering Analysis develops cost and efficiency data for a set of design options within each appliance class. These data are the output of the engineering performance models and costing analysis discussed in subsections 5-9, below.

### 1. Appliance Classes

The first step in the Engineering Analysis is to segregate product types into separate classes to which different energy conservation standards apply. Classes are differentiated by the type of energy use (oil, natural gas or electricity), or capacity or performance-related features that provide utility to the consumer and affect efficiency. Classes are differentiated in order to ensure that consumer products having different capacities or other performance-related features affecting efficiency and utility remain available to consumers.

For each of the three appliances, the following are the classes that the Department plans to review. DOE welcomes comments, in response to today's notice, on whether additional classes are needed.

#### (i) Refrigerators/Refrigerator-Freezers/Freezers

The following are the classes of refrigerators for which the Act established standards. The Department is planning to use the same product classes in its review of standards.

- Refrigerators and Refrigerator-Freezers with manual defrost
- Refrigerator-Freezers—partial automatic defrost
- Refrigerator-Freezers—automatic defrost with:
  - Top-mounted freezer without through-the-door ice service
  - Side-mounted freezer without through-the-door ice service
  - Bottom-mounted freezer without through-the-door ice service
  - Top-mounted freezer with through-the-door ice service
  - Side-mounted freezer with through-the-door ice service
- Upright Freezers with:

Manual defrost  
Automatic defrost  
Chest Freezers and all other freezers

#### (ii) Television Sets

Two classes of television sets, color and monochrome (black and white), are specified in this notice. These classes are distinguished by their ability to reproduce images in color, a performance-related feature that affects utility and efficiency.

Color television sets consume more energy than comparable monochrome television sets usually because of the use of multiple electron guns, whereas, monochrome television sets use only one electron gun. For this reason, energy efficiency levels achieved by monochrome television sets are not achievable for color television sets. Since color television sets and monochrome television sets offer distinct differences in utility to the consumer, DOE is specifying separate classes for color and monochrome television sets.

#### (iii) Small Furnaces

Two classes of small gas furnaces,<sup>6</sup> weatherized (outdoor) and non-weatherized (indoor), are specified in this notice. These classes are distinguished by their ability to be installed outdoors, a performance-related feature that affects utility and efficiency. The weatherized (outdoor) furnace provides the owner with the utility of saving indoor space. The weatherized furnace is typically less energy efficient than a comparable non-weatherized (or, indoor) furnace because the "jacket" energy losses of a weatherized furnace will usually exceed the infiltration energy-losses of an indoor furnace. The test procedures for furnaces recognize these differences and prescribe different efficiency calculation methods for these two types of furnaces.

### 2. Baseline Units

For the purpose of generating a cost/efficiency relationship the Engineering Analysis needs to define a starting point or baseline. The Engineering Analysis uses information gathered from trade organizations, manufacturers, and consultants with expertise in specific product types to select a baseline unit.

<sup>6</sup> The Act requires the Department to establish minimum energy efficiency standards for gas furnaces (other than furnaces designed solely for installation in mobile homes) having an input of less than 45,000 Btu per hour. Although, by definition, a furnace could be a forced-air furnace or a boiler, DOE has reviewed the legislative background regarding small gas furnaces and finds no mention of boilers. Consequently, the Department interprets this provision to be applicable only to gas, forced-air furnaces.

In past analyses a baseline unit represents a typical model within an appliance class sold during the base year of the analysis. For this analysis, DOE intends to use the same baseline units as in the April 1982 and April 1985 proposals.<sup>6A</sup> Once identified, each baseline unit is characterized by its efficiency-related design options.

### 3. Design Options

The Engineering Analysis identifies individual or combinations of design options with a potential for improving energy efficiency. Design options that are on the market or that are likely to be on the market by the time standards are effective will be considered. The following is a list of design options that will be examined:

- (i) Refrigerators and refrigerator-freezers
  - (A) Foam insulation substitution in doors
  - (B) Increased door insulation thickness
  - (C) High-efficiency compressor substitution
  - (D) Double door gasket
  - (E) Anti-sweat heater switch
  - (F) Increased cabinet insulation thickness
  - (G) Reduced heat load of through-the-door-feature
  - (H) Increased evaporator surface area
  - (I) Hybrid evaporator
  - (J) Adaptive defrost control
  - (K) Fan and fan motor improvement
  - (L) Enhanced heat transfer surfaces
  - (M) Mixed refrigerants
  - (N) Fluid control valves
  - (O) Improved foam insulation
  - (P) Evacuated insulation panels
  - (Q) Two compressor system
  - (R) Use of natural convection currents
  - (S) Location of compressor and condensers
- (ii) Freezers
  - (A) Foam insulation substitution in cabinet
  - (B) Foam insulation substitution in door
  - (C) Increased cabinet insulation thickness
  - (D) Increased door insulation thickness
  - (E) High-efficiency compressor substitution
  - (F) Double door gasket
  - (G) Adaptive defrost control
  - (H) Fan and fan motor improvement
  - (I) Enhanced heat transfer surfaces
  - (J) Mixed refrigerants

<sup>6A</sup> See Consumer Products Efficiency Standards Engineering Analysis Document, March 1982, DOE/CE-0030 and Technical Support Document Energy Use Projections for Four Consumer Products, DOE/CS/20315-1, March 1985.



- (K) Fluid control valves
- (L) Improved foam insulation
- (M) Evacuated insulation panels
- (N) Use of natural convection currents
- (O) Location of compressor and condensers
- (iii) Television sets
  - (A) Remote control
  - (B) Electronic tuning
  - (C) Automatic color control
  - (D) Vertical interval reference
  - (E) Brightness sensor
  - (F) Voltage regulating power source
  - (G) Display device
  - (H) One-gun tube
- (iv) Small furnaces
  - (A) Increased heat exchanger surface area
  - (B) Intermittent ignition device (IID)
  - (C) Power burner or power vent
  - (D) Increased insulation
  - (E) Additional improvement of steady-state efficiency
  - (F) Two-stage and modulating burners

#### 4. Maximum Technologically Feasible Designs

The analysis also will identify the combination of design options in each class that DOE believes would yield the highest efficiency and could be commercially produced by the time standards are effective. This represents the maximum technologically feasible efficiency level given the design options currently in use or in prototypes.

#### 5. Performance Models

Computer simulation models will be used to determine efficiency levels for various design options for refrigerator-freezers, freezers and television sets. The refrigerator models were developed for the June 1980 proposal and include detailed heat transfer and refrigeration algorithms. Television set energy consumption is based on data collected by DOE, including data obtained from manufacturer testing. For small furnaces, the efficiency levels corresponding to various design options will be determined from laboratory test data. These data are found in the Directory of Certified Furnace and Boiler Efficiency Ratings published by the Gas Appliance Manufacturers Association (GAMA). Design options are the same as those in the GAMA directory.

#### 6. Costing Analysis

The manufacturer cost data are being obtained through a process that includes meetings and evaluation of manufacturing facilities, manufacturers' costing data, and review of the data received. The cost data that will be presented for each product class will represent the average of figures

obtained from at least two different sources. It will be in the form of incremental cost data disaggregated into labor, purchased parts, materials, shipping/packaging and tooling.

#### 7. Price-Efficiency Relationships

The results of the Engineering Analysis are summarized in the price-efficiency relationships that show the efficiency, unit energy consumption, and cost of each design option, and combination of design options, for each appliance class. Manufacturer and dealer markups are applied to the manufacturing costs to determine the purchase price of the appliance. For furnaces, an installation cost and an annualized maintenance cost are included to get the overall cost. The price-efficiency relationships are a fundamental input to the Consumer Analysis.

#### 8. Data Sources

Shipments data will be based on information from industry sources and published data from industry trade associations. Cost of purchased materials and parts will be based on quotations from the suppliers of these items. Data on engineering and labor costs are to be taken from on-site visits to manufacturing plants and published sources.

#### 9. Outputs From the Engineering Analysis

For each combination of design options considered, the models and data provide:

- Energy efficiency (expressed as the DOE energy factor);<sup>7</sup>
- Increased material, purchased parts, labor, and investment costs for medium<sup>8</sup> and large manufacturers by product class;
- Annual energy consumption per unit (based on DOE test procedures);
- The relationship between price and efficiency level by product class; and
- Other information on product characteristics, such as maintenance costs.

#### b. LBL Residential Energy Model (LBL-REM)

Early energy demand modeling focused on engineering estimates or on the relationship between energy

consumption and economic growth. In the 1970's, Oak Ridge National Laboratory (ORNL) developed the first model to integrate these two important aspects, the Engineering-Economic Model of Residential Energy Use (ORNL Model). That model was brought to Lawrence Berkeley Laboratory (LBL) in 1979, and adapted to the analysis of Federal appliance efficiency standards. The ORNL Model used in the earlier rulemakings has been documented in the Consumer Products Efficiency Standards Economic Analysis Document, DOE/CE-029, March 1982. The ORNL Model has been updated by LBL, resulting in the LBL Residential Energy Model (LBL-REM) which is summarized below.

The LBL-REM forecasts the appliance purchase choices that households make, as well as their subsequent appliance usage behavior and energy consumption. The model uses engineering estimates of the characteristics of particular designs of appliances, and calculates the national impacts of a technology-specific policy on the populations of appliances used in the households. The engineering data provide alternative designs, characterized by purchase price and efficiency, that are available for purchase. The output from the LBL-REM satisfies the legislative requirements regarding energy savings and consumer economic impacts (operating expenses and life-cycle costs).

Engineering, economic, and demographic data are used in the LBL-REM. The engineering data for appliances are described above. Additional data include engineering data regarding alternative building shell construction measures and costs, unit energy consumption and efficiency of existing appliances, age distribution of existing appliance stock, and retirement functions. Economic data includes projected energy prices<sup>9</sup> and household income, and models of energy investment, appliance purchase and usage behavior, including fuel and technology choice for each end-use. Demographic data includes number of households by type, projected housing starts and demolitions, and initial appliance holdings.

#### 1. Structure of the Model

The LBL-REM segments annual energy consumption into house types, end-uses, and fuel types. The house types are single family, multifamily, and

<sup>7</sup> The energy factor is a measurement of energy efficiency derived from the DOE test procedure for that product.

<sup>8</sup> As was the case with the April 1982 proposal, small manufacturers were not analyzed separately. No general manufacturing approach could be identified for these firms because of the wide variability in their approach to manufacturing. Therefore, small manufacturers costs have been assumed to equal those of medium manufacturers.

<sup>9</sup> The projections of energy prices will be taken from the most recent *Annual Energy Outlook*, a publication of the Department's Energy Information Administration.



mobile homes. Calculations are performed separately for existing and new housing construction each year over the period, 1980-2015. The end-uses are space heating (including room and central), air conditioning, water heating, refrigeration, freezing, cooking, clothes drying, lighting, and miscellaneous. Up to four fuels are considered, as appropriate to each end use: Electricity, natural gas, heating oil, and LPG. The model exists in two versions: national (one region), and regional (10 Federal regions). Both versions are expected to be utilized in the analysis for this rulemaking.

The model projects five types of activities: Technology/fuel choice; building shell thermal integrity choice; appliance efficiency choice; usage behavior; and turnover of buildings and appliances.

## 2. Housing Stock Submodel

This submodel prepares data about housing stock projections for the LBL-REM. The number of occupied households, by type, is taken from the 1980 Censuses of Population and Housing. An exogenous projection of housing starts is obtained and estimates of projected demolition rates by house type are calculated, assuming an exponential function. The housing submodel determines the projected housing stock each year, 1981-2015, by subtracting demolitions from existing stock, then adding starts. The annual demolition rates by house type will be calculated for single family, multifamily, and mobile homes, respectively.

## 3. Efficiency Choice Algorithm

For refrigerators, refrigerator-freezers, and freezers, historical efficiency data are available for selected years for each class of appliance through 1985. The Federal energy conservation standards are expected to be met or exceeded for refrigerators in 1990. The transition from current efficiencies to those expected in 1990 is forecast to be a straight line progression from the current average efficiencies. After 1990, future efficiency improvements are assumed to be a function of designs available (according to the engineering analysis) and of electricity prices. DOE believes the forecasting algorithm is designed to allow annual shipment-weighted efficiency factors (SWEFs) to increase if either more efficient designs become available at lower prices, or electricity prices increase. Conversely, if electricity prices decrease, the SWEF may decline, but would have a lower bound at the 1990 Federal standard level.

For small gas furnaces, the approach will be the same. For television sets, a

similar approach or an alternate may be adopted. An alternate approach would become necessary if data on purchase price and usage elasticities cannot be produced. Presently, DOE has not decided on a particular alternative approach; any one that may be taken for television sets will depend on the quality of information available.

## 4. Thermal Integrity

The projection of the level of investment in thermal integrity measures in new houses is based on a life-cycle cost calculation, analogous to that done for equipment efficiencies.<sup>10</sup> Estimates of the incremental costs of thermal integrity measures are used in conjunction with current fuel prices and a discount rate.

## 5. Modeling Efficiency Standards

The LBL-REM projects the average efficiency of new products, for example, refrigerators, purchased each year, in the absence of additional Federal regulations. A distribution of efficiencies is constructed around the average, based on efficiency distributions observed in the marketplace. This information includes information from industry sources, published data from the industry trade associations and industry-wide data obtained from Form CS-179.<sup>11</sup> A new Federal standard level would eliminate part of the distribution; therefore, a new distribution is constructed. The new shipment-weighted average efficiency then characterizes the efficiency of new units in that year. The same process is applied to all years after implementation of the standard. The model is then run again, for the standards case, with the adjusted average efficiencies, to calculate any changes in market shares, usage behavior, or investment in building shell thermal improvements that may occur due to standards, and to calculate the net energy savings.

## 6. Turnover of Appliance Stocks

The initial age distribution of appliances in stock is characterized based on industry data about historical annual shipments. The fraction of each product that retires each year is based on the number of years since purchase of the product. For each year's purchase the model associates an average efficiency, so that when older

appliances are retired, they are also recognized as less efficient.<sup>12</sup>

The number of potential purchasers of an appliance in new homes is equal to the number of new homes constructed each year. The number of potential purchasers of appliances in existing houses is equal to the number of retiring appliances, plus some fraction of those households that did not previously own the product.

## 7. Calculation of Market Shares

Potential purchasers may purchase any competing technology within an end-use, or none. For refrigerators, the decision to purchase or not is modeled, and the fraction of the total that chooses each class, e.g., top-mount with automatic defrost, is specified exogenously. For refrigerators, long-term market share elasticities have been estimated with respect to equipment price, operating expense, and income respectively.<sup>13</sup> The effect of standards is expected to be lower operating expense and increased equipment price. The percentage changes in these quantities are used, together with market share elasticities, to determine changes in market share resulting from standards. The model assumes that higher equipment cost will decrease market shares, while lower operating expense will increase market shares. The net result (predicted market share) depends on the standard level selected, and associated equipment price and operating expense.

For small gas furnaces, market share elasticities are used to estimate market share changes in existing houses. For new houses, in addition to that described above, the analysis utilizes a data set of individual households, and their probabilities of selecting one space-conditioning technology over another. These probabilities are a function of operating expenses, equipment prices, and income, and include interactions from competing products, such as baseboard heaters and electric heat pumps. The advantages of this household-specific approach are that: (1) Only those households that are candidates to purchase small gas furnaces are affected by the standard; and (2) no aggregation bias is introduced by attempting to average the individual responses.

<sup>10</sup> The equipment efficiency and thermal integrity decisions are not solved simultaneously, but recursively. The previous year's thermal integrity is assumed in projecting this year's equipment efficiency; then this year's equipment efficiency is used to calculate this year's thermal integrity.

<sup>11</sup> Survey of Consumer Product Manufacturers through Trade Associations in 1979.

<sup>12</sup> See Consumer Products Efficiency Standards Economic Analysis Document, DOE/CE-0029, March 1982, pp. 412-13.

<sup>13</sup> Eric Hirst and Janet Carney, "The ORNL Engineering-Economic Model of Residential Energy Use," Oak Ridge National Laboratory, ORNL/CON-24, July 1978.



No estimates of market share elasticities for television sets are expected to be used in the analysis, since no estimates are currently available and, in any event, DOE expects television sales to be inelastic relative to energy efficiency costs. Information that the Department has seen, to date, indicates that the manufacturers' costs for most potential energy efficiency improvements in television sets are likely to translate into relatively small increases in prices to consumers.

#### 8. Usage Behavior

For some products, changing the operating expense results in changes in usage behavior. These changes are modeled using usage elasticities in operating expense and income. For refrigerators and television sets, we expect these elasticities to be at or near zero; usage behavior is not influenced by the cost of operating the appliance. For small gas furnaces, the usage elasticity is taken to be the same as for all gas furnaces. DOE assumes that the usage elasticity for furnaces is that the choice of thermostat setting is a function of operating expense of the heating unit such that usage will increase with increasing efficiency but not to the point so as to offset the efficiency improvement.

#### 9. Energy Consumption Calculations

The total energy consumption per house for each end-use and fuel by house type and vintage (existing or new) is the product of the unit energy consumption (accounting for efficiency and capacity changes), and usage factor, e.g., relative hours of full-load use for space heating. The corresponding energy consumption for all households is the consumption per house times the number of households of that type and vintage, times the fraction of those households owning that appliance. For space conditioning (heating and cooling), two additional terms are multiplied by the intermediate results: relative floor area (square feet of conditioned space), and relative thermal integrity (a measure of the effect of building shell characteristics on energy consumption).

Aggregate energy consumption is obtained by summing intermediate results. For example, national electricity consumption for residential space conditioning in a particular year is the sum of house types and vintages of electric central resistance heating, baseboard and other electric room heaters, electric heat pumps (heating and cooling), room air conditioners, and central air conditioners. National

residential electricity consumption in that year is the sum of all end-uses of electricity consumption in the residential sector.

#### 10. Model Outputs

The principal outputs from the LBL-REM for each year are:

- Energy consumption by end-use and fuel.
- Per unit equipment price and operating expense by product.
- Total residential energy consumption by fuel.
- Projected annual shipments of residential appliances.
- Differences in these quantities between a base and a standards case.

These outputs are provided annually (or for selected years) and cumulatively over a period of time, e.g., 1990–2015. Energy savings are provided annually from implementation of standards to the end of the period. Net present value of standards is evaluated for each regulated product, and for the end-use(s) comprising the regulated and competing products.<sup>14</sup> This will allow quantitative assessment of the impacts of any market share change for small gas furnaces.

Energy savings are calculated as the difference in energy consumption between the base case and standards case. Energy consumption in both the base case and standards case includes building shell improvements, changes in fuel choice, or changes in usage behavior. Therefore, the energy savings capture the net energy savings due to regulation, including the effects induced by shifts in market share or changes in usage behavior.

Net present value, on the other hand, excludes these types of effects.<sup>15</sup> Net present value is calculated from per unit changes in equipment and operating costs, multiplied by base case shipments. If the net present value were calculated without normalizing to base case shipments, erroneous results would

be obtained: if standards caused decreased purchases of a product, this would appear an economic benefit, namely less money spent on purchasing and using appliances;<sup>16</sup> and if standards resulted in increased purchases, this would be incorrectly counted as a cost, when it reflects consumers' preference for the post-standards product.

Base case usage is assumed in calculating the net present value, since any "rebound effect"<sup>16a</sup> reflects the consumer's judgment that increased usage is worth more than the direct energy savings associated with keeping usage constant. Therefore, deduction of any foregone energy savings resulting from a possible "rebound effect" prior to calculating the net present value, would result in an underestimate of the true net present value associated with a given efficiency improvement.

#### 11. Other Consumer Impacts

One measure of the effect of standards on consumers is the change in operating cost as compared to the change in purchase price. This is quantified by the difference in life-cycle cost between the base and standards case for the appliance classes analyzed. The LCC is the sum of the purchase price and the operating cost discounted over the lifetime of the appliance. It will be calculated at the average efficiency for each class in the year standards are imposed using consumer discount rates of five, seven, and ten percent. The purchase cost is based on the factory costs in the Engineering Analysis and includes a factory markup plus a distributor and retailer markup. The operating cost is calculated from the unit energy consumption derived in the Engineering Analysis adjusted for differences in usage, i.e., heating load hours, between the test procedure and the LBL Residential Energy Model.

<sup>14</sup> For example, for small gas furnaces, the energy savings and net present benefit will be calculated not only for small gas furnaces, but also for space heating and for space conditioning (heating and cooling) by all fuels.

<sup>15</sup> Present value is the discounted total value of energy consumption during the appliances' lifetimes, plus the discounted equipment costs for those appliances that are purchased during those periods, with and without standards (for televisions), or at alternative standards levels (for small furnaces and refrigerators/freezers/refrigerator-freezers). The difference between each of the two cases is the net present value (NPV) attributable to standards (or amended standards). A positive NPV for an appliance at a given standard level indicates that, if that standard were adopted, consumers of that appliance as a whole would save that much more money in fuel costs, discounted to the present, than they would pay in increased first cost for a more efficient appliance, discounted to the present, compared to the base case.

<sup>16</sup> Without normalization, the greatest economic benefit would be obtained by a standard level that resulted in no future purchases of the product. Then no money would be spent on purchasing the product, or on operating expenses, and the value of the savings would equal the amount of money that would have been spent without the standard. This would clearly be a misrepresentation of the net present value of standards.

<sup>16a</sup> The "rebound effect" is the projected energy savings (from an efficiency improvement) that does not occur. This results when purchasers of more energy efficient appliances use them more intensively, thereby saving less energy than the engineering estimates would have indicated. Empirical studies indicate that approximately 15 percent of the potential energy savings is thus not achieved. Therefore, in calculating energy savings, the LBL-REM assumes that only 85 percent of the savings that are indicated by engineering estimates will actually be achieved.



Projected energy efficiencies and usages are taken from the results of LBL-REM.

Two other measures of economic impact are useful in evaluating the impacts on consumers. The payback period measures the amount of time it takes to recover, through lower operating costs, the additional expenditure on increased efficiency. Numerically, it is the ratio of the increase in first cost between the base and standards cases to the decrease in annual operating costs. Both the numerator and denominator of this expression are evaluated at the average efficiency in the year standards come into effect and at the energy prices in that year. The cost of conserved energy is the increase in first cost amortized over the lifetime of the appliance at the consumer discount rate divided by the annual energy savings. The consumer will benefit whenever the cost of conserved energy is less than the price of energy for that end use.

#### *c. Manufacturer Impact Models*

##### **1. Conceptual Approach**

The Manufacturer Impact Analysis estimates both the overall impact of new or amended standards<sup>17</sup> on manufacturers as well as the distribution of effects among different manufacturers.

##### **2. Measures of Impact**

The analysis examines three types of long-run impact: Profitability; growth; and, competitiveness. To do this, three measures of impact are tracked for the industry as a whole and for any segments that may exist. The three impact variables are: return-on-equity (ROE); assets; and labor.

ROE provides the primary measure of profitability, although gross margin, return-on-assets (ROA), and return-on-sales (ROS) are also reported. Assets and labor provide the measures of growth (positive or negative). The impact on competitiveness is analyzed by looking at the relative changes in growth and profitability for large and small firm segments.

Two short-run impacts are also analyzed. First, the ability for the industry as a whole and for specific segments of the industry to provide the one-time investments required to meet the new standard is examined. These expenditures are compared to available cash and to their historical variation. Second, if standards result in decreased sales for the particular industry being analyzed, the possibility of a price war in the time period when the industry is adjusting to a lower sales volume is examined.

##### **3. LBL Typical Year Model (LBL-TYM)**

In order to estimate the impacts of energy efficiency standards a computer spreadsheet model, the Lawrence Berkeley Laboratory Typical Year Model (LBL-TYM), was developed.

The LBL-TYM uses a "typical year" approach rather than a dynamic approach. This approach models a "typical year" for the industry both in the with-standards case (or the modified standards case) and in the without-standards case (or the existing-standard case). The typical year chosen for the model is the fifth year after the imposition of standards. Five years is considered long enough to capture any major impacts from the standard, such as profitability changes or firm entry into or exit from the industry.

Ideally, a manufacturer analysis should look at the impact of a proposed regulation on every firm that does business in the industry under question. However, because the industries being analyzed have many manufacturers making a particular product, a firm-by-firm analysis would be a very expensive undertaking. In addition, the engineering and financial data for most manufacturing firms are proprietary and are not routinely available for public analysis. Because of these limitations on data and resources, the analysis estimates the impact of the standards by using prototypical firms.

A prototypical firm is a hypothetical firm representative of a particular portion of an industry. The goal of defining the prototypical firms is to characterize firm-to-firm variations in the industry as best as possible. Prototypical firms are defined in terms of parameters that have importance in determining the level of impact and are consistent with industry data for that particular portion of the industry. Important parameters used in the model include the cost and marketing strategies.

An important simplifying assumption of the LBL-TYM is that each prototypical firm offers products to

several different markets. The product offerings are generally differentiated by using the product classes established by the Act. Different markets are defined in terms of the technological characteristics of the products, e.g., manual defrost vs. automatic defrost refrigerator/freezer. At times this market segmentation plays an important role in determining a firm's profits. Generally, appliance manufacturers are thought to be able to charge different markups for different products. Firms are able to charge higher markups on products that have desirable characteristics, such as a large refrigerator, a highly efficient gas furnace, or a color TV with remote control. Products on the low end of this spectrum are generally bought in larger quantities at lower prices by consumers who are more highly price conscious, and thus the markups for these products are lower. The per unit profits made by manufacturers for these different products may differ significantly. The model incorporates this market reality by allowing firms to charge different markups on different products.

The model sets product prices in the new-standards case in two stages. In the first stage the price is computed by assuming that the industry's gross margin remains unchanged under the new standards. This is the pricing rule most often referred to by the industry.

Stage two drops the assumption of a constant gross margin, and instead assumes that firms face a downward sloping demand curve and set price to maximize profit. Economic theory states that this is done by setting price equal to the long-run marginal cost (LMC) times a markup that depends only on the elasticity of the demand curve. Stage two begins by dividing costs into long-run fixed costs and LMC, and then estimating the firm's markup. Before using the markup, a new LMC is computed which includes any additional unit variable costs and the variable part of levelized capital and engineering costs. Once the new LMC is computed, this figure is multiplied by the markup factor to determine the new price.

A change in standard level affects the analysis in three distinct ways. Increased levels of standards will require additional investment, will raise production costs, and will affect revenue both through price and demand.

The most obvious investment induced by standards is the purchase of new plant and equipment. This cost first is evaluated from engineering data, and then averaged by taking into account the life of the investment, the date on which it is made, tax laws, and the appropriate

<sup>17</sup> Today's three product analyses vary in that refrigerators/refrigerator-freezers/freezers already have legislated standards and the analysis is a comparison of existing standards and increased standards; small gas furnaces are legislated to have standards, but the level has not yet been determined, and therefore, the analysis is being done to determine the impacts of various standards levels; and television sets have no standards as of yet, therefore, the analysis is a comparison of a without-standards case to a with-standards case. In this section, the terms "imposition of standards" and "proposed standards" refer to the new or increased standard that may be proposed, rather than the existing standards.



cost of funds. An additional and sometimes larger investment takes place as the old inventory is replaced with more expensive new units. The model assumes previous inventory ratios are maintained. A third form of investment tracked by the model is the change in the transactions demand for cash that accompanies a change in revenues.

Increased costs of production are modeled by coupling engineering data on changes in unit costs caused by standards with data from LBL-REM on the marketplace demand of the product.

Revenue is affected by both price and shipments. Price is computed from costs in two stages. First, a constant gross margin pricing rule is used. Then a markup over long-term marginal costs is computed and used to determine an optimal price. Demand is determined by measured price and operating cost elasticities, coupled with the changes in price and operating costs resulting from the standards.

The LBL-TYM produces several outputs used in analyzing the impact of standards on manufacturers. A simplified pro forma income statement is prepared for each prototypical firm. In addition to the income statement, the outputs present four measures of performance: gross margin, return on sales, return on total assets, and return on equity. The results are presented for the without-standards case and the with-standards case, and the relative difference between the two is also given. Another output table analyzes the source of changes in income, expenses, and assets from an economic point of view, while a third output table analyzes price and profitability changes under the two pricing scenarios mentioned above.

#### 4. Data Sources

The LBL-TYM needs data that characterize both a particular industry and prototypical firms within that industry. Estimates of data are based on information from five general sources: LBL business consultation groups; the Engineering Analysis; the Consumer Analysis; public financial data; and industry profiles.

#### d. Utility Impact Model

The Utility Analysis serves several purposes within the overall assessment of the impact of the proposed standards. It contributes to quantifying the energy savings by determining the reduction in fossil fuels used for electricity generation. The reduction in fossil fuel consumption is also an input to the Environmental Assessment. By calculating utility avoided costs, this area of the analysis provides marginal

electricity costs to be used in evaluating the societal benefits of standards. Finally, it examines the impacts on the electric utility industry in terms of changes in investment, revenue requirements, the need for new generating capacity, and residential load factors.

The Utility Analysis adopts the standard convention that the value of electricity savings can be broken down into energy (or marginal cost) savings and capacity (or reliability) savings. The energy impact measures the production costs avoided by reduced electrical demands, valued at the marginal energy costs of the utility. The capacity impact measures the reliability value of reduced loads during system peak periods, which is, by convention, valued at the cost of a combustion turbine that would have been needed to meet the load. The analysis characterizes these avoided costs per kWh of heating, cooling, and baseload energy saved.<sup>18</sup> These values are used to calculate societal benefits from reduced electricity consumption.

The utility impact model calculates avoided energy costs based on a disaggregation of the generation fuel mix to the National Electric Reliability Council (NERC) regions and a simplified load duration curve for each region. First, the model allocates national electricity savings that are forecasted by the LBL-REM to NERC regions in proportion to their current consumption of heating, cooling, and baseload energy. The regional proportions are derived from data on regional appliance saturations, efficiencies, and hours of use. The fraction of the electricity that would have to be generated at the margin from oil and gas is calculated from the total regional oil and gas fraction and the simplified load duration curve. Projected utility natural gas and coal prices, weighted by the oil and gas fraction and the non-oil and gas fraction respectively, are used to calculate utility marginal costs over the forecast period. The marginal costs are adjusted to account for seasonal differences.

The avoided capacity cost calculation in the model is based on conservation load factors (CLFs) for the energy savings attributable to the standards, as well as the capacity value of a combustion turbine. A conservation load factor is defined as the average hourly energy savings of a conservation measure divided by its peak load

savings. The CLFs are a convenient way of characterizing the peak demand savings of a conservation measure. They are used to convert the capacity value of the standards into the per kWh values described above. The NERC forecasts of capacity requirements for each region are used to account for regional variations in reserve margin. If NERC forecasts an adequate reserve margin in a region for a given year, no reliability value is given to the capacity savings in the region.

The inputs needed for the utility impact model are conservation load factors, state-level utility fuel prices, appliance saturations, efficiencies, and hours of use, as well as electricity generation by fuel type and capacity need by NERC region. The outputs of the analysis are the fuel savings, the reduction in the need for new generating capacity, and the avoided energy and capacity costs for heating, cooling, and baseload appliances per million Btu of resource energy. These marginal costs are used to calculate societal costs and benefits of standards.

#### e. Sensitivity Analyses

Sensitivity studies are performed to determine how changes in technical and operational parameters affect key engineering and economic indicators used in evaluation of appliance standards. This makes it possible to place limits on the overall results of the analysis and to gain an understanding of which variables are most important in producing these results. Sensitivity analyses are developed in a series of distinct steps. For each component analysis in the overall analysis, critical input parameters are identified and reasonable ranges of variation determined. The sensitivity of the model to changes in the value of each important parameter is then estimated by running the model for both the base case and the standards cases. The results of the sensitivity analyses are examined to determine the sensitivity of the forecasts to exogenous variables and assumptions and the sensitivity of the differences between the base and standards cases (impacts of standards).

### IV. Comments

#### a. Questions for Public Comment

DOE is interested in receiving comments and data concerning the accuracy and workability of this methodology. Also, DOE welcomes discussion on improvements or alternatives to this approach. In particular, DOE is interested in gathering data on the incremental costs

<sup>18</sup> For the purposes of calculating utility avoided costs, electric heating appliances are defined as electric heat pumps and electric resistance heat, cooling appliances are defined as room and central air conditioners plus heat pumps, and baseload appliances are defined as all other appliances.



of improving the energy efficiency of refrigerators, refrigerator-freezer, freezers, gas-fired furnaces and television sets. The design options listed above can be used as a starting point; however, data for additional design options would be welcome. Although, as stated earlier, small manufacturers' costs are assumed to equal those of medium manufacturers, the Department is especially interested in manufacturer costing data from small manufacturers of the products under consideration. For television sets, data on the power demand characteristics of various color, and black and white models would be appreciated.

For the LBL Residential Energy Model, DOE requests interested parties to provide historical data on shipments and average efficiencies by class for the products subject to the proposed rulemaking. A regional breakdown of the information for gas furnaces would be desirable. Data on consumer prices, and on the installation and maintenance costs of furnaces are also needed.

The manufacturer analysis needs the financial data from the product division level, i.e., refrigerators, freezers, small gas furnaces, and television sets. All of these data are available at the firm level, but firms are typically much larger than the relevant division, and thus firm data may give a misleading indication of the division's finances.

An income statement and balance sheet at the division level would be most helpful. If this is not available, then data on the following variables are considered most essential: Net income, revenue, selling and general and administrative expenses, engineering expenses, cost of goods sold, interest, taxes, debt-to-equity ratio, net depreciable assets, net assets, capital investment, and long-term debt.

The Department also would welcome current data on unit sales and revenue for the industry as a whole, e.g., in 1985, there were 1.2 million refrigerators sold, resulting in \$480 million in revenue for the industry.

#### *b. Comment Procedure*

Interested persons are invited to submit written comments to DOE. Comments should be identified on the outside of the envelope and on the documents submitted to DOE with the designation CE-RM-87-102. Six copies are requested to be submitted. All comments received by the date specified at the beginning of this notice and all other relevant information will be considered by DOE before the Department continues this rulemaking proceeding. Pursuant to 10 CFR 1004.11, any person submitting information

which he or she believes to be confidential and exempt by law from public disclosure should submit one complete copy of the document and five copies, if possible, from which the information believed to be confidential has been deleted. DOE will make its own determination with regard to the confidential status of the information and treat it according to its determination.

Factors of interest to DOE when evaluating requests to treat as confidential information that has been submitted include: (1) A description of the item; (2) an indication as to whether and why such items of information have been treated by the submitting party as confidential, and whether and why such items are customarily treated as confidential within the industry; (3) whether the information is generally known or available from other sources; (4) whether the information has previously been made available to others without obligation concerning its confidentiality; (5) an explanation of the competitive injury to the submitting person which would result from public disclosure; (6) an indication as to when such information might lose its confidential character due to the passage of time; and (7) whether disclosure of the information would be in the public interest.

Issued in Washington, DC, November 24, 1987.

**Donna R. Fitzpatrick,**  
*Assistant Secretary, Conservation and Renewable Energy.*  
[FR Doc. 87-28006 Filed 12-4-87; 8:45 am]  
BILLING CODE 6450-01-M

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 935

#### Proposed Regulatory Program Amendment; Historic Properties; Ohio

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

**ACTION:** Proposed rule.

**SUMMARY:** OSMRE is announcing receipt of a proposed amendment package submitted by Ohio as a modification to the State's permanent regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

The amendments submitted consist of proposed changes to establish

definitions for the terms "cemetery", "fragile lands", and "historic lands" that are as effective as Federal regulations and to amend Ohio's regulations regarding historic properties to make those regulations as effective as their Federal counterparts.

This notice sets forth the times and locations that the Ohio program proposed amendments will be available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendments, and the procedures that will be followed for the public hearing, if one is requested.

**DATES:** Written comments must be received on or before 4:00 p.m. on January 6, 1988; if requested, a public hearing on the proposed amendment is scheduled for 1:00 p.m. on January 4, 1988; and requests to present oral testimony at the hearing must be received on or before 4:00 p.m. December 22, 1987.

**ADDRESSES:** Written comments and requests to testify at the hearing should be directed to Ms. Nina Rose Hatfield, Director, Columbus Field Office, Office of Surface Mining Reclamation and Enforcement, Room 202, 2242 South Hamilton Road, Columbus, OH 43232; Telephone (614) 866-0578. If a hearing is requested, it will be held at the same address.

Copies of the Ohio program, the amendment, a listing of any scheduled public meeting, and all written comments received in response to this notice will be available for public review at the following locations, during normal business hours Monday through Friday, excluding holidays:

Office of Surface Mining Reclamation and Enforcement, Room 5131, 1100 L Street, NW., Washington, DC 20240.

Office of Surface Mining Reclamation and Enforcement, Eastern Field Operations, Ten Parkway Center, Pittsburgh, PA 15220.

Office of Surface Mining Reclamation and Enforcement, Columbus Field Office, 2242 South Hamilton Road, Columbus, OH 43232.

Ohio Division of Reclamation, Fountain Square, Building B-3, Columbus, OH 43224.

Each requester may receive, free of charge, one single copy of the proposed amendment by contacting the OSMRE Columbus Field Office.

**FOR FURTHER INFORMATION CONTACT:** Ms. Nina Rose Hatfield (Director), (614) 866-0578.



**SUPPLEMENTARY INFORMATION:****I. Background on the Ohio Program**

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

**II. Discussion of the Proposed Amendments**

By letter dated October 16, 1987 (Administration Record No. OI-0984), the Ohio Department of Natural Resources (ODNR) submitted proposed amendments to the Ohio program at Ohio Administrative Code Section 1501:13-1, 3, 4, and 5 concerning treatment of historic properties. The proposed changes are briefly summarized below:

OAC Sections 1501:13-1-02(M)(PP) and (YY) concern the definitions of "cemetery," "fragile lands," and "historic lands." The amended rules would define a cemetery as any area of land where human bodies are interred. The definitions of "fragile lands" and "historic lands" would be more specific.

OAC Section 1501:13-3-03(C) concerns prohibitions on mining which will adversely affect any park or place on the "National Register of Historic Places." The amended rule would prohibit mining unless jointly approved by the Federal, state, and local agencies with jurisdiction over the park or place.

OAC Section 1501:13-3-03(G) would prohibit mining within one hundred feet of a cemetery but would allow relocation of the cemetery if authorized by state law or regulations.

OAC Section 1501:13-3-04(E) would require the Chief of the Ohio Division of Reclamation (The Chief) to notify agencies with applicable jurisdiction when it is determined that proposed mining will adversely affect a publicly owned park or place included on the "National Register of Historic Places" and would specify the content and response periods for such notifications.

OAC Section 1501:13-4-01(B) would require the Chief to coordinate permitting with the requirements of other laws including the Archaeological Resources Act of 1979 (16 U.S.C. 470aa *et seq.*).

OAC Section 1501:13-4-04(A)(2) would require in permit applications a description of historical and archaeological resources within and adjacent to proposed permit areas and would provide for the collection of additional information if required by the Chief.

OAC Section 1501:13-4-04(K)(7) would require all cemeteries within one hundred feet of the proposed permit area to be shown on the permit application map.

OAC Section 1501:13-4-05(K) would require the applicant to describe measures to be used to prevent adverse impacts on publicly owned parks or places listed on the "National Register of Historic Places" where this might occur and would allow the Chief to require mitigative measures.

OAC Sections 1501:13-4-13(A)(2) and (K)(7) are similar to 1501:13-4-04(A)(2) and (K)(7) except that they apply specifically to underground mining operations.

OAC Section 1501:13-4-14(J) is similar to 1501:13-4-05(K) except that it applies specifically to underground mining operations.

OAC Section 1501:13-5-01(E)(16) would require the Chief to take into account the effect of a proposed permitting action on properties listed or eligible for listing on the "National Register of Historic Places."

The full text of the proposed program amendments submitted by Ohio is available for public inspection at the addresses listed above. The Director now seeks public comment on whether the proposed amendments are no less effective than the Federal regulations. If approved, the amendments will become part of the Ohio program.

**III. Public Comment Procedures**

In accordance with the provisions of 30 CFR 732.17, OSMRE is now seeking comment on whether the amendments proposed by ODNR satisfies the requirements of 30 CFR 732.15 for the approval of State program amendments. If the amendment is deemed adequate, it will become part of the Ohio program.

**Written Comments**

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under "DATES" or at locations other than Columbus Ohio Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

**Public Hearing**

Persons wishing to comment at the public hearing should contact the person listed under "FOR FURTHER INFORMATION CONTACT" by the close of business on December 22, 1987. If no one requests an opportunity to comment at a public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSMRE officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and who wish to do so will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment have been heard.

If only one person requests an opportunity to comment at a hearing, a public meeting, rather than a public hearing, may be held. A summary of the meeting will be included in the Administrative Record.

**Public Meeting**

Persons wishing to meet with OSMRE representatives to discuss the proposed amendment may request a meeting at the Columbus Field Office by contacting the person listed under "FOR FURTHER INFORMATION CONTACT." All such meetings will be open to the public and, if possible, notices of meetings will be posted in advance in the Administrative Record. A written summary of each public meeting will be made a part of the Administrative Record.

**IV. Procedural Determinations**

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

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSMRE an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, for this action OSMRE is exempt from requirement to prepare a Regulatory Impact Analysis, and regulatory review by OMB is not required.



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

3. *Paperwork Reduction Act*: This rule does not contain information collection requirements which require approval by OMB under 44 U.S.C. 3507.

#### List of Subjects in 30 CFR Part 935

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

Dated: November 17, 1987.

M.T. Dougherty,

Acting Assistant Director, Eastern Field Operations.

[FR Doc. 87-27952 Filed 12-4-87; 8:45 am]

BILLING CODE 4310-05-M

#### 30 CFR Part 935

##### Ohio Permanent Regulatory Program

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

**ACTION:** Proposed rule.

**SUMMARY:** OSMRE is announcing a proposed amendment to the Ohio permanent regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). This amendment is intended to remove the required program amendment pertaining to performance bonds listed at 30 CFR 935.16(c). This notice sets forth the times and locations that the Ohio program is available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and the procedures that will be followed regarding the public hearing, if one is requested.

**DATES:** Written comments relating to the proposed rule must be received on or before 5:00 p.m. on January 6, 1988. Upon request, OSMRE will hold a public hearing on the proposed rule at the Columbus Field Office at 1:00 p.m. eastern time on January 4, 1988. OSMRE will accept requests to make oral or written presentations at the public hearing until 5:00 p.m. eastern time on December 22, 1987.

**ADDRESSES:** Written comments and requests to testify at the hearing should be directed to Ms. Nina Rose Hatfield, Director, Columbus Field Office, Office of Surface Mining Reclamation and Enforcement, Room 202, 2242 South Hamilton Road, Columbus, Ohio 43232; Telephone (614) 866-0578. If a hearing is requested, it will be held at the same address.

**FOR FURTHER INFORMATION CONTACT:** Ms. Nina Rose Hatfield, 614-866-0578.

#### SUPPLEMENTARY INFORMATION:

##### I. Background on the Ohio Program

On August 16, 1982, the Ohio program was made effective by the conditional approval of the Secretary of the Interior.

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

##### II. Discussion of the Proposed Amendment

By letters dated December 1, 1986 and January 16, 1987 (Administration Record No. OH-0799 and OH-0887, respectively), the Ohio Department of Natural Resources, Division of Reclamation (ODNR), submitted proposed amendments to the Ohio program at Ohio Administrative Code (OAC) section 1501:13-7-03 concerning bonding regulations. On June 19, 1987 (52 FR 23265), the Director approved a portion of the December 1, 1986 submittal of proposed amendments at OAC 1501:13-7-03(B)(5)(g) and (B)(7)(h), extending from sixty to ninety days the period for bond replacement. The Director also disapproved a proposed amendment at 1501:13-7-03(B)(5)(g) which would have allowed operators to continue to mine an additional ninety days without replacing the full bond after receiving a notice of violation.

The Director amended Part 935 of 30 CFR Chapter VII to reflect these actions. Specifically, 30 CFR 935.16 was amended by adding a new paragraph (c) requiring Ohio to amend its program to disallow continued mining without adequate bond coverage.

On July 17, 1987 (52 FR 26959), the Director approved, with certain exceptions, the program amendments submitted by ODNR on January 16, 1987.

The approval included a revision of OAC 1501:13-7-03(B)(5)(g) which requires that operators cease coal extraction and begin reclamation operations immediately upon the expiration of the bond replacement period of not more than ninety days.

The Ohio program amendments approved by the Director on July 17, 1987 (52 FR 26959) satisfy the requirement of 30 CFR 935.16(c) amended into OSMRE regulations on June 19, 1987 (52 FR 23265). OSMRE is therefore proposing to delete paragraph (c) of 30 CFR 935.16.

##### III. Public Comment Procedures

###### Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commentor's recommendations. Comments received after the time indicated under "DATES" or at locations other than the Columbus Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

###### Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under "FOR FURTHER INFORMATION CONTACT" by the close of business on December 22, 1987. If no one requests an opportunity to comment at a public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSMRE officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and who wish to do so will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment have been heard.

If only one person requests an opportunity to comment at a hearing, a public meeting, rather than a public hearing, may be held. A summary of the meeting will be included in the Administrative Record.

###### Public Meeting

Persons wishing to meet with OSMRE representatives to discuss the proposed amendment may request a meeting at



the Columbus Field Office by contacting the person listed under "FOR FURTHER INFORMATION CONTACT." All such meetings will be open to the public and, if possible, notices of meetings will be posted in advance in the Administrative Record. A written summary of each public meeting will be made a part of the Administrative Record.

#### IV. Procedural Determinations

##### 1. Compliance With the National Environmental Policy Act

The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

##### 2. Compliance With Executive Order No. 12291

On August 28, 1981, the Office of Management and Budget (OMB) granted OSMRE an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

##### 3. Compliance With the Regulatory Flexibility Act

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

##### 4. Paperwork Reduction Act

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

##### List of Subjects in 30 CFR Part 935

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

Dated: November 25, 1987.

Alfred E. Whitehouse,

Acting Assistant Director, Eastern Field Operations, Office of Surface Mining Reclamation and Enforcement.

[FR Doc. 87-27951 Filed 12-4-87; 8:45 am]

BILLING CODE 4310-05-M

#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 62

[FRL-3298-9 NC-034]

##### Approval and Promulgation of State Plans for Designated Facilities and Pollutants; North Carolina; Revision to 111(d) Plan for Total Reduced Sulfur From Kraft Pulp Mills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

**SUMMARY:** On April 14, 1987, the North Carolina Division of Environmental Management submitted a regulatory amendment to be incorporated into their federally approved 111(d) plan for total reduced sulfur (TRS).

Regulation 2D.0528, Total Reduced Sulfur from Kraft Pulp Mills is being amended to raise one of its standards to the level allowed by federal New Source Performance Standards (NSPS) as revised on May 20, 1986 (51 FR 18538). This notice proposes to approve this change. After the comment period a final rule can be published making the amended regulation part of the federally approved 111(d) plan.

**DATE:** To be considered, comments must be received on or before January 6, 1988.

**ADDRESSES:** Comments should be addressed to Bob Peddicord at the Region IV EPA address below. Copies of the State's submittal are available for review during normal business hours at the following locations:

Air Quality Section, Division of Environmental Management, North Carolina Department of Natural, Resources and Community Development, 512 North Salisbury Street, Raleigh, North Carolina 27611  
Air Programs Branch, Region IV, U.S. Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365.

**FOR FURTHER INFORMATION CONTACT:** Bob Peddicord of the Region IV EPA Air Programs Branch, at the above address, or telephone: (404) 347-2864 or FTS 257-2864.

**SUPPLEMENTARY INFORMATION:** On April 14, 1987, the State of North Carolina submitted a revision to their 111(d) plan for Total Reduced Sulfur (TRS) from Kraft Pulp Mills. The revision was adopted by the Environmental Management Commission on April 9, 1987, after a public hearing held on January 20, 1987. The change to regulation 2D.0528, TRS from Kraft Pulp Mills, allows an emission increase of TRS from: 0.0168 pounds per ton of

black liquor solids (dry weight) (lbs TRS/ton BLS) from any smelt dissolving tank, to, 0.032 lbs TRS/ton BLS from any smelt dissolving tank.

This change brings North Carolina's rule in agreement with the latest revision of 40 CFR Part 60, Subpart BB, promulgated on May 20, 1986 (51 FR 18538). That revision of Subpart BB (Standards of Performance for New Stationary Sources: Kraft Pulp Mills) promulgated several revisions to the standards. One of the revisions changed the existing TRS standard for smelt dissolving tanks from 0.0084 grams of TRS per kilogram of black liquor solids (gTRS/KgBLS) to 0.016 g TRS, as H<sub>2</sub>S/KgBLS. This revision in English units would be from 0.0168 Lbs TRS, as H<sub>2</sub>S/Ton BLS to 0.032 Lbs TRS, as H<sub>2</sub>S/Ton BLS. The change to 2D.0528 incorporates the new standard into North Carolina's rule.

##### Proposed Action

EPA is proposing to approve the revision to North Carolina's regulation 2D.0528 submitted to EPA on April 14, 1987. This change will make the State's 111(d) plan for TRS from Kraft Pulp Mills consistent with the latest revision of the federal standards of performance for new kraft pulp mills.

All interested persons are invited to comment on this action; comments received within 30 days of the publication of this notice will be considered by EPA in the final rulemaking.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant impact on a substantial number of small entities. (See 46 FR 8709).

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

##### List of Subjects in 40 CFR Part 62

Air pollution control, Intergovernmental relations, Paper and paper products industry.

Authority: 42 U.S.C. 7401-7642.

Dated: July 2, 1987.

Lee A. DeHihns, III,

Acting Regional Administrator.

**Editorial note:** This document was received at the Office of the Federal Register December 2, 1987.

[FR Doc. 87-27998 Filed 12-4-87; 8:45 am]

BILLING CODE 6560-50-M



**NATIONAL RAILROAD PASSENGER CORPORATION****49 CFR Part 701****Freedom of Information Act; Predisclosure Notification Procedures for Confidential Commercial and Financial Information**

**AGENCY:** National Railroad Passenger Corporation (NRPC or the Corporation).

**ACTION:** Proposed rules.

**SUMMARY:** By Executive Order 12600, dated June 23, 1987 (52 FR 23781), President Reagan directed the establishment by regulations, following notice and opportunity for public comment, of procedures concerning predisclosure notification to submitters of confidential commercial or financial information requested under the Freedom of Information Act (FOIA). The following proposed regulations provide that the National Railroad Passenger Corporation (NRPC), also known as Amtrak, shall notify submitters of records containing confidential commercial or financial information when those records are requested under the Act if NRPC determines that it may be required to disclose the records. These procedures shall apply to both the initial processing of the request and to any appeals by the requester. Further the proposed regulations will permit submitters of confidential commercial or financial information to designate information which could reasonably be expected to cause substantial competitive harm and permit the submitter a reasonable period of time to object to the disclosure of confidential commercial or financial information. Finally, the proposed regulations will require NRPC to provide a submitter a written statement explaining why the submitter's objections are not sustained or to notify the submitter if the requester brings suit seeking to compel disclosure of confidential commercial or financial information.

**DATES:** Written comments must be delivered or mailed by December 28, 1987. The proposed effective date of these regulations is January 1, 1988.

**ADDRESS:** Send comments to: Medaris Oliveri, Freedom of Information Officer, National Railroad Passenger Corporation, 400 North Capitol Street NW., Washington, DC 20001.

**FOR FURTHER INFORMATION CONTACT:** Medaris Oliveri, FOIA Officer, (202) 383-3991.

**SUPPLEMENTARY INFORMATION:** The proposed regulations follow closely the text of Executive Order 126000 and

prescribe the procedures required by that Order.

**List of Subjects in 49 CFR Part 701**

Freedom of information.

Amtrak is proposing to amend 49 CFR Part 701 as follows:

**PART 701—[AMENDED]**

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

**Authority:** Sec. 306(g), Rail Passenger Service Act, 45 U.S.C. 546(g).

2. Section 701.8 is added to read as follows:

**§ 701.8 Notification procedures for confidential commercial and financial information.**

(a) *Definitions.* For the purpose of this section, the following definitions apply:

(1) "Confidential commercial or financial information" means records provided to NRPC by a submitter that arguably contain material exempt from release under Exemption 4 of FOIA, 5 U.S.C. 552(b)(4), because disclosure could reasonably be expected to cause substantial competitive harm.

(2) "Submitter" means any person or entity who provides confidential or financial commercial information to NRPC. The term submitter includes, but is not limited to, corporations, State governments, and foreign governments.

(3) "Requester" means any person or entity who submits a valid request for information under the Freedom of Information Act. The term includes, but is not limited to, corporations, State governments, and foreign governments.

(b) *Notice requirements.* (1) For confidential commercial or financial information submitted prior to January 1, 1988, NRPC shall, if it determines that it may be required to disclose the requested information, notify the submitter in writing prior to the release of responsive records whenever:

(i) The records are less than 10 years old and the information has been designated by the submitter as confidential commercial or financial information; or

(ii) NRPC has reason to believe that disclosure of the information could reasonably be expected to cause substantial competitive harm.

(2) For confidential financial or commercial information submitted on or after January 1, 1988, the submitter may designate, at the time the information is submitted to NRPC or a reasonable time thereafter, any information the disclosure of which the submitter claims could reasonably be expected to cause substantial competitive harm. NRPC shall, if it determines that it may be

required to disclose the requested information, notify the submitter in writing prior to its release whenever:

(i) The records are designated pursuant to this paragraph (b)(1)(i); or

(ii) NRPC has reason to believe that disclosure of the information could reasonably be expected to cause substantial competitive harm.

(c) *Opportunity to object to disclosure.* After notification is given pursuant to paragraph (b)(1) or (b)(2) of this section, the submitter shall have ten days from the receipt of notification in which to object to the disclosure of any specified portion of the information and to state all grounds upon which disclosure is opposed.

(d) *Notice of intent to disclose.* In all instances when NRPC determines to disclose the requested records, the Corporation shall provide the submitter with a written notice to include the following:

(1) A statement briefly explaining why the submitter's objections were not sustained;

(2) A description of the business information to be disclosed or a copy of the material proposed for release; and

(3) A *specific disclosure date.* The notice shall be provided to the submitter ten working days prior to the specified disclosure date. The requester shall also be advised of NRPC's final determination to disclose the requested information at the same time as notification is provided to the submitter.

(e) *Notice of FOIA Lawsuit.* Whenever a FOIA requester brings suit seeking to compel disclosure of confidential commercial or financial information, NRPC shall promptly notify the submitter.

(f) *Exceptions to notice requirements.* The notice requirements of paragraphs (b)(1) and (b)(2) of this section need not be followed if:

(1) NRPC determines that the information should not be disclosed;

(2) The information has been published or has been officially made available to the public;

(3) Disclosure of the information is required by law (other than FOIA);

(4) The information requested is not designated by the submitter as exempt from disclosure in accordance with these regulations, unless Amtrak has substantial reason to believe that disclosure of the information would result in competitive harm; or

(5) The designation made by the submitter appears obviously frivolous, except that NRPC will provide the submitter with written notice of any final administrative disclosure



determination pursuant to paragraph (c) of this section.

(g) *Notification of requester.*

Whenever NRPC notifies a submitter that it may be required to disclose information pursuant to paragraphs (b)(1) and (b)(2) of this section, NRPC shall also notify the requester that notice and an opportunity to comment are being provided to the submitter.

Harold R. Henderson,

*Vice President-Law.*

[FR Doc. 87-28053 Filed 12-4-87; 8:45 am]

BILLING CODE 0000-00-M



# Notices

Federal Register

Vol. 52, No. 234

Monday, December 7, 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.

## ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

### Public Meeting of Assembly

Notice is hereby given, pursuant to the Federal Advisory Committee Act, Pub. L. No. 92-463, that the membership of the Administrative Conference of the United States, which makes recommendations to administrative agencies, to the President, Congress, and the Judicial Conference of the United States regarding the efficiency, adequacy, and fairness of the administrative procedures used by administrative agencies in carrying out their programs, will meet in Plenary Session on Thursday, December 17, 1987 at 12:45 p.m. and Friday, December 18, 1987 at 9:00 a.m. in the Amphitheatre of the Federal Home Loan Bank Board, Second Floor, 1700 G Street NW., Washington, DC.

The Conference will consider, not necessarily in the order stated, proposed recommendations on the following subjects.

1. State-Level Determinations in Social Security Disability Cases.
2. The Role of the Social Security Appeals Council.
3. National Coverage Determinations Under the Medicare Program.
4. Dispute Procedures in Federal Debt Collection.
5. Regulation by the Occupational Safety and Health Administration.
6. Alternatives for Resolving Government Contract Disputes.
7. Adjudication Practices and Procedures of the Federal Bank Regulatory Agencies.

Plenary sessions are open to the public. Further information on the meeting, including copies of proposed recommendations, may be obtained from the Office of the Chairman, 2120 L

Street NW., Suite 500, Washington, DC 20037, telephone (202) 254-7020.

Jeffrey S. Lubbers,

Research Director.

December 3, 1987.

[FR Doc. 87-28067 Filed 12-4-87; 8:45 am]

BILLING CODE 6110-01-M

## Committee on Judicial Review; Public Meeting

**SUMMARY:** Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Judicial Review of the Administrative Conference of the United States. The committee has scheduled this meeting to discuss two studies in progress: Professor Thomas O. Sargentich's study of jurisdiction over interlocutory appeals from agency action and Professor Robert A. Anthony's study of what agency interpretation should receive judicial deference on review.

**DATE:** Thursday, December 17, 1987, at 10:30 a.m.

**Location:** The National Court Building, Room 305, 717 Madison Place, NW., Washington, DC.

**Public Participation:** The committee meeting is open to the interested public, but limited to the space available. Persons wishing to attend should notify the contact person at least two days prior to the meeting. The committee chairman may permit members of the public to present oral statements at the meeting. Any member of the public may file a written statement with the committee before, during, or after the meeting. Minutes of the meeting will be available on request.

**FOR FURTHER INFORMATION CONTACT:** Mary Candace Fowler, Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, DC 20037. Telephone: (202) 254-7065.

Dated: December 3, 1987.

Jeffrey S. Lubbers,

Research Director.

[FR Doc. 87-28137 Filed 12-4-87; 8:45 am]

BILLING CODE 6110-01-M

## DEPARTMENT OF AGRICULTURE

### Federal Grain Inspection Service

#### Designation Renewal of the Decatur Agency (IL) and State of South Carolina (SC)

**AGENCY:** Federal Grain Inspection Service (Service), USDA.

**ACTION:** Notice.

**SUMMARY:** This notice announces the designation renewal of the Decatur Grain Inspection, Inc. (Decatur), and South Carolina Department of Agriculture (South Carolina), as official agencies responsible for providing official services under the U.S. Grain Standards Act, as Amended (Act).

**EFFECTIVE DATE:** January 1, 1988.

**ADDRESS:** James R. Conrad, Chief, Review Branch, Compliance Division, FGIS, USDA, Room 1647 South Building, P.O. Box 96454, Washington, DC 20090-6454.

**FOR FURTHER INFORMATION CONTACT:** James R. Conrad, telephone (202) 447-8525.

**SUPPLEMENTARY INFORMATION:** This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512-1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

The Service announced that Decatur's and South Carolina's designations terminate on December 31, 1987, and requested applications for official agency designation to provide official services within specified geographic areas in the July 1, 1987, **Federal Register** (52 FR 24490). Applications were to be postmarked by July 31, 1987. Decatur and South Carolina were the only applicants for designation in their geographic area and each applied for designation renewal in the area currently assigned to that agency.

The Service announced the applicant names in the September 1, 1987, **Federal Register** (52 FR 32948) and requested comments on the designation renewal of Decatur and South Carolina. Comments were to be Postmarked by October 16, 1987; none were received.

The Service evaluated all available information regarding the designation criteria in section 7(f)(1)(A) of the Act; and, in accordance with section



7(f)(1)(B), determined that Decatur and South Carolina are able to provide official services in the geographic area for which the Service is renewing their designations. Effective January 1, 1988, and terminating December 31, 1990, Decatur and South Carolina will provide official inspection services in their entire specified geographic area, previously described in the July 1 *Federal Register*.

A specified service point, for the purpose of this notice, is a city, town, or other location specified by an agency for the performance of official inspection or Class X or Class Y weighing services and where the agency and one or more of its inspectors or weighers is located. In addition to the specified service points within the assigned geographic area, an agency will provide official services not requiring an inspector or weigher to all locations within its geographic area.

Interested persons may receive a listing of an agency's specified service points by contacting either the Review Branch, Compliance Division, at the address listed above or the agencies at the following addresses: Decatur Grain Inspection, Inc., 434 East Wabash Avenue, Decatur, IL 62521; and South Carolina Department of Agriculture, P.O. Box 11280, Columbia, SC 29211.

Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Date: November 25, 1987.

Neil E. Porter,

*Acting Director, Compliance Division.*

[FR Doc. 87-27966 Filed 12-4-87; 8:45 am]

BILLING CODE 3410-EN-M

**Request for Comments on Designation Applicants in the Geographic Area Currently Assigned to the Gibson City (IL) and Indianapolis Agencies (IN), and State of Wyoming (WY)**

**AGENCY:** Federal Grain Inspection Service (Service), USDA.

**ACTION:** Notice.

**SUMMARY:** This notice requests comments from interested parties on the applicants for official agency designation in the geographic area currently assigned to the Gibson City Grain Inspection Department (Gibson City), Indianapolis Grain Inspection & Weighing Service, Inc. (Indianapolis), and Wyoming Department of Agriculture (Wyoming).

**DATE:** Comments to be postmarked on or before January 19, 1988.

**ADDRESS:** Comments must be submitted in writing to Lewis Lebakken, Jr., Information Resources Staff, FGIS,

USDA, Room 1661 South Building, P.O. Box 96454, Washington, DC 20090-6454.

Telemail users may respond to [IRSTAFF/FGIS/USDA] telemail.

Telex users may respond as follows:

TO: Lewis Lebakken  
TLX:7607351, ANS:FGIS UC.

All comments received will be made available for public inspection at the above address located at 1400 Independence Avenue, SW., during regular business hours (7 CFR 1.27(b)).

**FOR FURTHER INFORMATION CONTACT:** Lewis Lebakken, Jr., telephone (202) 382-1738.

**SUPPLEMENTARY INFORMATION:** This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512-1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

The Service requested applications for official agency designation to provide official services within specified geographic areas in the October 1, 1987, *Federal Register* (52 FR 36808). Applications were to be postmarked by November 2, 1987. Gibson City, Indianapolis, and Wyoming were the only applicants for designation in their geographic area and each applied for designation renewal in the area currently assigned to that agency.

This notice provides interested persons the opportunity to present their comments concerning the designation of the applicants. Commenters are encouraged to submit reasons for support or objection to this designation action and include pertinent data to support their views and comments. All comments must be submitted to the Information Resources Staff, Resources Management Division, at the above address.

Comments and other available information will be considered in making a final decision. Notice of the final decision will be published in the *Federal Register*, and the applicants will be informed of the decision in writing.

Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Date: November 25, 1987.

Neil E. Porter,

*Acting Director, Compliance Division.*

[FR Doc. 87-27967 Filed 12-4-87; 8:45 am]

BILLING CODE 3410-EN-M

**Request for Designation Applicants to Provide Official Services in the Geographic Area Currently Assigned To the State of Alaska (AK), and Little Rock (AR) and Memphis (TN) Agencies**

**AGENCY:** Federal Grain Inspection Service (Service), USDA.

**ACTION:** Notice.

**SUMMARY:** Pursuant to the provisions of the U.S. Grain Standards Act, as Amended (Act), official agency designations shall terminate not later than triennially and may be renewed according to the criteria and procedures prescribed in the Act. This notice announces that the designation of three agencies will terminate, in accordance with the Act, and requests applications from parties interested in being designated as the official agency to provide official services in the geographic area currently assigned to the specified agencies. The official agencies are the Alaska Department of Natural Resources, Division of Agriculture (Alaska), Little Rock Grain Exchange Trust (Little Rock), and Memphis Grain and Hay Association (Memphis).

**DATE:** Applications to be postmarked on or before January 4, 1988.

**ADDRESS:** Applications must be submitted to James R. Conrad, Chief, Review Branch, Compliance Division, FGIS, USDA, Room 1647 South Building, P.O. Box 96454, Washington, DC 20090-6454. All applications received will be made available for public inspection at this address located at 1400 Independence Avenue, SW., during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** James R. Conrad, telephone (202) 447-8525.

**SUPPLEMENTARY INFORMATION:** This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512-1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

Section 7(f)(1) of the Act specifies that the Administrator of the Service is authorized, upon application by any qualified agency or person, to designate such agency or person to provide official services after a determination is made that the applicant is better able than any other applicant to provide official services in an assigned geographic area.

Alaska, located at P.O. Box 949, Palmer, AK 99645-0949; Little Rock, located at 600-B Olive Street, North Little Rock, AR 72114; and Memphis,



located at 1390 Channel Avenue, P.O. Box 13302, Memphis, TN 38113, were each designated under the Act as an official agency to provide inspection functions on June 1, 1985.

Each official agency's designation terminates on May 31, 1988. Section 7(g)(1) of the Act states that designations of official agencies shall terminate not later than triennially and may be renewed according to the criteria and procedures prescribed in the Act.

The geographic area presently assigned to Alaska, pursuant to section 7(f)(2) of the Act, which may be assigned to the applicant selected for designation, is the entire State of Alaska, except those export port locations within the State which are serviced by the Service.

The geographic area presently assigned to Little Rock, in the States of Arkansas and Texas, pursuant to section 7(f)(2) of the Act, which may be assigned to the applicant selected for designation is as follows:

*In Arkansas:*

Bounded on the North by the northern Arkansas State line from the western Benton County line east to the eastern Clay County line,

Bounded on the East by the eastern Clay, Greene, Lawrence, Jackson, Woodruff, Monroe, Arkansas, Desha, and Chicot County lines;

Bounded on the South by the southern Arkansas State line from the eastern Chicot County line west to the western Miller County line; and

Bounded on the West by the western Arkansas State line from the southern Miller County line north to the northern Benton County line.

*In Texas:* Bowie and Cass Counties.

An exception to Little Rock's assigned geographic area is the following location inside Little Rock's area which has been and will continue to be serviced by the following official agency:

Memphis Grain and Hay Association: Con-Agra, Inc., Augusta, Woodruff County, Arkansas.

The geographic area presently assigned to Memphis, in the States of Arkansas and Tennessee, pursuant to section 7(f)(2) of the Act, which may be assigned to the applicant selected for designation is as follows:

*In Arkansas:* Craighead, Crittenden, Cross, Lee, Mississippi, Phillips, Poinsett, and St. Francis Counties.

*In Tennessee:* Carroll, Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Henderson, Lauderdale, Madison, McNairy, Shelby, and Tipton Counties.

The following locations, outside of the above contiguous geographic area, are

part of this geographic area assignment: Continental Grain Co., and West Tennessee Soya, both in Tiptonville, and Planters Gin, Ridgely, all in Lake County, Tennessee (located inside Cairo Grain Inspection Agency, Inc.'s area); and Con-Agra, Inc., Augusta, Woodruff County, Arkansas (located inside Little Rock Grain Exchange Trust's area). Interested parties, including Alaska, Little Rock, and Memphis, are hereby given opportunity to apply for official agency designation to provide the official services in the geographic area, as specified above, under the provisions of section 7(f) of the Act and § 800.196(d) of the regulations issued thereunder. Designation in each specified geographic area is for the period beginning June 1, 1988, and ending May 31, 1991. Parties wishing to apply for designation should contact the Review Branch, Compliance Division, at the address listed above for forms and information.

Applications and other available information will be considered in determining which applicant will be designated to provide official services in a geographic area.

Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Date: November 25, 1987.

Neil E. Porter,

Acting Director, Compliance Division.

[FR Doc. 87-27968 Filed 12-4-87; 8:45 am]

BILLING CODE 3410-EN-M

## Packers and Stockyards Administration

### Proposed Posting of Stockyards; Barrett Livestock Barn, GA, et al.

The Packers and Stockyards Administration, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

GA-198 Barrett Livestock Barn, Alto, Georgia

GA-199 Circle M Stables Corp., Forsyth, Georgia

GA-200 Pony Express Stock Yards, Covington, Georgia

MN-184 Northern Minnesota Cattle Yard, Hines, Minnesota

MS-163 People's Livestock Auction, Houston, Mississippi

MO-266 MFA Farmers Livestock Market, Maryville, Missouri

SC-143 Walterboro Horse Auction, Inc., Walterboro, South Carolina

TX-335 Falfurrias Livestock Comm. Co., Inc., Falfurrias, Texas

TX-336 Ray's Livestock Commission, Palestine, Texas

TX-337 Raz Livestock Sales, Inc., Harper, Texas

Notice is hereby given that pursuant to authority under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), it is proposed to designate the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed designation, may do so by filing them with the Director, Livestock Marketing Division, Packers and Stockyards Administration, United States Department of Agriculture, Washington, DC 20250, by December 22, 1987.

All written submissions made pursuant to this notice shall be made available for public inspection in the office of the Director of the Livestock Marketing Division during normal business hours.

Done at Washington, DC, this 1st day of December, 1987.

[FR Doc. 87-28028 Filed 12-4-87; 8:45 am]

BILLING CODE 3410-KD-M

## AVIATION SAFETY COMMISSION

### Meeting

Time and Dates: 9:00 a.m. to 5:00 p.m., Office Building, Washington, DC 20510-6075.

Place: Room SD-538, Dirksen Senate Office Building, Washington, DC 20510-6075.

Status: Meeting is completely open to the public as required under section 10 (a)(2) of the Federal Advisory Committee Act of 1972.

Matters to be Considered: Selected Witnesses are invited to provide Statements to the Aviation Safety Commission.

For Further Information Contact: Richard K. Pemberton, Administrative Officer, Aviation Safety Commission, Premier Building, Room 1008, 1725 I Street, NW., Washington, DC 20006, (202) 634-4677 or (202) 634-4860.

John M. Albertaine,

Chairman.

[FR Doc. 87-28148 Filed 12-4-87; 8:45 am]

BILLING CODE 6820-AG-M



## DEPARTMENT OF COMMERCE

## International Trade Administration

[A-307-701]

**Postponement of Preliminary Antidumping Duty Determination; Certain Electrical Conductor Aluminum Redraw Rod From Venezuela**

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

**ACTION:** Notice.

**SUMMARY:** This notice informs the public that we have received a request from the petitioner in this investigation to postpone the preliminary determination as permitted by section 733(c)(1)(A) of the Tariff Act of 1930, as amended (the Act). Based on this request, we are postponing our preliminary determination on whether sales of certain electrical conductor aluminum redraw rod from Venezuela have occurred at less than fair value until not later than February 1, 1988.

**EFFECTIVE DATE:** December 7, 1987.

**FOR FURTHER INFORMATION CONTACT:** Mary Martin or Jessica Wasserman, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, telephone: (202) 377-2830 or 377-1442.

**SUPPLEMENTARY INFORMATION:** On August 10, 1987 (52 FR 29559), we published the notice of initiation of an antidumping duty investigation to determine whether certain electrical conductor aluminum redraw rod from Venezuela is being, or is likely to be, sold in the United States at less than fair value. The notice stated that we would issue our preliminary determination by December 21, 1987.

On November 19, 1987, petitioner (Southwire Company) requested that the Department postpone the preliminary determination by 42 days *i.e.*, until not later than 202 days after the date of receipt of the petition, in accordance with section 733(c)(1)(A) of the Act. Accordingly, the period for the preliminary determination in this case is hereby extended. We intend to issue a preliminary determination not later than February 1, 1988.

This notice is published pursuant to section 773(c)(2) of the Act

Gilbert B. Kaplan,

Acting Assistant Secretary for Import Administration

[FR Doc. 87-28026 Filed 12-4-87; 8:45 am]

BILLING CODE 3510-DS-M

## National Oceanic and Atmospheric Administration

**Results of 1986 Survey of Striped Bass Fisheries**

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

**ACTION:** Notice of survey results.

**SUMMARY:** NOAA publishes the results of a survey of Atlantic coast striped bass fisheries for 1986. The report of survey results is required under the Atlantic Striped Bass Conservation Act. The intended effect is to provide information on the status of the striped bass fisheries.

**ADDRESS:** Copies of the survey results are available from David G. Deuel, NOAA/NMFS, 1825 Connecticut Avenue, Washington, DC 20235.

**FOR FURTHER INFORMATION CONTACT:** David G. Deuel, 202-673-5272.

**SUPPLEMENTARY INFORMATION:****Comprehensive Annual Survey of the Atlantic Striped Bass Fisheries—Calendar Year 1986**

Section 6 of the Atlantic Striped Bass Conservation Act (Pub. L. No. 98-613, 16 U.S.C. 1851) required the Secretary of Commerce and the Secretary of the Interior to conduct a comprehensive annual survey of the Atlantic striped bass fisheries. Each survey was to include, but not be limited to, a compilation and assessment of the recreational and commercial landings of striped bass in the coastal States during the period considered in the survey. The results of each annual survey were to be published in the *Federal Register*. This report presents data for calendar year 1986 as required by section 6 of the Atlantic Striped Bass Conservation Act (The Act).

The Act was signed into law on October 31, 1984. Under the Act, no funds were authorized for appropriation for activities in Fiscal Year 1985. For Fiscal Year 1986 and 1987, funds were authorized but not appropriated. Thus, for calendar years 1985 and 1986, no funds were appropriated for conduct of the comprehensive annual survey and no separate surveys were conducted on the Atlantic striped bass fisheries. However, the National Marine Fisheries Service of the U.S. Department of Commerce routinely collects data on all U.S. commercial fisheries and on marine recreational fishing on the Atlantic, Gulf, and Pacific coasts. Data from these surveys are used in this report to satisfy the requirements of section 6 of the Act.

A description of the statistical survey procedures for the commercial landings may be found in "Fishery Statistics of

the United States 1977" (U.S. Department of Commerce, 1984), and for recreational fishery data in "Marine Recreational Fishery Statistics Survey, Atlantic and Gulf Coasts, 1985" (U.S. Department of Commerce, 1986). The Act addresses striped bass from Maine through North Carolina; the data presented below are for the same area.

Commercial landings of striped bass in 1986 were 0.3 million pounds, the lowest on record, and 0.9 million pounds less than the 1985 landings. Maximum landings of 14.7 million pounds were recorded in 1973, and since then landings have steadily declined. Part of the decline since 1982 has resulted from restrictive regulations on the commercial fishery. Average landings for the 20 year period from 1967 to 1986 were 6.8 million pounds. However, from 1967 to 1976, landings average 10.4 million pounds, while from 1977 to 1986, landings average only 3.1 million pounds. For the last 5 years, an average of 1.7 million pounds were landed. Commercial landings by State from 1979 through 1986 are shown in Table 1. Figure 1 shows annual commercial landings from 1961 through 1986.

Estimates of catch and harvest of striped bass by recreational fishermen are available from the marine recreational fishery statistics surveys from 1979 through 1986. Catch is defined as the total number of fish caught, including those released alive. Harvest is the number of fish which are removed from the population. Estimated weights are available for the fish harvested. The reliability of the survey estimates is greater for species which occur more frequently in the catch than for those which occur infrequently in the catch. In recent years, with the striped bass stock at low levels, the estimates for striped bass are less reliable than those for other species such as bluefish, winter flounder, or scup, which occur frequently in the catch. In addition, there is high variability of striped bass catch estimates by State from year to year. Although a separate survey of the recreational fishery for striped bass would likely provide more reliable estimates of the catch and harvest of striped bass, such a survey would be extremely expensive to conduct because of the low abundance of striped bass.

In 1986, recreational fishermen caught an estimated 1,401,000 striped bass, of which 141,000 were harvested. The remaining 1,260,000 were released alive. The estimated weight of the 1986 striped bass recreational harvest was 1.9 million pounds. Table 2 presents estimates of the total recreational catch



of striped bass by state from 1979 through 1986.

The total recreational catch of striped bass declined from about 2.0 million fish in 1979 to about 600,000 fish in 1983-1985. As with the commercial fishery, restrictions on the recreational fishery contributed to the decrease in catch. The increase in total catch in 1986 likely reflects the increased abundance of the 1982 and subsequent year classes, resulting from management measures providing nearly total protection to these year classes. The number of striped bass harvested has declined, from about 1.3 million fish in 1979 to less than 150,000 in 1986, while the number released alive has increased as a percentage of the total catch. From 1979-1981, the percent released alive averaged 24, while from 1982-1986, the average percent released alive was 72. In 1986, 90 percent of the fish were released alive. This demonstrates the effectiveness of size limits and bag limits in conserving striped bass.

The management measures imposed on striped bass fishing by the coastal States, as recommended by the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for the Striped Bass (as amended), have had a significant impact on the recreational harvest and the commercial landings. Most new management regulations were put in place between 1982 and 1986, with those having the most impact being implemented during 1984, 1985, and 1986. These regulations include closed seasons, closed areas, size limits, commercial gear restrictions and bag limits on the recreational fishery. Most significantly, a moratorium was imposed on striped bass fishing in Maryland and Delaware in January 1985. During 1986, the striped bass fishery was closed in marine waters of New York based on high levels of PCBs, the fishery was closed in Connecticut, and Rhode Island prohibited sale due to PCB contamination. Several other states prohibit sale of striped bass and have

implemented a 33-inch minimum size limit. Bag limits range from 1 to 5 fish in states which allow recreational fishing.

Appropriate data on striped bass to calculate estimates of the population size have not been collected. Prior to 1982, striped bass commercial landings data were used as an indicator of the stock size. The commercial fishery has since been severely restricted by regulations, thus landings in recent years are not comparable to those in earlier years nor are they indicative of trends in stock size. The recreational fishery for striped bass has been similarly impacted by management regulations. Thus, caution should be used in interpreting the landing data in recent years.

Dated: November 27, 1987.

James E. Douglas, Jr.,

Deputy Assistant Administrator For Fisheries, National Marine Fisheries Service.

TABLE 1.—REPORTED COMMERCIAL LANDINGS (THOUSANDS OF POUNDS) <sup>1</sup> OF STRIPED BASS IN ATLANTIC COASTAL STATES, 1979-1987.

| State               | 1979  | 1980  | 1981  | 1982  | 1983  | 1984  | 1985  | 1986 |
|---------------------|-------|-------|-------|-------|-------|-------|-------|------|
| Maine.....          | **    | **    | 1     |       |       |       | 1     |      |
| New Hampshire.....  |       |       |       |       |       |       |       |      |
| Massachusetts.....  | 695   | 886   | 708   | 643   | 224   | 107   | 119   | 96   |
| Rhode Island.....   | 54    | 20    | 235   | 270   | 196   | 54    | 61    | 11   |
| Connecticut.....    | 45    | 29    | 5     | 6     | 2     | 2     | 6     |      |
| New York.....       | 570   | 598   | 822   | 471   | 310   | 595   | 469   |      |
| New Jersey.....     | 40    | 24    | 14    | 10    | 20    | 9     | 12    | 10   |
| Delaware.....       | 26    | 17    | 23    | 26    | 7     | 37    |       |      |
| Maryland.....       | 947   | 2,101 | 1,641 | 518   | 446   | 1,108 | 43    | 8    |
| Virginia.....       | 467   | 503   | 395   | 147   | 151   | 508   | 241   | 21   |
| North Carolina..... | 614   | 472   | 417   | 338   | 361   | 513   | 280   | 189  |
| Total.....          | 3,458 | 4,650 | 4,261 | 2,429 | 1,717 | 2,933 | 1,232 | 335  |

<sup>1</sup> Source: National Marine Fisheries Service, F/S21, unpublished data.

Note.—Dash denotes none reported; \*\* denotes less than 500 pounds. Restrictive regulations on the commercial fishery contribute to the decrease in landings since 1982.



TABLE 2.—ESTIMATED TOTAL RECREATIONAL CATCH (THOUSANDS OF FISH) OF STRIPED BASS BY STATE, MAINE TO NORTH CAROLINA 1979-1986 <sup>1</sup>.

| State               | 1979  | 1980 | 1981 | 1982 | 1983 | 1984 | 1985 | 1986  |
|---------------------|-------|------|------|------|------|------|------|-------|
| Maine.....          | (-)   | (-)  | (-)  | (-)  | (-)  | (-)  | (-)  | (-)   |
| New Hampshire.....  | (0)   | (0)  | (-)  | (0)  | (-)  | (0)  | (-)  | (0)   |
| Massachusetts.....  | 66    | (-)  | (-)  | 129  | 68   | 132  | 123  | 655   |
| Rhode Island.....   | 31    | (-)  | (-)  | (-)  | (-)  | 72   | 50   | (-)   |
| Connecticut.....    | 81    | 42   | (-)  | 555  | 45   | 41   | 41   | (-)   |
| New York.....       | 733   | 59   | 37   | (-)  | 36   | 101  | 95   | 149   |
| New Jersey.....     | (-)   | (-)  | 40   | 151  | 210  | 84   | (-)  | 43    |
| Delaware.....       | (-)   | (0)  | (0)  | (0)  | (-)  | (-)  | (-)  | (0)   |
| Maryland.....       | 1,005 | 377  | 174  | 40   | 155  | 148  | 102  | 502   |
| Virginia.....       | (-)   | (0)  | (0)  | (0)  | (-)  | (-)  | (-)  | (-)   |
| North Carolina..... | 57    | (-)  | 576  | (0)  | (-)  | (-)  | (-)  | (-)   |
| Total.....          | 2,005 | 548  | 892  | 911  | 568  | 626  | 618  | 1,399 |

Estimates include both fish harvested and those released. (-) = less than 30,000 reported, (0) = none reported.

<sup>1</sup> Sources:

1979-1980: USDOC, 1984. Current Fishery Statistics No. 8322.

1981-1982: USDOC, 1985. Current Fishery Statistics No. 8324.

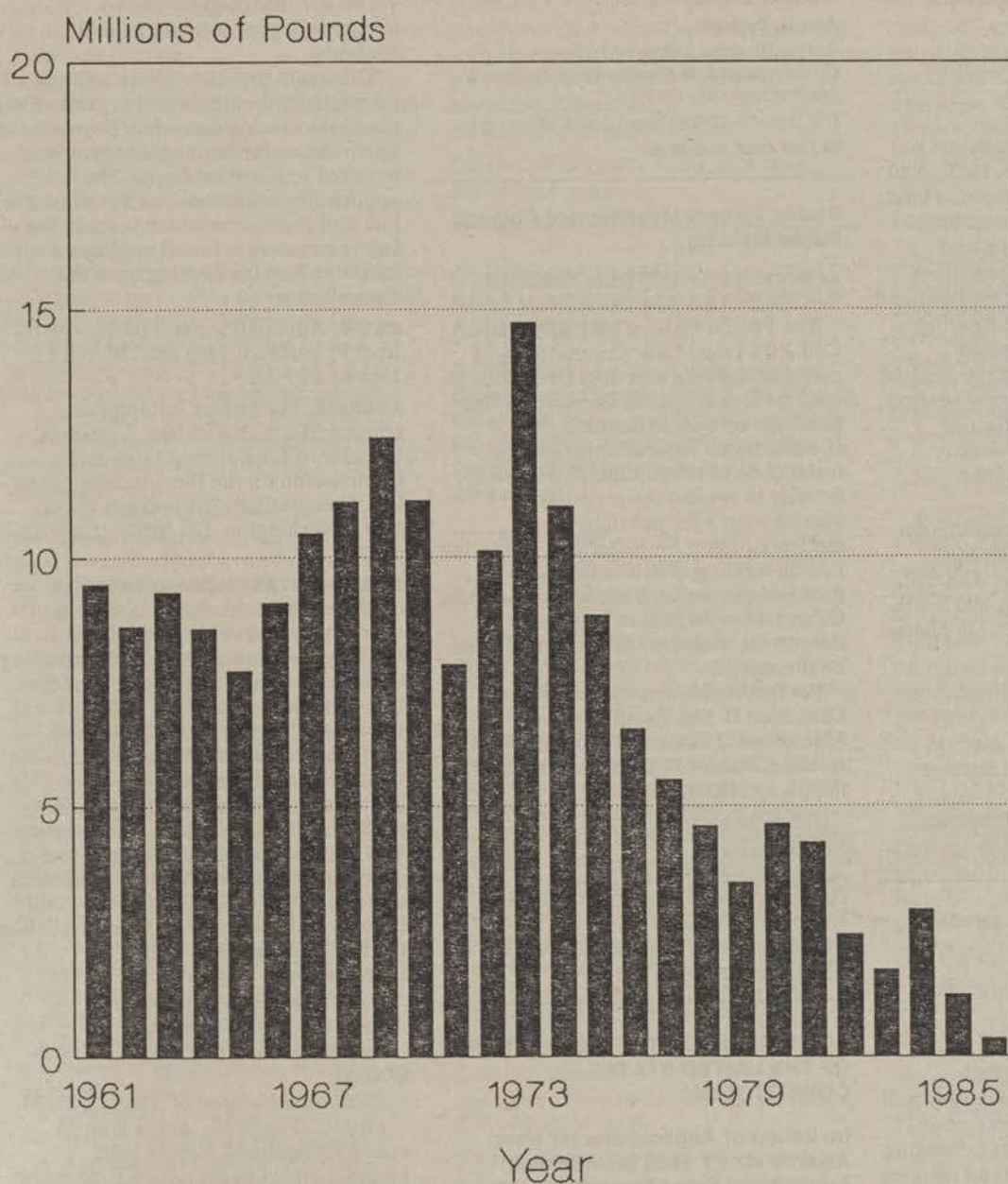
1983-1984: USDOC, 1985. Current Fishery Statistics No. 8326.

1985: USDOC, 1986. Current Fishery Statistics No. 8327.

1986: USDOC, 1987. Current Fishery Statistics No. 8392.

NOTE.—Restrictive regulations on the recreation fishery contributed to decreased catches since 1982.





**Figure 1. Reported Commercial Landings of Striped Bass Along the Atlantic Coast, 1962-1986.**

**Note:** Restrictive regulations on the commercial fishery contributed to the decrease in landings since 1982.



### Mid-Atlantic Fishery Management Council; Public Meeting

**AGENCY:** National Marine Fisheries Service, NOAA, Commerce.

The Mid-Atlantic Fishery Management Council will convene a public meeting, December 9, 1987, at 10 a.m., at the Hershey Philadelphia Hotel, Philadelphia, PA, telephone: (215) 893-1600, to discuss the Surf Clam and Ocean Quahog Fishery Management Plan, and other fishery management and administrative matters. The meeting may be lengthened or shortened depending upon progress on the agenda. The Council may go into closed session (not open to the public) to discuss personnel and/or national security matters, and will adjourn on the afternoon of December 10.

For further information contact John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901, telephone: (302) 674-2331.

Dated: December 2, 1987

**Ann D. Terbush,**

*Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.*

[FR Doc. 87-27977 Filed 12-4-87; 8:45 am]

BILLING CODE 3510-22-M

### North Pacific Fishery Management Council; Public Meeting

**AGENCY:** National Marine Fisheries Service, NOAA, Commerce.

The North Pacific Fishery Management Council's Future of Groundfish Management Committee will convene a public meeting, December 17, 1987, at 8:30 a.m., in Room 2143, Building 4, of the Northwest and Alaska Fisheries Center, National Marine Fisheries Service, 7600 Sand Point Way NE., Seattle, WA.

The Committee, charged with making recommendations to the Council on long-term management strategies for the groundfish fisheries in the Gulf of Alaska and Bering Sea/Aleutian Islands by June 1988, will begin discussions on a system or systems for future management of those fisheries. The public meeting will adjourn on December 18.

For further information contact the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510, telephone: (907) 274-4563.

Dated: December 2, 1987.

**Ann D. Terbush,**

*Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.*

[FR Doc. 87-27978 Filed 12-4-87; 8:45 am]

BILLING CODE 3510-22-M

### Pacific Fishery Management Council; Public Meeting

**AGENCY:** National Marine Fisheries Service, NOAA, Commerce.

The Pacific Fishery Management Council's Legal Gear Committee will convene a public meeting, December 15, 1987, at 11 a.m., at the Council's office (address below), to develop specifications for a uniform pelagic trawl codend restriction. The Council intends to review the proposed specifications for possible implementation for fishermen delivering Pacific whiting at sea to floating processing vessels, both foreign and U.S. Other issues related to legal gear definitions and specifications may also be discussed.

For further information contact Lawrence D. Six, Pacific Fishery Management Council, 2000 S.W. First Avenue, Suite 420, Portland, OR 97201; telephone: (503) 221-6352.

Dated: December 2, 1987.

**Ann D. Terbush,**

*Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.*

[FR Doc. 87-27979 Filed 12-4-87; 8:45 am]

BILLING CODE 3510-22-M

### COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION

#### Invitation of Applications for New Awards for FY 1988 Bicentennial Educational Grant Program

**AGENCY:** Commission on the Bicentennial of the United States Constitution.

**ACTION:** Notice inviting applications and providing application forms for Bicentennial Educational Grant Program—second round.

**SUMMARY:** The Commission on the Bicentennial of the United States Constitution announces its application deadline for a second round of FY-1988 funding under its Constitution Bicentennial Educational Grant Program. The Commission is soliciting grant applications for the development of instructional materials and programs on the Constitution and Bill of Rights

which are designed for use by elementary or secondary school students.

This grant program notice informs all interested individuals and organizations about the closing dates for the receipt of applications for funding and provides required application forms. The application conditions are based on the law and regulation which contain the key requirements for all applicants to follow in seeking funding from the Commission.

**DATES:** Applications will be accepted from February 1, 1988 until March 15, 1988 at 5:30 pm.

**ADDRESS:** For further information contact: Anne A. Fickling, Assistant Director of Educational Programs, Commission on the Bicentennial of the U.S. Constitution, 736 Jackson Place NW., Washington, DC 20503, (202) 653-5110.

**SUPPLEMENTARY INFORMATION:** The objective of this program is to help elementary and secondary school teachers develop a better understanding of the history and development of the U.S. Constitution and Bill of Rights and to provide them with materials and methods so they will become more able to teach the Constitution to young learners. Programs designed to affect students directly are also encouraged. The specific emphasis for this round of competition will be on the development of the legislative and executive branches of government, thus paralleling the five-year program of the Commission.

*Available Funds Anticipated:* Approximately \$1 million.

*Estimated Range of Awards:* \$1,000-\$75,000.

*Estimated Number of Awards:* 25-30.

*Project Period:* No longer than 24 months, beginning August 1988; programs must begin before September 1, 1989.

*Priority Areas for Funding:* The Program Announcement and Final Rule governing the 1988 Bicentennial Educational Grant Program were published in the **Federal Register** on August 14, 1987. Specifically, the Commission encourages proposals which focus on themes paralleling those of the Commission's five-year plan, including the ratification debates and the role of *The Federalist*, and the development of the three branches of government. Proposals may also address the role of Federalism in the development and history of the Constitution. More specific information is available by contacting the Commission on the Bicentennial of the



United States Constitution, Educational Programs Division.

**Eligible Applicants:** The Commission is authorized to accept applications from and award grants to: Local educational agencies, private elementary and secondary schools, private organizations, individuals, and state and local public agencies in the United States. Colleges, universities, and adult education programs within the above categories are eligible to apply, provided the proposed project or program is designed for use in elementary and secondary schools. Grants will not be made to profit-making organizations.

**Selection Criteria:** The Commission has developed the following criteria as general guidelines for judging all project proposals:

1. The project is designed to strengthen teachers' capacity to understand and teach the Constitution, its antecedents, provisions, structure, and history, while benefitting students in an academically sound way, appropriate for the age group toward which it is directed. (20 points)

2. Potential of the project to achieve stronger and wider impact through utilizing existing materials, including those made available through Commission sponsorship and the 1987 Educational Grants Program. (5 points)

3. The project is cost-effective in that expenditures are reasonable and appropriate to the scope of the project. (5 points)

4. The project must demonstrate the potential for affecting a much wider audience than the immediate project participants. (5 points)

5. The project represents an improvement upon existing teaching methods. (5 points)

6. Applicants have the capacity to carry out the project as evidenced by:
  - a. Academic and administrative qualifications of the project personnel;
  - b. Quality of project design;
  - c. Soundness of project management plan. (10 points)

The decision to award grant funding is solely within the discretion of the Commission based upon its judgment of how best to fulfill the statutory purposes of the grant program.

**Applicable Regulations:** 45 CFR Part 2010 as published in the August 14, 1987 *Federal Register* (52 FR 30582). The Commission's Constitution Bicentennial Educational Grant Program Announcement was also published together with the grant regulation.

Interested applicants are invited to call or write to the Commission for a copy of the printed version of the regulation, program announcement and application forms.

(Title V of Pub. L. 99-194; 45 CFR Part 2010)

The Catalogue of Federal Domestic Assistance (CFDA) number is 90.001.

**Herbert M. Atherton,**  
*Director, Educational Programs.*

[FR Doc. 87-27922 Filed 12-4-87; 8:45 am]

BILLING CODE 6340-01-M

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Adjustment of a Limit, Deducts and Charges for Certain Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in India; Correction

December 3, 1987.

On December 2, 1987 a notice and letter to the Commissioner of Customs were published in the *Federal Register* (52 FR 45841) concerning the re-opening of the current limit for 22 million square yards equivalent for Group II Categories 300, 301, 311, 312, 314, 316, 317, 319, 320, 330-334, 345, 349-354, 359, 360-362, 369-0, 600-605, 630-635, 637-654, 659, 664pt., 666-670 and 831-859, as a group, produced or manufactured in Indian and exported to the United States during the period of January 1, 1987 through December 31, 1987.

The notice should be corrected to re-open the limit for an additional 10,591,517 square yards equivalent. A letter has been sent to Customs to make this adjustment effective on December 3, 1987.

**James H. Babb,**  
*Chairman, Committee for the Implementation of Textile Agreement.*

[FR Doc. 87-28147 Filed 12-3-87; 5:07 pm]

BILLING CODE 3510-DR-M

### Adjustment of an Import Limit for Certain Man-Made Fiber Textile Products Produced or Manufactured in the Republic of Korea

December 1, 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 December 2, 1987. For further information contact Kimbang Pham, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce,

(202) 377-4212. For information on the quota status of this limit, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port or call (202) 566-8041. For information on embargoes and quota re-openings, please call (202) 377-3715.

## Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the previously established import restraint limit for Category 636, produced or manufactured in Korea and exported during 1987.

## Background

A CITA directive dated December 23, 1986 (51 FR 47044) established import restraint limits for certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, including Categories 636, produced or manufactured in the Republic of Korea and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987.

Under the terms of the Bilateral Textile Agreement of November 21 and December 4, 1986, as amended, and at the request of the Government of the Republic of Korea, the limit for Category 636 is being increased for special carryforward.

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), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

Adoption by the United States of the Harmonized Commodity Code (HCC) may result in some changes in the categorization of textile products covered by this notice. Notice of any necessary adjustments to the limits affected by adoption of the HCC will be published in the *Federal Register*.

The letter to the Commissioner of Customs 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.

James H. Babb,

*Chairman, Committee for the Implementation of Textile Agreements.*

December 1, 1987.

**Committee for the Implementation of Textile Agreements**

Commissioner of Customs,  
*Department of the Treasury, Washington,  
D.C. 20229*

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of December 23, 1986, concerning imports into the United States of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in the Republic of Korea and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987.

Effective on December 2, 1987, the directive of December 23, 1986 is amended to adjust the previously established restraint limit for man-made fiber textile products in Category 636 to 244,222 dozen<sup>1</sup>, under the terms of the bilateral agreement of November 21 and December 4, 1986, as amended:<sup>2</sup>

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,

James H. Babb,

*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 87-28024 Filed 12-4-87; 8:45 am]

BILLING CODE 3510-DR-M

**Amendment of an Import Limit for Certain Wool Textile Products Produced or Manufactured in the Republic of Singapore**

December 2, 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 December 8, 1987. For further information contact Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of this limit, please refer to

the Quota Status Reports which are posted on the bulletin boards of each Customs port or call (202) 535-6736. For information on embargoes and quota re-openings, please call (202) 377-3715.

**Summary**

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the current limit for wool textile products in Category 442, produced or manufactured in Singapore.

**Background**

On December 22, 1986 a notice was published in the *Federal Register* (51 FR 45797), which announced import restraint limits for certain cotton, wool and man-made fiber textile products, including Category 442, produced or manufactured in the Republic of Singapore and exported during the current agreement year which began on January 1, 1987 and extends through December 31, 1987. The Governments of the United States and Singapore have agreed to further amend their Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 31 and June 5, 1986, as amended, to increase the current designated consultation level for wool textile products in Category 442 for the current agreement year only.

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), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

Adopted by the United States of the Harmonized Commodity Code (HCC) may result in some changes in the categorization of textile products covered by this notice. Notice of any necessary adjustments to the limits affected by adoption of the HCC will be published in the *Federal Register*.

William J. Dulka,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

December 2, 1987.

**Committee for the Implementation of Textile Agreements**

Commissioner of Customs,  
*Department of the Treasury, Washington,  
D.C. 20229*

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive

issued to you on December 16, 1986 by the Chairman of the Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Singapore and exported during the period which began on January 1, 1987 and extends through December 31, 1987.

Effective on December 8, 1987, the directive of December 16, 1986 is hereby amended to amend the previously established limit for wool textile products in Category 442 to a level of 11,000 dozen.<sup>1</sup>

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,

William J. Dulka,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 87-28025 Filed 12-4-87; 8:45 am]

BILLING CODE 3510-DR-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.

**DATE:** Interested persons are invited to submit comments on or before January 6, 1988.

**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 5624, Regional Office Building 3, Washington, DC 20202.

**FOR FURTHER INFORMATION CONTACT:** Margaret B. Webster, (202) 732-3915.

**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

<sup>1</sup> The limit has not been adjusted to account for any imports exported after December 31, 1986.

<sup>2</sup> The agreement provides, in part, that (1) group limits, specific limits and sublimits may be exceeded by designated percentages for swing, carryforward and/or carryover. No carryforward will be available in the final agreement year, and (2) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

<sup>1</sup> The limit has not been adjusted to account for any imports exported after December 31, 1986.



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: December 2, 1987.

Carlos U. Rice,

Director for Information Technology Services.

#### Office of Postsecondary Education

*Type of Review:* New

*Title:* Continuation Application for Grants under the Strengthening Program

*Agency Form Number:* E40-32P

*Frequency:* Annually

*Affected Public:* Institutions of higher education

*Reporting Burden:* Responses: 250;

Burden Hours: 3750

*Recordkeeping:* Recordkeepers: 250;

Burden Hours: 750

*Abstract:* This form will be used by eligible institutions of higher education to submit a request for non-competitive continuation of Federal assistance under the Strengthening Program. The information collected will be used by the Department to determine whether the institution has maintained its eligibility for continued Federal assistance.

#### Office of Planning, Budget and Evaluation

*Type of Review:* New

*Title:* Income Contingent Loan Program Demonstration Project

*Agency Form Number:* P75-10P

*Frequency:* Once only

*Affected Public:* Individuals or households

*Reporting Burden:* Responses: 3000;

Burden Hours: 1500

*Recordkeeping:* Recordkeepers: 0;

Burden Hours: 0

*Abstract:* This study will collect information from students that are attending institutions participating in the Income Contingent Loan Program. The data collected will be used by the Department to assess the feasibility of extending this pilot project to a direct student loan fund program of general applicability.

#### Office of Educational Research and Improvement

*Type of Review:* New

*Title:* Field Test of the Teacher Follow-Up Survey (of the Schools and Staffing Survey)

*Agency Form Number:* G50-44P

*Frequency:* On occasion

*Affected Public:* Individuals or households; State or local governments; businesses or other for-profit

*Reporting Burden:* Responses: 485;

Burden Hours: 182

*Recordkeeping:* Recordkeepers: 0;

Burden Hours: 0

*Abstract:* This follow-up survey will collect data from the sample of teachers that participated in the field test for the Schools and Staffing Teacher Survey. The data collected through this survey will be used by Department to make decisions impacting the final data collection methodology and survey instruments.

#### Office of Educational Research and Improvement

*Type of Review:* Existing

*Title:* Application for the Office of Educational Research and Improvement Fellows Program

*Agency Form Number:* G50-47P

*Frequency:* Annually

*Affected Public:* Individuals or households

*Reporting Burden:* Responses: 75;

Burden Hours: 75

*Recordkeeping:* Recordkeepers: 0;

Burden Hours: 0

*Abstract:* This form will be used by prospective fellows to apply for funding under the Office of Educational Research and Improvement Fellows Program. The Department uses this information to make awards.

[FR Doc. 87-27930 Filed 12-4-87; 8:45 am]

BILLING CODE 4000-01-M

#### DEPARTMENT OF ENERGY

##### Assessment of an Industrial Wet Oxidation System for Burning Waste and Low-Grade Fuels; Idaho Operations Office

AGENCY: Department of Energy.

**ACTION:** Solicitation for Cooperative Agreement Proposals (SCAP) No. DE-SC07-88ID12711 for the assessment of an industrial wet oxidation system for burning waste and low-grade fuels.

**SUMMARY:** The Idaho Operations Office of the U.S. Department of Energy is seeking proposals in support of an assessment that will examine the technical and economic feasibility of combusting several liquid, solid, and gaseous "dirty" fuels in a wet oxidation process. The benefits of wet oxidation technology as compared to other methods of combusting these fuels will be evaluated. Emphasis will be placed on the capability to burn multiple fuels. The project will involve four phases. Phase I will examine available literature; identify potential fuels; determine suitable industrial applications; and define conceptual designs for combustion of low-grade and waste fuels. Phase II will perform laboratory studies for fuel characterization; select and further define a conceptual design; design, build and test bench scale wet oxidation reactor to verify the concept; and perform an economic assessment of the conceptual design. Phase III will design, build and test a pilot scale system (1-b mmBtu/hr). Phase IV will test the pilot scale unit at an industrial host site. DOE has available \$175,000 for funding of Phase I. DOE will reserve the optional right to exercise the other contractual phases. Cost sharing will be encouraged and will be a part of the evaluation criteria. This study is expected to take approximately 12 months to complete.

**DATES:** SCAP No. DE-SC07-88ID12711 is expected to be issued during early December 1987 with a closing date approximately 90 days from the issue date.

**Contacts:** Potential proposers desiring to receive a copy of the SCAP should request it in writing within 10 calendar days date of this notice form. Dallas L. Hoffer, Contracts Management Division, U.S. Department of Energy, Idaho Operations Office, 785 DOE Place, Idaho Falls, Idaho 83402, Telephone No: (208) 526-0014.

Issued at Idaho Falls, Idaho, on November 25, 1987.

H. Brent Clark,  
Director, Contracts Management Division.

[FR Doc. 87-27933 Filed 12-4-87; 8:45 am]

BILLING CODE 6450-01-M



### Economic Regulatory Administration [ERA Docket No. 87-31-NG]

#### Great Lakes Transmission Co.; Northern Minnesota Utilities; Order Reassigning an Import Authorization and Authorizing the Import of Additional Interruptible Volumes of Natural Gas From Canada

**AGENCY:** Economic Regulatory Administration, DOE.

**ACTION:** Notice of Order Reassigning an Import Authorization and Authorizing the Import of Additional Interruptible Volumes of Natural Gas from Canada.

**SUMMARY:** The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice that it has issued an order reassigning Great Lakes Transmission Company's (Great Lakes) authority to import up to 5,000 Mcf per day from TransCanada Pipeline (TransCanada) to Northern Minnesota Utilities (Northern Minnesota) through November 1, 1990. Under the "unbundling" arrangement, Northern Minnesota will purchase its gas supplies directly from TransCanada and Great Lakes will act solely as a transporter. The order also grants Northern Minnesota authority to import up to 10,000 Mcf per day of additional interruptible volumes from Canada.

A copy of this order is available for inspection and copying in the Natural Gas Division Docket Room, GA-076, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, November 25, 1987.

**Robert L. Davies,**

*Director, Office of Fuels Programs, Economic Regulatory Administration.*

[FR Doc. 87-27932 Filed 12-4-87; 8:45 am]

BILLING CODE 6450-01-M

### Energy Information Administration

#### Agency Collections Under Review by the Office of Management and Budget

**AGENCY:** Energy Information Administration, DOE.

**ACTION:** Notice of requests submitted for clearance to the Office of Management and Budget.

**SUMMARY:** The Energy Information Administration (EIA) has submitted the energy information collection(s) listed at the end of this notice to the Office of Management and Budget (OMB) for

approval under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The listing does not contain information collection requirements contained in new or revised regulations which are to be submitted under Section 3504(h) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by the Department of Energy (DOE).

Each entry contains the following information: (1) The sponsor of the collection (the DOE component or Federal Energy Regulatory Commission (FERC)); (2) Collection number(s); (3) Current OMB docket number (if applicable); (4) Collection title; (5) Type of request, e.g., new, revision, or extension; (6) Frequency of collection; (7) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (8) Affected public; (9) An estimate of the number of respondents per report period; (10) An estimate of the number of responses annually; (11) Annual respondent burden, i.e., an estimate of the total number of hours needed to respond to the collection; and (12) A brief abstract describing the proposed collection and the respondents.

**DATES:** Comments must be filed on or before January 6, 1988. Last notice published Tuesday, November 24, 1987.

**ADDRESS:** Address comments to the Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503. (Comments should also be addressed to the Office of Statistical Standards, at the address below.)

#### FOR FURTHER INFORMATION AND COPIES OF RELEVANT MATERIALS CONTACT:

Carole Patton, Office of Statistical Standards (EI-70), Energy Information Administration, M.S. 1H-023, Forrestal Building, 1000 Independence Ave., SW., Washington, DC 20585, (202) 586-2222.

**SUPPLEMENTARY INFORMATION:** If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this Notice, you should advise the OMB DOE Desk Officer of your intention to do so as soon as possible. The Desk Officer may be telephoned at (202) 395-3084.

The energy information collection submitted to OMB for review were:

1. Federal Energy Regulatory Commission;
2. FERC-16AT;
3. 1902-0139;
4. Monitoring Program;
5. Extension;
6. Daily;

7. Mandatory;

8. Businesses or other for profit;

9. 1 respondent;

10. 1 response;

11. 1 hour;

12. Stand-by authority for FERC to collect information from pipelines during natural gas supply emergency to enable FERC to plan ameliorating actions.

**Statutory Authority:** Sec. 5(a), 5(b), 13(b), and 52, Pub. L. 93-275, Federal Energy Administration Act of 1974, (15 U.S.C. 764(a), 764(b), 772(b), and 790(a)).

Issued in Washington, DC, December 2, 1987.

**Yvonne M. Bishop,**

*Director, Statistical Standards, Energy Information Administration.*

[FR Doc. 87-28037 Filed 12-4-87; 8:45 am]

BILLING CODE 6450-01-M

### Federal Energy Regulatory Commission

[Docket Nos. ES88-18-000 et al.]

#### Kentucky Utilities Co. et al.; Electric Rate and Corporate Regulation Filings

November 30, 1987.

Take notice that the following filings have been made with the Commission:

#### 1. Kentucky Utilities Co.

[Docket No. ES88-18-000]

Take notice that on November 23, 1987, Kentucky Utilities Company (Applicant) filed an application with the Commission seeking an order pursuant to section 204 of the Federal Power Act, authorizing the issuance of up to \$100,000,000 of unsecured short-term notes and commercial paper to be issued from time to time, with a final maturity date of not later than December 31, 1989.

**Comment date:** December 15, 1987, in accordance with Standard Paragraph E at the end of this notice.

#### 2. Mississippi Power Co.

[Docket No. ER88-59-000]

Take notice that on November 24, 1987, Mississippi Power Company (MPC) tendered for filing a revised and corrected rate change relating to federal corporate income tax rate for public utilities.

The subject rate change will reduce MPC's demand charge to MPC's four wholesale customers by \$.59 per kw.

**Comment date:** December 14, 1987, in accordance with Standard Paragraph E at the end of this notice.



**3. Texas-New Mexico Power Co.**

[Docket No. ES88-16-000]

Take notice that on November 19, 1987, Texas-New Mexico Power Company (Applicant) filed an application under section 204(a) of the Federal Power Act for authority to issue not more than \$30 million of Preferred Stock via negotiated placement.

*Comment date:* December 17, 1987, in accordance with Standard Paragraph E at the end of this notice.

**Standard Paragraph**

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-28013 Filed 12-4-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP88-77-000 et al.]

**Northern Border Pipeline Co. et al.; Natural Gas Certificate Filings**

November 30, 1987.

Take notice that the following filings have been made with the Commission:

**1. Northern Border Pipeline Company**

[Docket No. CP88-77-000]

Take notice that on November 13, 1987, Northern Border Pipeline Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP88-77-000 an application for a certificate of public convenience and necessity authorizing (1) the long-term firm transportation of natural gas for four Canadian producers, two affiliates of Canadian producers, two marketing companies and an interstate pipeline company; (2) the change in the point of delivery for natural gas volumes transported for Ocelot Gas Marketing (U.S.), Inc. (Ocelot) and Panhandle Eastern Pipe Line Company (Panhandle); and (3) to construct and operate \$534

million in pipeline, compression, measurement and other related facilities to accommodate the proposed transportation service and to extend the terminus of the Northern Border Pipeline to Tuscola, Illinois.

Applicant proposes to transport up to 992,500 Mcf of natural gas per day from a point on the international boundary near Port of Morgan, Montana (Monchy, Saskatchewan) to the terminus of its existing system at an existing point of interconnection between the facilities of Northern Natural Gas Company, Division of Enron, Corp. (Northern Natural) and Applicant near Ventura, Iowa. Additionally, Applicant proposes to transport up to 1,100,000 Mcf of natural gas per day from Ventura, Iowa through a proposed pipeline extension to a point of interconnection with the existing facilities of Trunkline Gas Company (Trunkline) and with Panhandle near Tuscola, Illinois. The specific volume, including fuel, which Applicant proposes to transport for each shipper by pipeline segment is set forth below.

| Company                          | Maximum receipt quantity (Mcf/d) |                 |
|----------------------------------|----------------------------------|-----------------|
|                                  | Port of Morgan/Ventura           | Ventura/Tuscola |
| American Hunter Exploration Ltd. | 100,000                          | 100,000         |
| Chieftain Development Co. Ltd.   | 50,000                           | 50,000          |
| Enron Gas Marketing, Inc.        | 200,000                          | 200,000         |
| Ocelot                           |                                  | 50,000          |
| Panhandle                        |                                  | 150,000         |
| Poco Petroleum, Ltd. (Poco)      | 100,000                          | 100,000         |
| Salmon Resources Ltd. (Salmon)   | 242,500                          | 150,000         |
| Suncor Inc.                      | 100,000                          | 100,000         |
| Western Gas Marketing USA Ltd.   | 200,000                          | 200,000         |
| Total                            | 992,500                          | 1,100,000       |

To the extent operating conditions would permit, Applicant proposes to transport for each shipper volumes in excess of their respective maximum daily volume. Applicant states that before agreeing to provide confidential market and related information, the shippers are requiring that Applicant enter into confidentiality agreements to protect the shippers from being competitively disadvantaged by public disclosure of such information.

Applicant states that it is currently authorized to transport 150,000 Mcf of natural gas per day for Panhandle, and has requested authorization in Docket No. CP88-39-000 to transport 50,000 Mcf of natural gas per day for Ocelot, from Port of Morgan to Ventura where delivery would be made to Northern Natural for the account of the respective shipper. Both Panhandle and Ocelot, it is stated, have requested that Applicant transport their respective volumes through the proposed pipeline extension to Tuscola. For this purpose, it is stated,

Applicant proposes to change the existing delivery point for Panhandle, and the proposed delivery point for Ocelot, from Ventura, Iowa to Tuscola, Illinois.

Applicant states that the proposed transportation services for the shippers would be rendered in accordance with the terms and conditions of the pro forma U.S. Shippers Service Agreement and Rate Schedule T-1 set forth in Original Volume No. 1 of Applicant's FERC Gas Tariff. The monthly charge for the proposed transportation service, it is stated, would be computed on a cost of service basis as set forth in Rate Schedule T-1. Applicant further states that the Cost of Service Demand Charge per Mcf, excluding fuel, for the year 1991 would be approximately 27 cents and 39 cents, respectively, for transportation from Port of Morgan to Ventura and Tuscola.

To accommodate the transportation of natural gas proposed, Applicant states that it proposes to construct and operate the following natural gas facilities:

(a) Four new dual 16,000 horsepower unit compressor stations and an additional 16,000 horsepower unit at each of the two existing compressor stations all on Applicant's existing pipeline system.

(b) Approximately 371 miles of 36-inch pipeline extending from the terminus of Applicant's existing system near Ventura, Iowa to a point of interconnection with the existing facilities of Trunkline and Panhandle near Tuscola, Illinois and six single 16,000 horsepower unit compressor stations, one meter station and related facilities on the pipeline extension.

(c) Interconnect facilities, consisting of a tee, side valve and blind flange, at each of the points where the extension intersects the existing pipeline facilities of Northern Natural, ANR Pipeline Company, Natural Gas Pipeline Company of America's Amarillo and Gulf Coast systems, Northern Illinois Gas Company and Peoples Gas Light and Coke Company. Applicant would request appropriate authority to operate these interconnect facilities as required.

(d) Interconnect facilities which have not been identified at this time to meet the needs of parties for receipt or delivery points. Such interconnect facilities would consist of a tee, side valve, and blind flange. The cost of each interconnect would not exceed \$200,000, with reimbursement of the total actual cost of construction by the requesting pipeline. Applicant would request authority to operate the prospective facilities as required.



The estimated total capital cost of the proposed facilities, in 1987 dollars, is approximately \$534 million. Applicant states that the proposed facilities would be financed on a "project basis" with Applicant providing all equity required (assumed to be approximately 25 percent of total capital invested in the proposed facilities), and the balance of the funds would be obtained through debt financing. Applicant states that it plans to place the facilities in service by November 1, 1990.

*Comment date:* December 21, 1987, in accordance with Standard Paragraph F at the end of this notice.

## 2. Citrus Interstate Pipeline Company

[Docket No. CP87-415-001]

Take notice that on November 18, 1987, Citrus Interstate Pipeline Company (CIPCO), P.O. Box 1188, Houston, Texas 77251-1188, filed in Docket No. CP87-415-001 an amendment to its application filed on June 30, 1987, in Docket No. CP87-415-000 for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act. In its original filing, CIPCO requested (1) authorization to construct and operate a total of approximately 51.9 miles of 30-inch pipeline, consisting of 51.3 miles and 0.6 mile segments, together with metering and appurtenant facilities, in Mobile County, Alabama, to connect reserves to be produced in the vicinity of Mobile Bay; (2) approval of its FERC Gas Tariff, Original Volume No. 1, including its proposed Transportation Rate Schedules, FTS-1 and ITS-1, and initial rates, and (3) authorization to transport gas for certain shippers, all as more fully set forth in the application in Docket No. CP87-415-000. The amendment to the application is on file with the Commission and open to public inspection.

In the original application CIPCO requested authorization to transport gas for unspecified shippers on a first-come, first-served basis and proposed to accept requests for transportation service for a period of 60 days following issuance of the Notice of Application in the **Federal Register**. CIPCO states it has filed the instant amendment detailing 11 shippers which have executed precedent agreements, covering three firm and eight interruptible transportation requests. CIPCO would receive all gas at one or more of the interconnections of its proposed facilities with the three plants to be located on the west bank of Mobile Bay.

The three firm transportation services CIPCO proposes to render are

(a) To transport, and deliver at the terminus of the CIPCO pipeline, 50,000

dt per day for Florida Gas Transmission Company (FGT) for system supply;

(b) To transport 50,000 dt per day for Citrus Trading Corporation (CTC), to the interconnection with FGT at which point CTC will sell such gas to Florida Power & Light Company (downstream transportation by FGT would be pursuant to certificate authority requested in Docket No. CP86-704-000); and

(c) To transport 100,000 dt per day for Santa Fe Minerals, Inc. (SFMI), to FGT for redelivery by FGT for further downstream transportation by Transcontinental Gas Pipe Line Corporation (Transco), ANR Pipeline Company (ANR), and Tennessee Gas Pipeline Company, a Division of Tenneco Inc.

The eight interruptible transportation services CIPCO proposes to render are

(a) To transport 35,000 dt per day for Air Products and Chemicals, Inc. (AP&C) to the interconnection with FGT, for redelivery by FGT to Five Flags Pipeline Company for AP&C's account in Escambia County, Florida;

(b) To transport 50,000 dt per day for Texas Eastern Transmission Corporation (TETCO) to FGT, for redelivery by FGT to TETCO at existing interconnections, for TETCO's system supply;

(c) To transport 100,000 dt per day for Enron Gas Supply Company (EGS), which gas would be sold by EGS at the point of delivery to FGT, for redelivery by FGT pursuant to arrangements with the various purchaser-shippers, one of the purchasers of gas from EGS being Enron Gas Marketing, Inc., which has entered into precedent agreements for the sale of gas to The Brooklyn, Union Gas Company and Elizabethtown Gas Company; FGT would redeliver the gas to Transco for further downstream transportation by Transco, pursuant to Natural Gas Policy Act of 1978 (NGPA) section 311;

(d) To transport 100,000 dt per day for Texas Eastern Gas Services Company (TEGAS), to FGT for redelivery by FGT to TETCO or United Gas Pipe Line Company for ultimate delivery by TETCO to TEGAS purchasers attached to TETCO's system;

(e) To transport 200,000 dt per day for Southern Natural Gas Company (Southern) to FGT, for redelivery by FGT to Southern at an existing interconnection at Franklinton, Louisiana, for Southern's system supply;

(f) To transport 100,000 dt per day for FGT, for FGT's system supply;

(g) To transport 100,000 dt per day for CTC, to the interconnection with FGT, with the same arrangements as for the proposed firm service for CTC;

(h) To transport 100,000 dt per day for SNG Trading, Inc. (SNGT), to FGT for redelivery by FGT to Southern, for ultimate delivery by Southern (pursuant to NGPA section 311) to SNGT purchasers attached to Southern's system;

(i) To transport 478 dt per day for South Alabama Utilities (SAU) for its system supply to (1) SAU at the proposed interconnection between CIPCO and SAU in the vicinity of Bayou La Batre or (2) to FGT for redelivery by FGT to American Distribution Company (ADC), an intrastate pipeline company, at an existing interconnection near Citronelle, Alabama; SAU would make arrangements with ADC for redelivery of the gas to SAU;

(j) To transport 50,000 dt per day for Arco Oil & Gas Company (Arco), to FGT for redelivery by FGT for further downstream transportation by ANR, Columbia Gulf Transmission Company, Texas Gas Transmission Company, Transco, and/or Natural Gas Pipeline Company, for ultimate delivery to Arco's purchasers;

(k) To transport 100,000 dt per day for SFMI, to the interconnection with FGT, with the same arrangements as for the proposed firm service.

CIPCO advises that any necessary related applications for downstream transportation (where required) would be filed by other pipelines subsequent to certification of CIPCO's pipeline. CIPCO also states that FGT has advised that it is agreeable to rendering transportation services, pursuant to section 7(c) authority, in conformance with its Western Division Transportation Policy and is in the process of executing precedent agreements with those shippers requiring downstream transportation.

CIPCO also proposes to construct a tap as well as metering and appurtenant facilities, estimated to cost \$60,000, to be located at a proposed interconnection with the system of SAU near Bayou La Batre, Alabama, for which cost SAU would reimburse CIPCO.

CIPCO has filed Revised Exhibits F, G, and K reflecting the proposed interconnection with SAU. CIPCO has also revised certain portions of Exhibits L, N, and P as a result of (1) the agreement by CIPCO to reimburse FGT for the cost of the taps to be constructed on FGT's system at the terminus of the CIPCO line and (2) the addition of a provision for the collection of the Annual Charge Adjustment to CIPCO's General Terms and Conditions of its proposed FERC Gas Tariff.

*Comment date:* December 21, 1987, in accordance with the first subparagraph



of Standard Paragraph F at the end of this notice.

### 3. National Steel Corporation

[Docket No. CP88-79-000 and CP88-80-000]

Take notice that on November 13, 1987, National Steel Corporation (Applicant), 20 Stanwix Street, Pittsburgh, Pennsylvania 15222, filed in Docket No. CP88-79-000, an application pursuant to section 3 of the Natural Gas Act and Part 153 of the Commission's Statutes and Regulations and in Docket No. CP88-80-000, an application for a presidential permit pursuant to §§ 153.10 through 153.12 of the Commission's Statutes and Regulations, for authorization (in both dockets) to import natural gas into the United States from Canada and to construct, operate, maintain and connect a natural gas pipeline located under the Detroit River, all as more fully set forth in the applications on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 3,000 feet of 12-inch pipeline and appurtenant facilities for the importation of up to 67,000 Mcf of natural gas per day and up to 50 Bcf of natural gas over a two year period from Canada for use at its Great Lakes Steel facility. The proposed pipeline, it is stated, would originate on industrial property located in Windsor, Ontario, cross under the Detroit River and terminate on the land of Applicant's Great Lakes Steel plant in Ecorse, Michigan. Applicant states that the portion of the pipeline in United States territory would lie entirely on Applicant's property and would be wholly owned by Applicant. It is indicated that the portion of the pipeline lying in Canadian territory, would be wholly owned, operated and maintained by Novacorp International Pipelines Ltd. (Novacorp). Applicant states that the total estimated cost for the proposed facilities is approximately \$1,800,000.

Applicant states that the facilities would be utilized to deliver natural gas purchased through short-term spot market transactions for terms up to two years. Since the gas imported would be used entirely at Applicant's Great Lakes plant, it is stated, no interstate transportation of natural gas would occur. While no gas purchase contracts have yet been executed, Applicant states that it is anticipated that prior to actual construction of the pipeline an agreement would be entered into with Canadian suppliers. Any specific contract would be dependant upon market conditions and competitive pricing considerations, it is stated.

*Comment date:* December 21, 1987, in accordance with Standard Paragraph F at the end of this notice.

### 4. Tennessee Gas Pipeline Company, a Division of Tenneco Inc.

[Docket No. CP88-82-000]

Take notice that on November 17, 1987, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP88-82-000 a request pursuant to § 284.223 of the Commission's Regulations for authorization to provide a transportation service for Natural Gas Clearinghouse, Inc., (NGC), a marketer, under Applicant's blanket certificate issued in Docket No. CP87-115-000 on June 18, 1987, pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Applicant states that pursuant to a transportation agreement dated September 30, 1987, it proposes to transport natural gas for NGC from 8 points of receipt located in Texas and Louisiana to 43 specified delivery points located in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. Applicant indicates that no new facilities are required to implement the service.

Applicant further states that the peak day quantities would be 200,000 dekatherms, the average daily quantities would be 12,295 dekatherms, and the annual quantities would be 4,487,675 dekatherms. Service under § 284.223(a) commenced October 3, 1987, as reported in Docket No. ST88-546 (filed November 3, 1987).

*Comment date:* January 14, 1988, in accordance with Standard Paragraph G at the end of this notice.

### 5. Tennessee Gas Pipeline Company, a Division of Tenneco Inc.

[Docket No. CP88-86-000]

Take notice that on November 19, 1987, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP88-86-000 a request pursuant to § 284.223 of the Commission's Regulations for authorization to provide transportation for Natural Gas Clearinghouse, Inc. (NGC), under Tennessee's blanket certificate issued in Docket No. CP87-115-000 on June 18, 1987, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Tennessee states that pursuant to a transportation agreement (Agreement) dated September 4, 1987, as amended, it would transport natural gas for NGC, a marketer, from various receipt points in Texas, Louisiana and offshore Louisiana, to various delivery points in Massachusetts, Pennsylvania and New Jersey. Tennessee states that the ultimate consumers of the gas are various end-users located on the pipelines or local distribution companies receiving gas from Tennessee. Tennessee also states that the maximum daily and annual quantities transported would be 200,000 dekatherms and 5,729,770 dekatherms, respectively.

Tennessee further states that the term of the transportation service would be from the date of initial transportation and would remain in full force and effect for a term of two years and month-to-month thereafter until terminated by either party upon 30 days prior written notice. In addition, Tennessee states that any portions of the Agreement necessary to balance receipts and deliveries under the Agreement within 60 days of termination, as required by the General Terms and Conditions of Tennessee's FERC Gas Tariff Volume No. 1, would survive the other parts of the Agreement until such time as such balancing has been accomplished.

*Comment date:* January 14, 1988, in accordance with Standard Paragraph G at the end of this notice.

### Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held



without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to §157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,  
Acting Secretary.

[FR Doc. 87-28009 Filed 12-4-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CS73-351 et al.]

**D.L. Hannifin et al.; Applications for Small Producer Certificates<sup>1</sup>**

December 2, 1987.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the Commission's Regulations thereunder for a small producer certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said

<sup>1</sup> This notice does not provide for consolidation for hearing of the several matters covered herein.

applications should on or before December 17, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Lois D. Cashell,  
Acting Secretary.

| Docket No.        | Date filed            | Applicant                                                                        |
|-------------------|-----------------------|----------------------------------------------------------------------------------|
| CS73-351 .....    | <sup>1</sup> 11-17-87 | D.L. Hannifin, P.O. Drawer 2588, Roswell, NM 88201.                              |
| CS87-108-000...   | <sup>2</sup> 9-28-87  | Star Production, Inc., P.O. Box 10918, Dallas, TX 75207.                         |
| CS88-13-000 ..... | 11-9-87               | TERM Energy Corp., 110 North Spring Street, Harrisville, WV, 26362.              |
| CS88-14-000 ..... | 11-10-87              | RAYMAC Petroleum, Inc., P.O. Box 687, Duncan, OK 73534.                          |
| CS88-15-000 ..... | 11-12-87              | Richard W. Walker, d/b/a 33 Oil Properties, P.O. Box 536, Tulsa, OK 74104-0536.  |
| CS88-17-000 ..... | 11-17-87              | Maple Gulf Coast Properties Corp., 3801 E. Florida Ave., #900, Denver, CO 80202. |

| Docket No.        | Date filed | Applicant                                                                                                     |
|-------------------|------------|---------------------------------------------------------------------------------------------------------------|
| CS88-18-000 ..... | 11-17-87   | VRK Operating Co., Inc., and Panworth Pipeline Co., 4100 Int'l Plaza, Tower II, #624, Ft. Worth, Texas 76109. |

<sup>1</sup> The Estate of Daniel L. Hannifin, having been settled, requests the certificate in Docket No. CS73-351 be redesignated to include the following successor interests: Barbara E. Hannifin, Shawn Patrick Hannifin, Kathleen Hannifin Bullard, Holly Hannifin Schertz, Alan Ray Hannifin, Barbara Hannifin Woods and Danielle Hannifin.

<sup>2</sup> Additional material received November 9 and 10, 1987.

[FR Doc. 87-28010 Filed 12-4-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. QF88-18-000 et al.]

**Hutzel Hospital et al.; Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications, etc.**

*Comment date:* Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

Take notice that the following filings have been made with the Commission.

**1. Hutzel Hospital**

[Docket No. QF88-18-000]

November 30, 1987.

On October 9, 1987, Hutzel Hospital (Applicant), of 4707 St. Antoine, Detroit, Michigan submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Detroit, Michigan. The facility will consist of two combustion turbines, equipped with duct-burners for supplementary firing, and a heat recovery steam generation system. Thermal energy recovered from the facility will be used for building heating and cooling, domestic hot water and other miscellaneous uses throughout



the hospital. The primary energy source for the facility will be natural gas, and its maximum power production capacity will be 1600 kW. Installation of the facility began in January 1987.

## 2. Ultra Cogen Systems, Inc.

[Docket No. QF88-84-000]

November 30, 1987.

On November 10, 1987, Ultra Cogen Systems, Incorporated (Applicant), of 12500 Fair Lakes Circle, Suite 260, Fairfax, Virginia 22033, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located on Highway 671, in Southampton County, Virginia. The facility will consist of two stoker-fired steam generators and an extraction/condensing steam turbine generator. Thermal energy recovered from the facility will be used to supply Hercules, Incorporated's Virginia plant process needs in the manufacture of resins, paper chemicals and organic peroxides. The primary energy source for the facility will be coal. The net electric power production capacity of the facility will be 59,500 kW. Installation of the facility will begin in 1988.

## 3. Ultra Cogen Systems, Inc.

[Docket No. QF88-85-000]

November 30, 1987.

On November 10, 1987, Ultra Cogen Systems, Incorporated (Applicant), of 12500 Fair Lakes Circle, Suite 260, Fairfax, Virginia 22033, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Hopewell, Virginia. The facility will consist of two stoker-fired steam generators and an extraction/condensing steam turbine-generator. Thermal energy recovered from the facility will be used by the Firestone Fibers and Textiles Plant in the manufacture of synthetic fibers. The primary energy source for the facility will be coal. The net electric power production capacity of the facility will be 56,358 kW. Installation of the facility will begin in 1988.

## 4. Ultra Cogen Systems, Inc.

[Docket No. QF88-94-000]

November 30, 1987.

On November 12, 1987 Ultra Cogen

Systems, Incorporated (Applicant), of 12500 Fair Lakes Circle, Suite 260, Fairfax, Virginia 22033, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Altavista, Virginia. The facility will consist of two stoker-fired steam generators and an extraction/condensing steam turbine generator. Thermal energy recovered from the facility will be used by the Lane Company, Inc. in the manufacture of furniture products. The primary energy source for facility will be coal. The net electric power production capacity of the facility will be 59,550 kW. Installation of the facility will begin in 1988.

## 5. Warner-Lambert Inc.

[Docket No. QF88-79-000]

December 1, 1987.

On November 9, 1987, Warner-Lambert Inc. (Applicant), of P.O. Box 785, Vega Baja, Puerto Rico, 00764, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Vega Baja, Puerto Rico. The facility will consist of a combustion turbine generator set and a waste heat recovery steam generator. The net electric power production capacity of the facility will be 2,724 kW. The primary energy source will be kerosene. Installation of the facility is planned to begin February, 1988.

## Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party

must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,  
*Acting Secretary.*

[FR Doc. 87-28014 Filed 12-4-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES88-13-000]

## Central Maine Power Co.; Amended Notice of Application

December 2, 1987.

Take notice that on November 16, 1987, Central Maine Power Company tendered for filing an Application pursuant to section 204 of the Federal Power Act, seeking authority to issue and renew on or before December 31, 1989, Bank Notes and Commercial Paper maturing one year or less after the date of issuance in an aggregate face amount not exceeding \$120,000,000 at any time.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before December 10, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any persons wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,  
*Acting Secretary.*

[FR Doc. 87-28015 Filed 12-4-87; 8:45 am]

BILLING CODE 6717-01-M

Docket No. RP87-74-001]

## Colorado Interstate Gas Co.; Proposed Changes in Service Agreements

December 1, 1987.

Take notice that Colorado Interstate Gas Company ("CIG"), on November 17, 1987, tendered for filing revised service agreements with certain of its existing jurisdictional customers. The agreements provide for the incorporation of a Sales Standby Service and Charge as authorized by the Order of the Federal Energy Regulatory Commission ("Commission") issued on July 15, 1987, in Docket No. RP87-74-000. CIG requests that these service



agreements be made effective, retroactively, on July 14, 1987, the effective date of the acceptance of the tariff sheets of CIG's FERC Gas Tariff, Original Volume No. 1, which established the Sales Standby Service and Sales Standby Charge.

CIG states that under the provisions of the Sales Standby Service established in Rate Schedules G-1, P-1, PR-1, and SG-1 of CIG's Volume No. 1 Tariff, customers served under those rate schedules may elect to subscribe for such standby service. Upon such an election, a customer may substitute up to 100 percent of its General Daily Sales Entitlement from CIG with firm transportation service on CIG's system. The revised service agreements tendered in the instant filing represent the election of the Sales Standby Service by certain of CIG's jurisdictional customers.

Copies of the filing were mailed to the affected customers and the Colorado Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All such motions or protests should be filed on or before December 8, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,  
Acting Secretary.

[FR Doc. 87-27948 Filed 12-4-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP87-111-002]

**Consolidated Gas Transmission Corp.;  
Proposed Changes in FERC Gas Tariff**

December 1, 1987.

Take notice that Consolidated Gas Transmission Corporation (Consolidated) on November 20, 1987 filed the following revised tariff sheets to Original Volume Nos. 1 and 2 of its FERC Tariff:

Volume No. 1

Second Substitute Fifteenth Revised  
Sheet No. 31

Substitute Second Revised Sheet Nos.  
121, 134, and 135

Substitute Third Revised Sheet No. 136  
Volume No. 2

First Revised Sheet Nos. 272, 312, 332,  
342, 349, 362, and 401

The proposed effective date is October 1, 1987. These tariff sheets are being filed in compliance with the "Order of the Director Accepting Annual Charge Adjustments" issued September 29, 1987 in Algonquin Gas Transmission Company *et al.*, Docket No. RP87-109-000 *et al.*, a letter order issued in Consolidated's Docket Nos. RP87-111-001 and RP87-169-026 on October 16, 1987, and a letter order issued in Consolidated's Docket Nos. TA87-3-22-001 and TA87-2-22-000 on October 29, 1987.

Copies of the filing were served upon Consolidated's jurisdictional customers as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a protest or motion to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All motions or protests should be filed on or before December 8, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,  
Acting Secretary.

[FR Doc. 87-27943 Filed 12-14-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CI88-98-000, CI88-99-000,  
CI88-100-000 and CI88-101-000]

**Franks Petroleum Inc., et al.;  
Applications for Permanent  
Abandonment**

December 2, 1987.

Take notice that on November 6, 1987, as supplemented on November 13, 18 and 20, 1987, Franks Petroleum Inc., *et al.*<sup>1</sup> (Franks *et al.*) P.O. Box 7665,

<sup>1</sup> The *et al.* parties are listed in the attached Appendix. Franks operates under a small producer certificate in Docket No. CS71-1014.

Shreveport, Louisiana 71137-7665 filed applications in Docket Nos. CI88-98-000, CI88-99-000, CI88-100-000 and CI88-101-000 requesting permanent abandonment of sales of gas to United Gas Pipe Line Company (United) from the Sibley Field, Webster Parish, West Bryceland Field, Castor Field and Driscoll Field, Bienville Parish, Louisiana. Franks *et al.* state that the filings cover Franks Petroleum Inc. as operator and other working interest owners. Franks *et al.* were granted three-year limited-term abandonment with pregranted abandonment for sales under the small producer certificate of Franks Petroleum Inc. by order of the Commission on October 13, 1987, in Docket Nos. CI86-686-000, CI86-702-000, and CI86-687-000 covering all of the above acreage with the exception of the Driscoll Field. On January 29, 1987, by Commission order in Docket No. CI86-694-000 Franks *et al.* were granted three-year limited-term abandonment with pregranted abandonment for sales under the small producer certificate of Franks Petroleum Inc. covering sales from the Driscoll Field. Franks *et al.* further request that the three-year limited-term pregranted abandonment authorization for sales of the released gas under the small producer certificate, approved by the Commission in conjunction with the limited-term abandonment, be reaffirmed and incorporated into any order permitting and approving permanent abandonment, and be further incorporated for sales of the released gas under each of the small producer certificates identified in the attached Appendix, thus enabling individual sales of the released gas by such small producers in the spot market or under term contracts. Thus the three-year limited-term pregranted abandonment will continue until October 13, 1990, for all but the Driscoll Field acreage and until January 29, 1990, for the Driscoll Field Acreage.

Franks *et al.* state expedited relief is sought for the reason that the wells were shut in by United for over a year and inasmuch as the parties have entered into a take-or-pay settlement agreement covered by § 2.76 of the Commission's Regulations. The settlement agreement entered into on or about July 22, 1987, terminated the contracts, and resolved, among other things, certain past take-or-pay disputes and future take-or-pay obligations of United under the contracts. In addition, Franks *et al.* state that if permanent abandonment authorization is not timely obtained, the settlement agreement will not become effective.



Deliverability is approximately 14,170 Mcf per day. The gas is NGPA section 104 small producer flowing (66%), post-1974 (4%), 1973-1974 small producer biennium (13%) and 107(c)(5) (17%) gas. Franks, *et al.*, request that their applications be considered on an expedited basis under the procedures established by Order No. 436, Docket No. RM85-1-000, at 18 CFR 2.77.<sup>2</sup>

Since Franks *et al.* have requested that their applications be considered on an expedited basis, all as more fully described in the applications which are on file with the Commission and open to public inspection, any person desiring to be heard or to make any protest with reference to said applications should on or before 15 days after the date of publication of this notice in the **Federal Register**, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party to the proceedings herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Franks *et al.* to appear or to be represented at the hearing.

Lois D. Cashell,  
Acting Secretary.

#### Appendix

The abandonment in Docket No. CI88-98-000 is requested jointly by Franks Petroleum Inc. (CS71-1014), Osias Biller (CS72-424), L. R. Brammer, Jr. (CS71-1018), John C. Ellis, G. E. Huggs (CS71-1022), Hurley Oil & Gas Company (CS71-879), William Jarratt, Total Minatome Corporation (CS86-30), Wanda L. McIntyre, Petrofunds, Inc., (CS78-688), White-Parrino Resources, Herman Williamson, Jr., James C. Galbraith, 1974 Galbraith Ltd. Partnership, Sinbad Oil & Gas Company, W. C. Anderson, H. E. Anderson, Curator, Carl R. Corley (CS71-1019), Randal Lewis, A. T. Dickerson, John Franks (CS71-902), Helen Burton Pipes, Henrietta H. Lebatard, Gladys M. H. Silk, Juanita Church and Charles Hutchins.

<sup>2</sup> The United States Court of Appeals for the District of Columbia vacated the Commission's Order No. 436 on June 23, 1987. In vacating Order No. 436, the Court rejected challenges to the Commission's statement of policy in § 2.77 of its Regulations. Section 2.77 states that the Commission will consider on an expedited basis applications for certificate and abandonment authority where the producers assert they are subject to substantially reduced takes without payment or the parties have entered into a take-or-pay buy-out.

The abandonment in Docket No. CI88-99-000 is requested jointly by Franks Petroleum Inc. (CS71-1014), Osias Biller (CS72-424), L. R. Brammer, Jr. (CS71-1018), G. E. Huggs (CS71-1022), William Jarratt, Total Minatome Corporation (CS86-30), Petrofunds, Inc. (CS78-688), Kelly Oil Acquisition Venture (Kelly Oil Company, Ltd. (CS86-80) and Kelly Oil Corporation (CS86-81)), White-Parrino Resources, Carl R. Corley (CS71-1019), A. T. Dickerson, John Franks (CS71-902), B & D Corporation, Estate of Dr. Joseph M. Moore, Joan G. Moore, Executrix & Individually, Dr. Raymond K. Thompson, Alf R. Thompson, Dr. Lucien R. Hodges, Dr. Walter R. Neill and Fred H. Plitt.

The abandonment in Docket No. CI88-100-000 is requested jointly by Franks Petroleum Inc. (CS71-1014), Total Minatome Corporation (CS86-30), White-Parrino Resources, 1975 Galbraith Ltd. Partnership, Carl R. Corley (CS71-1019), John Franks (CS71-902), Herschel M. Downs, William M. Beaseley, Jr., Robert P. Evans (CS71-875), T. L. James & Co., Inc. (CS71-596), Tensas Delta Land Company, Wheelless Industries, Inc. (CS71-305), Fred H. Plitt, Adit Petroleum and R. G. Production.

The abandonment in Docket No. CI88-101-000 is requested jointly by Franks Petroleum Inc. (CS71-1014), Osias Biller (CS72-424), G. E. Huggs (CS71-1022), Total Minatome Corporation (CS86-30), Petrofunds, Inc. (CS78-688), Kelly Oil Acquisition Venture (Kelly Oil Company, Ltd. (CS86-80) and Kelly Oil Corporation (CS86-81)), John Franks (CS71-902), W. E. Bancroft, Border Company, Burris Run Co., Crown Central Petroleum, Clinton W. Fuller, Sr., Clinton W. Fuller, Jr., Johnson Minerals Co., Justin R. Querbes, Sklar & Phillips Oil Co., Anthony Oil Co., Jack W. Grigsby, Jane H. Grigsby, David A. Herndon, III, F. L. and Laverne Best and Alma H. Williams.

[FR Doc. 87-28011 Filed 12-4-87; 8:45 am]

BILLING CODE 6717-01-M

#### [Docket No. CI88-141-000]

#### Robert Mosbacher *et al.*; Application for Permanent Abandonment With Three-Year Limited-Term Pregranted Abandonment for Sales Under Small Producer Certificate

December 2, 1987.

Take notice that on November 18, 1987, Robert Mosbacher, *et al.*<sup>1</sup> (Applicants) filed an application pursuant to section 7(b) of the Natural Gas Act and § 2.77 of the Commission's rules requesting permanent abandonment of their sale of gas to Trunkline Gas Company from the Southwest Esther Field, Vermilion Parish, Louisiana. Applicants also request three-year limited-term pregranted abandonment for the sale of such gas under the small producer

<sup>1</sup> The *et al.* party is Mosbacher Energy Company, an affiliate of Robert Mosbacher.

certificate issued to Robert Mosbacher in Docket No. CS72-707.

In support of their application Applicants state that there is only one well currently in production, the Louisiana Furs #1 well, and the other wells drilled on the dedicated acreage have been plugged and abandoned. Applicants state they are subject to substantially reduced takes without payment.<sup>2</sup> Applicants propose to sell the gas to alternative markets. The allowable for the Louisiana Furs #1 well for the year ending June 30, 1987, is 183,875 Mcf. The gas is NGPA section 106(a) gas.

Since Applicants have requested that their application be considered on an expedited basis, all as more fully described in the application which is on file with the Commission and open to public inspection, any person desiring to be heard or to make any protest with reference to said application should, on or before 15 days after the date of publication of this notice in the **Federal Register**, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Lois D. Cashell,  
Acting Secretary.

[FR Doc. 87-28012 Filed 12-4-87; 8:45 am]

BILLING CODE 6717-01-M

#### [Docket No. CP88-70-000]

#### Northwest Pipeline Corp.; Application

November 24, 1987.

Take notice that on November 10, 1987, Northwest Pipeline Corporation

<sup>2</sup> The United States Court of Appeals for the District of Columbia vacated the Commission's Order No. 436 on June 23, 1987. In vacating Order No. 436, the Court rejected challenges to the Commission's statement of policy in § 2.77 of its Regulations. Section 2.77 states that the Commission will consider on an expedited basis applications for certificate and abandonment authority where the producers assert they are subject to substantially reduced takes without payment.



(Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed at Docket No. CP87-70-000, an application pursuant to section 7(b) of the Natural Gas Act for an order granting permission and approval to abandon the transportation of non-jurisdictional direct sales gas to Exxon Company, U.S.A. (Exxon), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northwest states that pursuant to the Commission's Order issued in Docket No. CP87-123-000 on June 3, 1987, it was authorized to construct and operate the Walker Hollow Meter Station and transport up to 2,000 MMBtu of non-jurisdictional direct sales gas to Exxon for use in its Walker Hollow field operations located near Walker Hollow, Utah. It is stated that the Walker Hollow Meter Station was completed and available for service July 2, 1987.

Northwest states that it proposes to abandon this service effective upon the date that Utah Gas Service Company (UGS), the local distribution company franchised to serve the Walker Hollow area, is able to commence equivalent service to Exxon. It is explained that after informal discussions with all affected parties, Northwest agreed to provide sales service to UGS at Walker Hollow in lieu of Exxon. Northwest advises that it filed a Prior Notice request on October 23, 1987 in Docket No. CP88-45 for authority to add the Walker Hollow Meter Station as a new Rate Schedule DS-1 sales delivery point to UGS.

It is stated that Northwest and Exxon have entered into a Termination Agreement dated September 1, 1987, cancelling the obligation of Northwest to provide service to Exxon, upon Exxon's payment for the Walker Hollow Meter Station. Finally, Northwest states that such payment and consequent termination would not occur until Northwest has received authorization to provide equivalent service to UGS at Walker Hollow.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 15, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants

parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Northwest to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-28042 Filed 12-4-87; 8:45 am]

BILLING CODE 6717-01-M

#### [Docket No. TA88-1-16-001]

#### National Fuel Gas Supply Corp.; Proposed Tariff Change

December 1, 1987.

Take notice that on November 24, 1987, National Fuel Gas Supply Corporation ("National") tendered for filing Eleventh Revised Sheet No. 4 as part of its FERC Gas Tariff, First Revised Volume No. 1, to be effective January 1, 1988.

National states that the only purpose of this revised tariff sheet is to reflect an adjustment in National's rates for recovery of the costs associated with the Gas Research Institute as authorized by the Commission.

It is stated that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 214 of the Commission's procedural Rules (18 CFR 385.214). All such motions or

protests should be filed on or before December 8, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-27944 Filed 12-4-87; 8:45 am]

BILLING CODE 6717-01-M

#### [Docket No. RP87-148-001]

#### Sea Robin Pipeline Co.; Tariff Revisions

December 1, 1987.

Take notice that on November 23, 1987, Sea Robin Pipeline Company (Sea Robin), tendered for filing with the Commission to be effective October 1, 1987 the following tariff sheets to be included in Sea Robin's FERC Gas tariff:

Original Volume No. 1

Revised Original Sheet No. 22-A

Original Volume No. 2

First Revised Sheet No. 88

Sea Robin states that the revised tariff sheets are submitted to incorporate specific language necessary to comply with Order No. 472-B, and to include provisions for the ACA unit rate in a transportation rate schedule in Original Volume No. 2 of Sea Robin's FERC Gas Tariff.

To the extent required, if any, Sea Robin requests that the Commission grant such waivers as may be necessary for acceptance of the tariff sheets submitted herewith, to become effective October 1, 1987.

Copies of this letter and enclosures are being served on customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before December 8, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.



Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Acting Secretary.*

[FR Doc. 87-27946 Filed 12-4-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. EL88-4-000 and EC88-6-000]

**Savannah Electric and Power Co. and The Southern Co.; Filing**

December 1, 1987.

Take notice that on November 25, 1987, Savannah Electric and Power Company ("SEPCO") and the Southern Company ("Southern") tendered for filing a Petition for Declaratory Order Disclaiming Jurisdiction (Docket No. EL86-4-000), or, Alternatively and Application for Approval Under section 203 of the Federal Power Act (Docket No. EC88-6-000). SEPCO and Southern's pleading describes a proposed transaction pursuant to which the Southern Company, a registered utility holding company under the Public Utility Holding Company Act of 1935, would acquire all of the outstanding common stock of SEPCO would join Alabama Power Company, Georgia Power Company, Gulf Power Company and Mississippi Power Company as wholly owned operating subsidiaries of The Southern Company.

SEPCO and Southern state that they have served copies of their filing on the Georgia Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protest should be filed on or before December 18, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Acting Secretary.*

[FR Doc. 87-28043 Filed 12-4-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EC88-7-000]

**Signal Shasta Energy Co., Inc.; Filing**

December 1, 1987.

Take notice that on November 25, 1987, as supplemented on November 27, 1987, Signal Shasta Energy Company Inc. ("Shasta Energy") tendered for filing an application under section 203 of the Federal Power Act, 16 U.S.C. 824b (1982), and a Petition for Declaratory Order requesting the Commission to:

(1) Authorize a sale and leaseback of Shasta Energy's Cottonwood, California wood waste-fueled qualifying facility, including certain step-up transformers;

(2) Disclaim jurisdiction under the Federal Power Act over the Owner Trustee and the Owner Participant in the proposed transaction;

(3) Confirm the continued applicability of Signal Shasta Energy Company Inc./Rate Schedule FERC No. 1 to sales by Shasta Energy to Pacific Gas and Electric Company of electricity generated by the facility after the proposed transaction is consummated; and

(4) Determine that the change in ownership of the facility effected by the proposed transaction will not result in a loss of qualifying facility status for the facility.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 20, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Acting Secretary.*

[FR Doc. 87-28044 Filed 12-4-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP88-83-000]

**Texas Eastern Transmission Corp.; Application and Alternative Petition for Declaratory Order**

December 1, 1987.

The notice that on November 17, 1987, Texas Eastern Transmission Corporation, Post Office Box 2521,

Houston, Texas 77252, (Texas Eastern) filed in Docket No. CP88-83-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Texas Eastern to acquire and operate the Pointe Au Chien processing plant and to include processing plant's operating and maintenance costs and revenues in its cost of service. In the alternative, Texas Eastern, pursuant to Rule 207 of the Rules of Practice and Procedure of the Commission (18 CFR 385.207) petitions for a declaratory order that a certificate of public convenience and necessity under section 7(c) of the Natural Gas Act is not required for it to acquire and operate the processing plant and to include such processing plant's costs and revenues in its cost of service. The proposals are more fully set forth in the application which is on file with the Commission and open to public inspection.

Texas Eastern states the processing plant is owned by The Louisiana Land and Exploration Company (LL&E) and is located in a coastal area of the State of Louisiana, in Terrebonne Parish, adjacent to Texas Eastern's 20-inch pipeline extending from the Caillou Island and Lake Raccourci Fields, Louisiana. It is further stated that the processing plant was constructed in accord with the ASME B31.3 Chemical Plant and Refinery Piping Code. The processing plant commenced operations in 1971 and continued uninterrupted operations until March 1986 without authorization under the Natural Gas Act, when it ceased operations because of marginal plant economics.

It is stated that the processing plant uses a cryogenic process to extract liquefiable hydrocarbons from the gas stream and was designed to extract ethane and heavier liquefiable hydrocarbon components from the gas stream while producing a residue gas stream of 1,000 Btu per cubic foot. The processing plant's design capacity is 125,000 Mcf per day. The minimum Btu content of the residue gas delivered to Texas Eastern has not been less than 995 Btu per cubic foot. It is asserted that the Commission by order issued October 2, 1970, 44 FPC 1,147, Docket No. CP88-83-000 authorized Texas Eastern to connect and transport natural gas purchased from LL&E in the Caillou Island and Lake Raccourci Fields to its existing pipeline system. It is further asserted that the October 2, 1970, order referred to the right of LL&E to remove liquefiable hydrocarbons from the gas and provided for the transportation of



gas for shrinkage and fuel use at the processing plant.

Texas Eastern states that, subject to certain conditions, it has agreed to purchase the processing plant from LL&E and to lease the land upon which it is located. The consideration for the purchase of the processing plant and lease of the lands would be the assumption by Texas Eastern of LL&E's obligation under an electric service agreement with Louisiana Power Light & Light Company to provide electric power to the processing plant and Texas Eastern's processing gas for LL&E at the processing plant, free and clear of all costs except for fuel shrinkage, up to 8,000 Mcf of gas per day purchased by Texas Eastern from LL&E in the Lake Raccourci and Caillou Island Fields, Louisiana.

It is asserted that while processing is not essential to the safe transportation of the gas in its pipeline system, processing the gas stream in this section of its gas supply system at the processing plant would provide substantial benefits to Texas Eastern and its customers. It is further asserted that the processing would eliminate any liquids which may remain in the gas stream after passage through Texas Eastern's liquid knockout facilities, remove liquefiable hydrocarbons from the gas stream, and reduce the water vapor content of the gas to less than three pounds per million cubic feet. These benefits are said to include reduced freeze-ups of piping, meters, regulators, valves, and malfunction of equipment; increased pipeline flow efficiency; reduced maintenance, compressor wear, and internal pollution potential; improved service to customers; increased accuracy of gas measurement; and reduced costs.

Texas Eastern proposes to credit revenues from the sale of liquid hydrocarbons recovered at the processing plant to its cost of service and further proposes to include the cost of operating and maintaining the processing plant also in its costs of service. Texas Eastern does not intend to claim any plant investment as a result of acquiring the processing plant, and its initial cost of service would not include any return and taxes on plant investment. It is stated that if and when capital improvements are made for necessary processing plant replacements or for more efficient equipment, return and taxes on such capital investments would be included as a processing plant cost. Texas Eastern estimates that the effect of including processing plant costs and

revenues in its cost of service would have a *de minimis* impact.

In its alternative petition for declaratory order, Texas Eastern submits that the Commission does not have Natural Gas Act certificate jurisdiction over the processing plant and that certification of the processing plant is not required in order to include processing plant costs and revenues in Texas Eastern's cost of service. Texas Eastern submits that its proposal to acquire the processing plant without obtaining certificate authorization therefor and to include processing plant costs and revenues in its cost of service is fully supported by Commission precedent and court decisions. Texas Eastern states the processing plant has been operated by LL&E without Natural Gas Act authorization since its installation in 1971 and that a change of ownership cannot change its jurisdictional status.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 22, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Texas Eastern to appear or be represented at the hearing.

Lois D. Cashell,  
Acting Secretary.

[FR Doc. 87-28045 Filed 12-4-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-29-000]

#### Tarpon Transmission Co.; Tariff Filing

December 1, 1987.

Take notice that on November 23, 1987, Tarpon Transmission Company (Tarpon) tendered for filing the following tariff sheets as part of its FERC Gas Tariff, Original Volume No. 1: First Revised Sheet No. 1  
Original Sheet Nos. 30 through 97

Tarpon states that this filing is made pursuant to section 4 of the Natural Gas Act, section 311 of the Natural Gas Policy Act of 1978, §§ 284.8 and 284.9 of the Commission's Regulations, and is consistent with Order Nos. 436 and 500. Tarpon requests that the Commission accept the proposed tariff sheets with an effective date of December 1, 1987. Tarpon further requests that the Commission promptly publish a notice providing for appropriately shortened protest and intervention dates.

Tarpon states that it is filing the subject tariff sheets to establish new rate schedules, designated FTS and ITS, new service agreements, and related operating terms and conditions in order to provide new firm and interruptible transportation service pursuant to section 311 of the NGPA, pending full Commission consideration of Tarpon's blanket certificate application filed concurrently with the instant filing. The terms and conditions of the transportation tariff proposed herein will also govern self-implementing transportation service provided for interstate pipelines and other shippers pursuant to §§ 284.222 and 284.223 of the Regulations, following the Commission's issuance of the temporary or permanent blanket certificate.

Tarpon requests that the proposed tariff sheets be accepted to be effective on December 1, 1987, because several prospective shippers operating in the Outer Continental Shelf, Offshore Louisiana have recently claimed an urgent need for such transportation service. Tarpon states that because it is essential for it to have its open access program in effect on December 1, 1987, the proposed tariff sheets are designed to follow as closely as possible the Commission's interpretation of the requirements of Order Nos. 436 and 500.



Any person desiring to be heard or to protest said filing should file on or before December 8, 1987, a motion to intervene or protest with the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Such motions will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person desiring to become a party must motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Acting Secretary.*

[FR Doc. 87-27949 Filed 12-4-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP87-109-005]

**Texas Eastern Transmission Corp.;  
Proposed Changes in FERC Gas Tariff**

December 1, 1987.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on November 20, 1987 tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, six copies of the following tariff sheets:

Substitute Second Revised Sheet No. 118  
Substitute Second Revised Sheet No. 119

Texas Eastern states that pursuant to Order 472-B issued Sept. 16, 1987, § 154.38(d)(6) of the Commission's Regulation's issued thereby and in compliance with the "Order of the Director Accepting Annual Charge Adjustments," in Docket No. RP87-109, *et al.*, issued September 29, 1987, the above listed proposed tariff sheets are being filed to clarify that Texas Eastern will not seek recovery of any annual charges assessed to it pursuant to Part 382 of the Commission's Regulations and Order Nos. 472 and 472-B for the period during which the Annual Charge Adjustment provision included in the General Terms and Conditions (Section 26) of Texas Eastern's currently effective Fourth Revised Volume No. 1 Tariff is effective. The above listed tariff sheets replace Second Revised Sheet Nos. 118 and 119 which were filed on September 1, 1987 by Texas Eastern in Docket No. RP87-128 as a part of the Annual Charge Adjustment provision and which were approved by the Commission in an order issued on

September 29, 1987 in Docket No. RP87-109-005.

Texas Eastern states that the proposed effective date of the above listed tariff sheets is October 1, 1987, the effective date of Texas Eastern's Annual Charge Adjustment provision.

Copies of this filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before December 8, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Acting Secretary.*

[FR Doc. 87-27945 Filed 12-4-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP87-149-001]

**United Gas Pipe Line Co.; Tariff  
Revisions**

December 1, 1987.

Take notice that on November 23, 1987, United Gas Pipe Line Company (United), tendered for filing with the Commission to be effective October 1, 1987 the following tariff sheets to be included in United's FERC Gas tariff:

*First Revised Volume No. 1*

Revised Original Sheet No. 74-K1

*Original Volume No. 2*

First Revised Sheet No. 375

Second Revised Sheet No. 702

Second Revised Sheet No. 712

Second Revised Sheet No. 722

First Revised Substitute Sheet No. 1908

United states that the revised tariff sheets are submitted to incorporate specific language necessary to comply with Order No. 472-B, and to include provisions for the ACA unit rate in certain transportation rate schedules in Original Volume No. 2 of United's FERC Gas Tariff.

To the extent required, if any, United requests that the Commission grant such

waivers as may be necessary for acceptance of the tariff sheets submitted herewith, to become effective October 1, 1987.

Copies of this letter and enclosures are being served on jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before December 8, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Acting Secretary.*

[FR Doc. 87-27947 Filed 12-4-87; 8:45 am]

BILLING CODE 6717-01-M

**Office of Hearings and Appeals**

**Cases Filed; Week of October 9  
Through October 16, 1987**

During the Week of October 9 through October 16, 1987, the appeals and applications for other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. A submission inadvertently omitted from an earlier list has also been included.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

December 1, 1987.

George B. Breznay,

*Director, Office of Hearings and Appeals*



## LIST OF CASES RECEIVED BY THE OFFICE OF HEARING AND APPEALS

[Week of October 9 through October 16, 1987]

| Date          | Name and Location of Applicant                       | Case No. | Type of Submission                                                                                                                                                                                                                                                                                                                                                                 |
|---------------|------------------------------------------------------|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Oct. 13, 1987 | Alan Penan, Sacramento, California                   | KFA-0130 | Appeal of an Information Request Denial. If granted: Alan Penan would receive access to a copy of the administrative file which was provided to the U.S. Department of Justice from the Office of Personnel Management during the litigation of his case (October 1983 thru May 1986).                                                                                             |
| Oct. 13, 1987 | Atlantic Richfield Company, Washington, D.C.         | KFA-0131 | Appeal of an Information Request Denial. If granted: The description of an Atlantic Richfield Company document contained in footnote No. 8 of the October 2, 1987, Decision and Order issued to U.S.A. Petroleum Corp. would be modified or deleted.                                                                                                                               |
| Oct. 13, 1987 | Cascade Broadcasting Company, Tri-Cities, Washington | KFA-0129 | Appeal of an Information Request Denial. If granted: The October 1, 1987, Freedom of Information Request Denial issued by the Richland Operations Office would be rescinded and the Cascade Broadcasting Company would receive access to a copy of a report prepared by Davis, Wright & Jones, regarding the conversion of WNP-1 at Hanford into a new defense production reactor. |
| Oct. 14, 1987 | Amoco/Nebraska, Lincoln, Nebraska                    | RM21-88  | Request for Modification/Rescission in a Second Stage Refund Proceeding. If granted: The November 19, 1984 Decision and Order issued to Nebraska (Case No. RQ21-65) would be modified regarding the state's application for refund in the Amoco second stage refund proceeding.                                                                                                    |
| Oct. 14, 1987 | Cities Service Oil & Gas Corp., Washington, DC       | KRD-0030 | Motion for Discovery. If granted: Discovery would be granted to Cities Service Oil & Gas Corp. in connection with its Statement of Objections submitted in response to a Proposed Remedial Order issued to the firm.                                                                                                                                                               |
| Oct. 14, 1987 | Southwestern States Marketing Corp. Abilene, Texas   | KRX-0041 | Supplemental Order. If granted: The November 21, 1986, Decision and Order issued to Southwestern States Marketing Corp. and the December 23, 1986 Decision and Order issued to Kenneth Walker would be modified to reflect that Mr. Walker's request for an evidentiary hearing was granted in part.                                                                               |
| Oct. 14, 1987 | Southwestern States Marketing Corp. Abilene, Texas   | KRX-0042 | Supplemental Order. If granted: The Office of Hearings and Appeals would convene an evidentiary hearing on a sua sponte motion.                                                                                                                                                                                                                                                    |
| Oct. 15, 1987 | Maritime Overseas Corporation, New York, New York    | RR272-4  | Request for Modification/Rescission. If granted: The September 21, 1987, Decision and Order issued to Maritime Overseas Corporation (Case No. RF272-595) would be modified regarding the firm's application for refund in the Crude Oil refund proceeding.                                                                                                                         |
| Oct. 16, 1987 | Natural Resources Defense Council, Washington, D.C.  | KFA-0132 | Appeal of an Information Request Denial. If granted: The September 8, 1987 Freedom of Information Request Denial issued by the Albuquerque Operations Office would be rescinded and the Natural Resources Defense Council would receive access to a copy of a photograph of the W68-0 warhead/MK3 reentry body.                                                                    |

## REFUND APPLICATIONS RECEIVED

[Week of Oct. 9 through Oct. 16, 1987]

| Date received | Name of refund proceeding/<br>name of refund applicant | Case No.                                    |
|---------------|--------------------------------------------------------|---------------------------------------------|
| 10/5/87       | Anmar Gas & Appliance, Inc.                            | RF299-25                                    |
| 10/13/87      | Amoco Oil/Vickers, Amoco & Belridge/South Dakota       | RQ251-406<br>RQ1-407<br>RQ21-408<br>RQ8-409 |
| 10/9/87       | Crude Oil Refund Applications Received                 | RF272-7773<br>thru<br>FR272-8101            |
| 10/9/87       | Gulf Refund Applications Received                      | RF300-1677<br>thru<br>FR300-2250            |
| 10/16/87      | Stafford Printers                                      | RF299-24                                    |
| 10/16/87      | Rexchainbelt/Rexnord Inc.                              | RF299-26                                    |
| 11/13/87      | Buena Point Getty Station                              | RF265-2577                                  |
| 10/15/87      | Parcel Tankers, Inc.                                   | RD272-0114                                  |
| 10/15/87      | Fer River Towing Company                               | RD272-0124                                  |
| 10/15/87      | A.P. Moller-Maersk Line                                | RD272-0239                                  |
| 10/15/87      | Ocean Transport & Trading                              | RD272-0240                                  |
| 10/15/87      | Columbus Line                                          | RD272-0241                                  |
| 10/15/87      | Hapag-Lloyd, A.G.                                      | RD272-0242                                  |
| 10/15/87      | Compania Transatlantica Esprano                        | RD272-0243                                  |
| 10/15/87      | Christian Haaland A/S                                  | RD272-0244                                  |
| 10/15/87      | Nedlloyd Lines B.V. & Bulk B.V.                        | RD272-0245                                  |
| 10/15/87      | V.A.G. Transport GmbH                                  | RD272-0246                                  |
| 10/15/87      | Rederiaktiebolaget Transocean                          | RD272-0248                                  |
| 10/15/87      | Atlantic Container Line LTD                            | RD272-0249                                  |

## REFUND APPLICATIONS RECEIVED—Continued

[Week of Oct. 9 through Oct. 16, 1987]

| Date received | Name of refund proceeding/<br>name of refund applicant | Case No.   |
|---------------|--------------------------------------------------------|------------|
| 10/15/87      | The Cunard Steam-Ship Co.                              | RD272-0250 |
| 10/15/87      | Rederi Soya, AB                                        | RD272-0251 |
| 10/15/87      | Intercontinental Transport                             | RD272-0252 |
| 10/15/87      | Compagnie Generale Maritimer                           | RD272-0253 |
| 10/15/87      | Kawasaki Kisen Kaisha LTD                              | RD272-0266 |
| 10/15/87      | Nippon Yusen Kaisha                                    | RD272-0267 |
| 10/15/87      | Yamashita-Shinnihon Steamship                          | RD272-0268 |
| 10/15/87      | Shinwa Kaiun Kaisha, LTD                               | RD272-0269 |
| 10/15/87      | Daichi Chuo Shipping Kisen                             | RD272-0270 |
| 10/15/87      | Japan Line LTD                                         | RD272-0271 |
| 10/15/87      | Star Shipping A/S                                      | RD272-0272 |
| 10/15/87      | Showa Line LTD                                         | RD272-0274 |
| 10/15/87      | Mitsui O.S.K. Lines, LTD                               | RD272-0275 |
| 10/15/87      | n.v. Bocimar s.a.                                      | RD272-0276 |
| 10/15/87      | Island Navigation Corporation                          | RD272-0277 |
| 10/15/87      | The Sanko Steamship Co., LTD                           | RD272-0278 |
| 10/15/87      | Central Gulf Lines, Inc.                               | RD272-0293 |
| 10/15/87      | Kloster Cruise A/S                                     | RD272-0294 |
| 10/15/87      | Holland America Line-Westour                           | RD272-0295 |
| 10/15/87      | Hawaiian Tug & Barge Corp.                             | RD272-0297 |
| 10/15/87      | Flota Mercante Grancolombiana                          | RD272-0322 |
| 10/15/87      | Carnival Cruise Lines, Inc.                            | RD272-0340 |
| 10/15/87      | Associated Container Corp.                             | RD272-0371 |
| 10/15/87      | Blue Star Line LTD                                     | RD272-0372 |
| 10/15/87      | Knutson O.A.S. Shipping A/S                            | RD272-0385 |
| 10/15/87      | Southwest Airlines Company                             | RD272-0444 |

## REFUND APPLICATIONS RECEIVED—Continued

[Week of Oct. 9 through Oct. 16, 1987]

| Date received | Name of refund proceeding/<br>name of refund applicant | Case No.   |
|---------------|--------------------------------------------------------|------------|
| 10/15/87      | Princess Cruises                                       | RD272-0453 |
| 10/15/87      | Hong Kong Island Shipping Co.                          | RD272-0467 |
| 10/15/87      | Wilh. Wilhelmsen LTD. A/S                              | RD272-0496 |
| 10/15/87      | Pelican Marine Carriers, Inc.                          | RD272-1102 |
| 10/15/87      | Union De Transports Aeriens                            | RD272-1147 |
| 10/15/87      | South African Airways                                  | RD272-1148 |
| 10/15/87      | Societa Anonyme Belge D'Expro                          | RD272-1149 |
| 10/15/87      | Flugleidir H/F (Icelandair)                            | RD272-1151 |
| 10/15/87      | KLM Royal Dutch Airlines                               | RD272-1151 |
| 10/15/87      | Deutsche Lufthansa Aktiengesell                        | RD272-1152 |
| 10/15/87      | Finnair OY                                             | RD272-1153 |
| 10/15/87      | Royal Air Maroc                                        | RD272-1154 |
| 10/15/87      | Air Canada                                             | RD272-1155 |
| 10/15/87      | Aerolineas Argentinas S.E.                             | RD272-1156 |
| 10/15/87      | Air New Zealand LTD                                    | RD272-1157 |
| 10/15/87      | Canadian Pacific Air Lines                             | RD272-1158 |
| 10/15/87      | China Airlines, LTD                                    | RD272-1159 |
| 10/15/87      | Scandinavian Airlines Sys                              | RD272-1160 |
| 10/15/87      | MacMillan Bloedel, LTD                                 | RD272-1942 |
| 10/15/87      | SeaTeam                                                | RD272-2459 |
| 10/15/87      | Paal Wilson & Company                                  | RD272-2460 |
| 10/15/87      | Swissair, Swiss Air Transport                          | RD272-2887 |
| 10/15/87      | Singapore Airlines Limited                             | RD272-2888 |
| 10/15/87      | Lasco Shipping Co.                                     | RD272-2889 |
| 10/15/87      | Italian Line                                           | RD272-3383 |
| 10/15/87      | Korean Air Lines Co., LTD                              | RD272-3409 |



## REFUND APPLICATIONS RECEIVED—Continued

[Week of Oct. 9 through Oct. 16, 1987]

| Date received | Name of refund proceeding/<br>name of refund applicant | Case No.   |
|---------------|--------------------------------------------------------|------------|
| 10/15/87      | Tap Air Portugal                                       | RD272-3554 |
| 10/15/87      | Aerlingus Plc.                                         | RD272-3828 |
| 10/15/87      | Air-India                                              | RD272-3829 |
| 10/15/87      | Pottlatch Corporation                                  | RD272-0065 |
| 10/15/87      | Corning Glass Works                                    | RD272-0141 |
| 10/15/87      | Georgia Pacific Corporation                            | RD272-0153 |
| 10/15/87      | Florida Rock Industries                                | RD272-0167 |
| 10/15/87      | Georgia Kraft Company                                  | RD272-0187 |
| 10/15/87      | Kimberly-Clerk Company                                 | RD272-0193 |
| 10/15/87      | American Hoist & Derrick Co.                           | RD272-0259 |
| 10/15/87      | Weyerhaeuser Company                                   | RD272-0279 |
| 10/15/87      | Champion International Corp.                           | RD272-0280 |
| 10/15/87      | Federal Paper Board Co., Inc.                          | RD272-0281 |
| 10/15/87      | Coca-Cola Bottling Co. of LA                           | RD272-0288 |
| 10/15/87      | Ryder Dedicated Services, Inc.                         | RD272-0327 |
| 10/15/87      | Mid-South Bottling Company                             | RD272-0329 |
| 10/15/87      | J. H. Rudolph & Company                                | RD272-0344 |
| 10/15/87      | Leggett and Platt                                      | RD272-0360 |
| 10/15/87      | Dana Company                                           | RD272-0375 |
| 10/15/87      | Union Camp                                             | RD272-0387 |
| 10/15/87      | Alabama River Pulp Co., Inc.                           | RD272-0392 |
| 10/15/87      | The Bibb Company                                       | RD272-0395 |
| 10/15/87      | Jim Smith Contracting                                  | RD272-0399 |
| 10/15/87      | Colgate-Palmolive                                      | RD272-0407 |
| 10/15/87      | Raytheon Company                                       | RD272-0409 |
| 10/15/87      | Yorktowne Paper Mills, Inc.                            | RD272-0413 |
| 10/15/87      | PPG Industries, Inc. (PPG)                             | RD272-0428 |
| 10/15/87      | Albertson's Inc.                                       | RD272-0433 |
| 10/15/87      | Caterpillar Corporation                                | RD272-0449 |
| 10/15/87      | Certain Teed Corporation                               | RD272-0456 |
| 10/15/87      | Sonoco Products Company                                | RD272-0468 |
| 10/15/87      | Garden State Paper Co., Inc.                           | RD272-0488 |
| 10/15/87      | Kaiser Cement Corporation                              | RD272-0508 |
| 10/15/87      | Anheuser-Busch Companies                               | RD272-0592 |
| 10/15/87      | Mid Kansas Construction                                | RD272-1036 |
| 10/15/87      | Macmillan Bloedel, LTD.                                | RD272-1042 |
| 10/15/87      | Alaska Pulp Corporation                                | RD272-1163 |
| 10/15/87      | Payne & Dolan, Inc.                                    | RD272-1921 |
| 10/15/87      | Cook Construction                                      | RD272-2005 |
| 10/15/87      | Climax Manufacturing Company                           | RD272-2144 |
| 10/15/87      | Brunswick Pulp & Paper Company                         | RD272-2198 |
| 10/15/87      | Milliken & Company                                     | RD272-2578 |
| 10/15/87      | Tamko Asphalt                                          | RD272-2767 |
| 10/15/87      | Burlington Industries, Inc.                            | RD272-2977 |
| 10/15/87      | Eastland Woolen Mill, Inc.                             | RD272-3162 |
| 10/15/87      | Mid-Atlantic Coca-Cola Bottling                        | RD272-3406 |
| 10/15/87      | Lehigh Portland Cement                                 | RD272-3451 |
| 10/15/87      | Western Stone Products                                 | RD272-3929 |
| 10/15/87      | Mobay Corporation                                      | RD272-4235 |
| 10/15/87      | Appleton Papers, Inc.                                  | RD272-4655 |
| 10/15/87      | Tennessee River Pulp & Paper                           | RD272-4758 |
| 10/15/87      | Wausau Paper Mills Company                             | RD272-4790 |
| 10/15/87      | P. H. Glatfelter Company                               | RD272-4976 |
| 10/15/87      | Fitchburg Paper, Technographics                        | RD272-5189 |
| 10/15/87      | Waldorf Corporation                                    | RD272-5696 |
| 10/15/87      | Lincoln Paper Company                                  | RD272-0229 |
| 10/15/87      | ITT Rayonier, Inc.                                     | RD272-0406 |
| 10/13/87      | Cesare's Getty                                         | RD265-2578 |
| 6/25/87       | Phillips Petroleum Company                             | RD265-2583 |
| 10/17/87      | Ozona Butanme Company, Inc.                            | RD299-41   |
| 10/17/87      | FMC Corporation                                        | RD238-83   |
| 10/17/87      | Quick Stop Oil and Gas                                 | RD253-38   |

[FR Doc. 87-28038 Filed 12-4-87; 8:45 am]

BILLING CODE 6450-01-M

### Issuance of Decisions and Orders; Week of September 14 Through September 18, 1987

During the week of September 14 through September 18, 1987, the decisions and orders summarized below were issued with respect to applications for relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

### Motion for Discovery

*Ball Marketing, Inc., 9/14/87, HRD-0279, HRH-0279*

Ball Marketing, Inc. (Ball) filed Motions for Discovery and Evidentiary Hearing in connection with its Statement of Objections to a Proposed Remedial Order issued to it by the Economic Regulatory Administration (ERA). In the discovery motion Ball sought (1) administrative record and contemporaneous construction discovery of the new item/new market rule and Subpart F; (2) information related to the ERA's selection of Ball's nearest comparable outlet; (3) information relating to why certain payments made by Ball were not included by the ERA in the firm's cost of crude oil; and (4) an opportunity to depose the DOE auditor who signed the PRO declaration. The DOE found that the validity of Ball's contentions concerning the new item/new market rule and Subpart F could readily be determined from an examination of the regulations themselves and the publicly available record of the relevant rulemaking proceeding. The DOE also found that the ERA's determination of Ball's nearest comparable outlet was not shown at this time to be either improper or unreasonable. However, the DOE granted Ball discovery of factual information concerning the sale used by the ERA in determining Ball's imputed May 15, 1973 selling price. The DOE denied Ball's other requests on the grounds that they would not produce relevant and material information, and rejected as inappropriate Ball's request to depose the ERA auditor.

The DOE denied Ball's Motion for Evidentiary Hearing on the ground that the firm did not specify the issues which a hearing would resolve.

### Implementation of Special Refund Procedures

*Berry Holding Company, Et Al., KEF-0027*

*Saxon Oil Company, KEF-0028*  
*Armstrong Petroleum, Et Al., KER-0041*  
*Marathon Petroleum Company, 9/14/87, KFX-0023*

The DOE issued a Decision and Order implementing special refund procedures for monies received from four firms to settle alleged crude oil overcharges. The DOE found that the monies received from each firm, including one firm for which a final implementation order has been issued under the DOE's previous restitutionary policy, should be distributed in accordance with the DOE's Modified Statement of Restitutionary Policy concerning crude oil overcharges. Under that policy, end-

users of refined products will not be required to prove injury in order to qualify for a refund.

### Refund Applications

*Aero Trucking, Inc., RR270-12*  
*Langer Transport Corporation, 9/18/87, RR270-13*

The DOE issued a Decision and Order concerning Motions for Reconsideration filed on behalf of Aero Trucking, Inc. (Aero) and Langer Transport Corporation (Langer). Aero requested that the DE reconsider a Decision and Order that denied its refund claim in the Surface Transporters refund proceeding. *Aero Trucking, Inc., 16 DOE ¶ 85,239 (1987)*. Similarly, Langer requested that the DOE reconsider a Decision and Order that granted in part only a portion of its total refund claim in the Surface Transporters refund proceeding. *Langer Transport Corp., 16 DOE ¶ 85,270 (1987)*. Since the DOE determined in both cases that the actual purchasers of fuel were the owner-operators under contract with Aero and Langer and not the applicants themselves, the DOE denied both Motions for Reconsideration.

*Barge Transport Co., Inc., RF271-67*  
*California & Hawaiian Sargan Co., 9/15/87, RF271-182*

The DOE issued a Decision and Order to two companies granting their respective Applications for Refund from the Rail and Water Transporters Escrow. OHA found that both applicants had established that they were members of the RWT class, and had substantiated their purchases of U.S. petroleum products claimed in their respective applications. The total number of gallons approved in the Decision and Order is 47,333,809.

*Chessie System Railroads, et al., 9/15/87, RF271-44, et al.*

The DOE issued a Decision and Order approving applications submitted by nine rail and water transporters for refunds from the Rail and Water Transporters Escrow established as a result of the Stripper Well Settlement Agreement. The methods used by the applicants were similar to those accepted by the DOE in previous Rail and Water Transporters decisions. The total number of gallons approved in this Decision is 4,562,745.

*Clifford Riggins Trucking, et al., 9/15/87, RF270,2044, et al.*

The DOE issued a Decision and Order in connection with its administration of the \$10.75 million escrow fund established for surface transporters pursuant to the Settlement Agreement in the DOE Stripper Well Exemption



litigation. The DOE approved the volumes of refined petroleum products claimed by forty-five trucking companies and will use those gallonages as a basis for the refund that will ultimately be issued to the forty-five firms. The DOE stated that because the size of a surface transporter applicant's refund will depend upon the total number of gallons that are ultimately approved, the actual amounts of the forty-five firms' refunds will be determined at a later date. The total amount of gallons approved in this Decision and Order is 180,138,802.

*Crele Construction Corporation, 9/16/87, RF270-1286*

The DOE issued a Decision and Order concerning the Application for Refund submitted by Crele Construction Corp. (Crele) in the Surface Transporters Escrow refund proceeding established, pursuant to the Settlement Agreement in the Stripper Well Exemption litigation. The applicant stated that 90 percent of the fuel was used by off-road construction equipment. After excluding those gallons, Crele's claim failed to meet the 250,000 gallon minimum required to be eligible for a Surface Transporter refund. The DOE therefore denied Crele's refund application.

*Dorchester Gas Corporation/Phillips Petroleum Company, 9/14/87, RF253-3*

Phillips Petroleum Company filed an Application for Refund in the Dorchester Gas Corporation refund proceeding. Phillips purchased 13,093,939 gallons of natural gas liquid products from Dorchester during the Dorchester consent order period. The DOE found that only a small portion of those purchases were in excess of average market price levels and, accordingly, granted Phillips a refund equal to the gallons that the firm purchased at above market prices multiplied by the refund rate of \$0.00945 per gallon. The total refund granted Phillips is \$33,536, representing \$26,007 in principal and \$7,529 in accrued interest.

*Getty Oil Company/A. L. Cipriano & Sons, Inc., Et Al., 9/17/87, RF265-1463, Et Al.*

The DOE issued a Decision and Order concerning 58 Applications for Refund filed by resellers or retailers of products covered by a consent order that the DOE entered into with Getty Oil Company. Each applicant submitted information indicating the volume of its Getty purchases. All of the applicants elected to limit their claims to the \$5,000 threshold. The total refunds approved in this Decision are \$399,721, representing

\$200,000 in principal and \$199,721 in accrued interest.

*Getty Oil Company/Armstrong & Troutwine, Inc., Et Al., 9/17/87, RF265-1955, Et Al.*

The DOE issued a Decision and Order concerning 51 Applications for Refund filed by resellers or retailers of products covered by a consent order that the DOE entered into with Getty Oil Company. Each applicant submitted information indicating the volume of its Getty purchases. In three of these cases, the applicants were eligible for a claim below the \$5,000 threshold. In the remaining 48 cases, the applicants elected to limit their claims to the \$5,000 threshold. The total refunds approved in this Decision are \$262,995, representing \$131,590 in principal and \$131,405 in accrued interest.

*Getty Oil Company B & G Service, et al., 9/18/87; RF265-1832, et al.*

The DOE issued a Decision and Order concerning 68 Applications for Refund filed by resellers or retailers of products covered by a consent order that the DOE entered into with Getty Oil Company. Each applicant submitted information indicating the volume of its Getty purchases. None of them was entitled to a refund greater than the \$5,000 small claims refund amount. The total refunds approved in this Decision are \$211,713, representing \$105,928 in principal and \$105,785 in accrued interest.

*H. J. Culler, Inc., et al., 9/18/87; RF270-24, et al.*

The DOE issued a Decision and Order in connection with its administration of the \$10.75 million dollar Escrow fund established for Surface Transporters pursuant to the Settlement Agreement in the DOE Stripper Well Exemption litigation. Each of the five applicants in this proceeding was either a "for hire" carrier, a bus company, or operator of a "private fleet" of trucks. The companies used various actual records and/or conservative estimates to report their gallonage claims. After adjusting the volumes of four companies, the applications of all five firms were approved. The DOE stated that because the size of a surface transporter applicant's refund will depend upon the total number of gallons that are ultimately approved, the actual amounts of the five firms' refunds will be decided at a later date.

*International Moving and Warehouse Company, et al., 9/14/87; RF270-2362, et al.*

The DOE issued a Decision and Order in connection with its administration of

the \$10.75 million escrow fund established for surface transporters pursuant to the Settlement Agreement in the DOE Stripper Well Exemption litigation. The DOE approved the volumes of refined petroleum products claimed by five surface transporters and will use those volumes as a basis for the refunds that will ultimately be issued to the five firms. The total volume approved in this Decision is 5,593,771 gallons.

*Marathon Petroleum Company/Wright's Marathon Kiel Brothers Oil Company, Inc., 9/16/87; RF250-1624, RF250-2467, RF250-2468, RF250-2469, RF250-2470*

The DOE issued a Decision and Order concerning Applications for Refund filed in connection with the Marathon Petroleum Company special refund proceeding by two purchasers of Marathon product. Kiel Brothers Oil Company, Inc. (Kiel), a direct purchaser, submitted information which indicated that it maintained cost banks beginning in January 1975. From price data submitted by Kiel, the DOE applied the three step competitive disadvantage methodology, and determined that Kiel was entitled to 76% of its volumetric share for the period in which it had banks. Accordingly, Kiel was granted a refund of \$33,891 in principal and \$3,954 in interest from the Marathon deposit escrow account. Wright's Marathon (Wright) purchased Marathon-branded product indirectly from Kiel. Based on the assessment of Kiel's injury, the DOE determined that Wright was eligible for 100% of its volumetric share for the period in which Kiel did not maintain cost banks, and 24% of its volumetric share for the period in which Kiel did have banks. Because Wright's eligible refund did not exceed \$5,000, the DOE did not require the firm to submit a detailed showing of injury. Accordingly, Wright was granted a refund of \$410 in principal and \$48 in interest.

*Midwest Specialized Transport, 9/18/87; RF270-1671.*

The DOE issued a Decision and Order regarding an Application for Refund from the Surface Transporters Escrow fund established pursuant to the Settlement Agreement in the Stripper Well Exemption litigation. The refund application was filed by Energy Watch, Inc. on behalf of Midwest Specialized Transport (Midwest). The DOE determined that owner operator volumes should be excluded from Midwest's claim because the firm's owner operators paid for the products. After excluding owner operator volumes from Midwest's claim, the DOE



determined that the firm was eligible to receive a refund from the Surface Transporters Escrow based on purchases of 2,029,270 gallons of fuel.

*R. W. Service System, Inc.*, 9/16/87; RF270-1300

The DOE issued a Decision and Order concerning the Application for Refund submitted by R.W. Service System, Inc. (RW) in the Surface Transporters Escrow fund established pursuant to the Settlement Agreement in the Stripper Well Exemption litigation. The applicant based its claim on annual mileage records. The DOE approved a volume of 19,220,844 gallons for RW, excluding those gallons used by owner-operators. The DOE will determine a per gallon refund amount and establish the amount of the company's refund after it completes its analysis of all Surface Transporter claims.

*Ruan Financial Corp., et al.*, 9/14/87; RF270-713, et al.

The DOE issued a Decision and Order in connection with its administration of the \$10.75 million escrow fund established for surface transporters pursuant to the Settlement Agreement in the DOE Stripper Well Exemption litigation. The DOE approved the gallonages of refined petroleum product claimed by nine companies with adjustments in some cases to reflect the fact that a surface transporter is not eligible for a refund based upon gallons purchased by owner-operators. The DOE will use the approved gallonages as bases for the refunds that will ultimately be issued to the nine firms. The DOE stated that because the size of a surface transporter applicant's refund will depend upon the total number of gallons that are ultimately approved, the actual amounts of the forty-five firms' refunds will be determined at a later date.

*Savannah State Docks Railroad Company*, 9/15/87; RF271-115

The DOE issued a Decision and Order dismissing an application submitted by Savannah State Docks Railroad Company (Savannah) for a refund from the Rail and Water Transporters Escrow (RWT) established as a result of the Stripper Well Settlement Agreement. The DOE found that Savannah was a division of the Georgia Ports Authority, an instrumentality of the State of Georgia, and therefore was not an RWT claimant as defined under paragraph 16 of the RWT Order. Accordingly, the DOE found that Savannah was ineligible for an RWT refund.

*Smith Transfer Corporation, Scot Lad Foods, Inc.*, 9/14/87; RF270-1187, RF270-1202

The DOE issued a Decision and Order approving the Applications for Refunds submitted by Smith Transfer Corporation and Scot Lad Foods, Inc., from the Surface Transporters Escrow fund established pursuant to the Settlement Agreement in the Stripper Well Exemption litigation. The DOE made adjustments in the gallons claimed by Smith Transfer Corporation to exclude gallons consumed by owner-operators. The total number of gallons approved in this decision is 223,952,026.

*Steere Tank Lines, Inc., et al.*, 9/17/87, RF270-1046, et al.

The DOE issued a Decision and Order concerning four Applications for Refund from the \$10.75 million Surface Transporters Escrow fund established pursuant to the Settlement Agreement in the DOE Stripper Well Exemption litigation. Each applicant demonstrated that it operated motor vehicles during the Settlement Period and that it was a "for hire" carrier for the purposes of this proceeding. In addition, each applicant demonstrated that it purchased a certain volume of eligible petroleum products above the 250,000 gallon minimum prescribed in the Order establishing the Surface Transporters Escrow. Accordingly, all four Applications were approved, and the respective volumes will be used to calculate each company's final refund. The total number of gallons approved in this Decision is 164,565,273.

*The Monongahela Railway Company, et al.*, 9/14/87, RF271-96, et al.

The DOE issued a Decision and Order approving applications submitted by nine rail transporters for refunds from the Rail and Water Transporters Escrow fund established as a result of the Settlement Agreement in the Stripper Well Exemption litigation. The methods used by the applicants were similar to those accepted by the DOE in previous Rail and Water decisions. The DOE found, however, that one of the applicants, Canton Railroad Company, erred in the computation of its gallonage, and its claim was adjusted. The total number of gallons approved in this Decision is 584,902,390.

*The Red Wing Company, et al.*, 9/15/87, RF270-1760, et al.

The DOE issued a Decision and Order in connection with its administration of the \$10.75 million escrow fund established for surface transporters pursuant to the Settlement Agreement in the DOE Stripper Well Exemption litigation. The DOE approved the volumes of refined petroleum products claimed by seventy-five trucking companies and will use those gallonages

as a basis for the refund that will ultimately be issued to the seventy-five firms. The DOE stated that because the size of a surface transporter applicant's refund will depend upon the actual number of gallons that are ultimately approved, the actual amounts of the seventy-five firms' refunds will be determined at a later date. The total amount of gallons approved in this Decision and Order is 467,464,560.

*The Squaw Transit Company, et al.*, 9/17/87, RF270-1212, et al.

The DOE issued a Decision and Order approving the Applications for Refunds of seven motor carriers from the Surface Transporters Escrow fund established as a result of the Settlement Agreement in the Stripper Well Exemption litigation. The DOE made adjustments to the companies' gallonage claims to exclude gallons consumed by owner-operators. The total number of gallons approved in this Decision is 395,575,029.

*UTAK Inc., et al.*, 9/19/87, RF270-468, et al.

The DOE issued a Decision and Order in connection with its administration of the \$10.75 million escrow fund established for surface transporters pursuant to the Settlement Agreement in the DOE Stripper Well Exemption litigation. The DOE approved the gallonages of refined petroleum products claimed by 13 trucking companies and will use those gallonages as a basis for the refunds that will ultimately be issued to the 13 firms. The DOE stated that because the size of a surface transporter applicant's refund will depend upon the total number of gallons that are ultimately approved, the actual amounts of the 13 firms' refunds will be determined at a later date.

*WestPoint Pepperell Transportation Company*, 9/15/87, RF270-923

WestPoint Pepperell Transportation Company filed an Application for Refund from the Surface Transportation Escrow fund established pursuant to the Settlement Agreement in the Stripper Well Exemption litigation. The DOE ascertained that the applicant is an eligible surface transporter, and that its claim did not exceed the gallons of petroleum products consumed by the applicant in vehicle operations. The total volume approved in this Decision and Order is 22,545,647 gallons.

#### Dismissals

The following submissions were dismissed;



| Company name                  | Case No.    |
|-------------------------------|-------------|
| Central Oil, Corporation..... | RF250-2723. |
| Foster Wheeler Energy.....    | RF272-492.  |
| T.L. James & Co., Inc.....    | RF271-185.  |
| Todd Pacific Shipyards.....   | RF297-1.    |

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585. Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

December 1, 1987.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 87-28039 Filed 12-4-87; 8:45 am]

BILLING CODE 6450-01-M

#### Issuance of Decisions and Orders; Week of September 21 Through September 25, 1987

During the week of September 21 through September 25, 1987, the decisions and orders summarized below were issued with respect to appeals and applications for other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

#### Appeals

*Lintel Technology, Inc., 9/24/87, KFA-0118*

Lintel Technology, Inc. filed an Appeal from a denial by the Associate Director for Basic Energy Sciences, Office of Energy Research, of a Request for Information which it had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the documents at issue were properly withheld under Exemption 5. The important issue considered in the Decision and Order involved whether technical evaluations of proposed research came within the agency's deliberative process privilege.

*Time Oil, Inc., 9/21/87, KFA-0119*

On August 31, 1987, the DOE received comments from Time Oil, Inc., regarding a Decision and Order issued by the DOE on July 24, 1987. That decision concerned a Freedom of Information Act (FOIA) Appeal filed by Steptoe & Johnson on June 10, 1987. *Steptoe & Johnson*, 16 DOE ¶ 80,109 (1987) (*Steptoe*). On the basis of Time's comments, the DOE determined that the

July 24, 1987 Decision and Order should be modified to exempt from release under the FOIA Time's Transfer Pricing Data. Therefore, the decision in *Steptoe* was modified to include Time among those firms whose data would not be released in response to the FOIA.

#### Refund Applications

*A.J. Trucking, Inc., 9/22/87, RF270-2476*

The DOE issued a Decision and Order approving an Application for Refund from the Surface Transporters Escrow filed by A.J. Trucking, Inc., a "for hire" trucking company. The firm estimated its fuel consumption based on its trucks' average annual mileage and fuel efficiency. Although the DOE did not receive the firm's application before the filing deadline established for Surface Transporter claims, the application was accepted because the firm's president stated that the filing had been delayed by a lengthy illness and hospital stay. The total volume approved for A.J. Trucking, Inc. is 2,274,310 gallons.

*American Cyanamid Company, 9/21/87, RF270-10*

American Cyanamid Company (ACC) filed a Motion for Reconsideration of a Decision and Order in which the DOE granted two applications for refund from the Surface Transporters Stripper Well escrow fund filed by two ACC affiliates. As part of those applications the affiliates waived their rights and those of ACC to seek refunds from other Stripper Well escrow funds and in DOE Subpart V crude oil refund proceedings. In its Motion, ACC alleged that the employees who signed the waivers had no authority to do so and therefore requested that the DOE permit it to withdraw the waivers. After considering the request, the DOE found that (i) the individuals that signed the waivers were clearly on notice of the effects of their actions, (ii) granting the ACC request would disrupt DOE surface transporter refund deliberations, and (iii) the individuals that signed the waivers had supervisory status in the transportation area and the DOE therefore had no reason to suspect the waivers were improper. Accordingly, ACC's Motion for Reconsideration was denied.

*Apex Towing Company, 9/21/87, RF270-2328*

The DOE issued a Decision and Order denying an application submitted by Apex Towing Company (Apex Towing) for a refund from the Surface Transporters Escrow established as a result of the Stripper Well Settlement Agreement. The DOE found that Apex Towing was a subsidiary of Apex Oil Company (Apex Oil), a refiner that

previously had received a refund from the Refiners Escrow. To be eligible for a Surface Transporters refund, a claimant must waive payment from any of the seven other escrow accounts created by the Settlement Agreement. Such a waiver is also binding on the affiliates of a company that previously has received a payment from one of the escrows. The DOE found that since Apex Oil had received a Refiners refund, Apex Towing was unable to comply with the requirement that it waive payment from other escrows. Therefore, the DOE found that Apex Towing was ineligible for a Surface Transporter refund.

*Atchison, Topeka and Santa Fe Railway Company, Pacific Motor Trucking, 9/24/87, RF217-194, RF270-1263*

The DOE issued a Decision and Order granting the Application for Refund from the Rail and Water Transporters Escrow filed by the Atchison, Topeka and Santa Fe Railway Co. (ATSF). The ATSF's refund will be based on its purchases of 5,828,925,930 gallons of U.S. petroleum products during the Stripper Well Settlement period. In the same Order, the DOE dismissed an Application for Refund from the Surface Transporters Escrow which had been filed by Pacific Motor Trucking, an affiliate of the ATSF.

*Arkansas Best Corporation, 9/25/87, RF270-1587*

The DOE issued a Decision and Order in connection with its administration of the \$10.75 million escrow fund established for surface transporters pursuant to the Settlement Agreement in the DOE Stripper Well Exemption litigation. The DOE approved Arkansas' claim after deducting gallonage attributable to miles travelled by owner-operators. The DOE will determine a per gallon refund amount and establish the amount of each company's refund after it completes its analysis of all Surface Transporters claims. The total number of gallons approved in this Decision is 409,242,929.

*Bargel Truck Leasing Company, Inc., Et Al, 9/23/87, RF270-1428, Et Al*

The DOE issued a Decision and Order approving ten Applications for Refund from the \$10.75 million Surface Transporters Escrow fund established pursuant to the Settlement Agreement in the DOE Stripper Well Exemption litigation. However, a portion of the purchase volumes which formed the basis for six claims had been purchased for non-vehicle use. Accordingly, the DOE eliminated these volumes and adjusted the total number of gallons claimed. In addition, two claims were



adjusted to eliminate mathematical errors. The DOE will determine a per gallon refund amount and establish the amount of each company's refund after it completes its analysis of all Surface Transporter claims.

*Blue Line Transfer Company, Inc., Et Al., 9/21/87, RF270-1667; Et Al.*

The DOE issued a Decision and Order approving nine Applications for refund from the Surface Transporters Escrow fund established pursuant to the Stripper Well Exemption litigation. The DOE will determine a per gallon refund amount and establish the amount of each company's refund after it completes its analysis of all Surface Transporter claims.

*Central West Virginia Transit, 9/25/87, RF270-1593*

The DOE issued a Decision and Order in connection with its administration of the \$10.75 million Surface Transporters Escrow fund established pursuant to the Settlement Agreement in the DOE Stripper Well Exemption litigation. The DOE determined that because Central West Virginia Transit is a governmental authority, it is not a Surface Transporter as that term is defined in the Court's order. Accordingly, the application filed by Central West Virginia Transit was denied.

*Conoco, Inc./Metcalf Oil Company, Et Al., 9/21/87, RF220-444, Et Al.*

The DOE issued a Decision and Order concerning eight Applications for Refund filed by purchasers of covered products from Conoco, Inc. Each firm applied for a refund based on the procedures outlined in *Conoco, Inc., 13 DOE ¶ 85,316 (1985)*, which governs the distribution of consent order funds received from Conoco. Each applicant submitted adequate documentation of its purchases from Conoco. After examining the applications and supporting documentation, the DOE determined that the applicants should receive refunds totalling \$7,226, representing \$5,129 in principal and \$2,097 in interest.

*Dow Chemical Company, 9/21/87; RF271-173*

The DOE issued a Decision and Order to the Dow Chemical Company denying its Application for Refund from the Rail and Water Transporters Escrow. The DOE found that Dow was not eligible for such a refund, because Dow's affiliate, the Dow Chemical Refining Company, had filed for and already received a refund from the Refiners Escrow.

*Golden State Foods Corporation, O'Neal Steel, Inc., King Soopers, Inc., 9/22/*

*87; RF270-2366, RF270-2378, RF270-2382*

The DOE issued a Decision and Order approving Applications for Refund filed by three private fleet carriers seeking a portion of the \$10.75 millions escrow fund established for Surface Transporters. All three firms estimated the petroleum product consumption of their truck fleets using methods the DOE found reasonable. In one case, the DOE adjusted the total volume claimed because the applicant failed to account for tax payments in its use of average cost per gallon figures. The total volume approved for the three firms in this Decision is 20,686,531 gallons.

*Indiana Harbor Belt Railroad Company, 9/21/87; RF271-63*

The DOE issued a Decision and Order to the Indiana Harbor Belt Railroad Company granting its Application for Refund from the Rail and Water Transporters (RWT) Escrow. The DOE found that the applicant had established that it was a member of the RWT class, and substantiated its purchases of the 50,556,003 gallons of U.S. petroleum products during the relevant period.

*Logan Trucking, Inc., et al., 9/25/87; RF270-1901, et al.*

The DOE issued a Decision and Order in connection with its administration of the \$10.75 million escrow fund established for surface transporters pursuant to the Settlement Agreement in the DOE Stripper Well Exemption litigation. The DOE dismissed the claims of seven trucking companies. Three of the applications were dismissed because the firms' applications failed to meet the 250,000 gallon threshold amount after their claims were reduced by ineligible gallons. The remaining four applications were dismissed because they did not qualify as surface transporters under the terms of the M.D.L. 378 Settlement Agreement or because they were part of entities that had received money from other M.D.L. 378 Escrow accounts. Consequently, the DOE dismissed the seven companies' applications.

*Maritime Overseas Corporation, 9/21/87; RF271-195, RF272-595*

The DOE issued a Decision and Order approving an application submitted by the Maritime Overseas Corporation (Maritime) for a refund from the Rail and Water Transporters (RWT) Escrow established as a result of the Stripper Well Settlement Agreement, and dismissed Maritime's application for a refund in the Subpart V Crude Oil proceedings. The DOE found that Maritime had filed a valid RWT application and was a member of the

class eligible for an RWT refund. Therefore, the DOE found that Maritime's waiver of its crude oil claims in the RWT application was effective and prohibited it from receiving a crude oil refund. Accordingly, the rail and water claim was granted and the crude oil claim denied.

*McAllister Towing and Transportation Company, 9/24/87; RF271-189*

The DOE issued a Decision and Order granting the Application for Refund from the Rail and Water Transporters Escrow filed by the McAllister Towing and Transportation Company (MTT). MTT's refund will be based on its purchases of 64,415,358 gallons of U.S. petroleum products during the Stripper Well Settlement period.

*National Carriers, Inc., 9/23/87; RF270-1666*

The DOE issued a Decision and Order regarding an Application for Refund from the Surface Transporters Escrow fund established pursuant to the Settlement Agreement in the DOE Stripper Well Exemption litigation. The refund application was filed by Energy Watch, Inc. on behalf of National Carriers, Inc. (National). The DOE determined that owner operator volumes should be excluded from Austin Tupler's claim because the firm's owner operators paid for the products. National's Surface Transporter claim was therefore approved in part based upon the estimated 2,027,270 gallons of fuel purchased by the firm for use in company-owned vehicles.

*Perkins Trucking Co., Inc., 9/21/87; RF270-1335*

The DOE issued a Decision and Order concerning the Application for Refund submitted by Perkins Trucking Co., Inc. (Perkins) in the Surface Transporters Escrow fund established pursuant to the Settlement Agreement in the DOE Stripper Well Exemption litigation. The applicant based its claim on annual reports to the Interstate Commerce Commission. The DOE approved a volume of 2,930,257 gallons for Perkins, excluding those gallons used by owner-operators. The DOE will determine a per gallon refund amount and establish the amount of the company's refund after it completes its analysis of all Surface Transporter claims.

*Southern States Cooperative, Inc., Farmland Industries, Inc., 9/24/87; RF270-1189, RF270-1208*

The DOE issued a Decision and Order denying the applications submitted by Southern States Cooperative, Inc. and Farmland Industries, Inc. for refunds



from the Surface Transporters Escrow fund pursuant to the Settlement Agreement in the DOE Stripper Well Exemption litigation. The DOE determined that the Surface Transporter and Agricultural Cooperative waiver and release forms which were completed by the applicants prevented them from obtaining any funds from the Surface Transporters Escrow. *Sun Holding Company, Inc., et al., 9/22/87; RF270-145, et al.*

The DOE issued a Decision and Order in connection with its administration of the \$10.75 million escrow fund established for surface transporters pursuant to the Settlement Agreement in the DOE Stripper Well Exemption litigation. The DOE approved the volumes of refined petroleum products claimed by seven Surface Transporters and will use those volumes as a basis for the refunds that will ultimately be issued to the seven firms. The DOE stated that because the size of a Surface Transporter applicant's refund will depend upon the total number of gallons that are ultimately approved, the actual amount of the seven firms' refunds will be determined at a later date. The total volume approved in this Decision is 271,310,558 gallons.

*United Parcel Service, Inc., 9/22/87; RF270-1623*

The DOE issued a Decision and Order in connection with its administration of the \$10.75 million escrow fund established for surface transporters pursuant to the Settlement Agreement in the DOE Stripper Well Exemption litigation. The DOE approved UPS's claim after deducting purchases of heating oil, an ineligible product under the terms of the Surface Transporters Escrow. The DOE will determine a per gallon refund amount and establish the amount of each company's refund after it completes its analysis of all Surface Transporter claims. The total number of gallons approved in this Decision is 884,361,649.

*Vickers Energy Corporation/Standard Oil Company (Indiana)/Iowa, 9/22/87; RQ1-393, RQ251-394*

The DOE issued a Decision approving in part a second-stage refund plan filed by the State of Iowa. In its application, Iowa proposed to use its remaining shares of Vickers Energy Corp. and Standard Oil Co. (Indiana) (Amoco II) second-stage monies for five programs. OHA approved Iowa's proposed plan to spend \$80,000 on a Commercial/Industrial SECP program. Under this program, an Iowa hospital association would receive a grant to develop and test an energy management program for

hospitals and to secure private financing for the proposed energy conservation measures. The DOE found that this proposed plan would promote energy conservation in Iowa hospitals. However, the DOE disapproved the remaining four programs proposed by Iowa as either being insufficiently restitutionary or granting too much discretion to State and local entities. The program disapproved by the DOE was a program for energy conservation in government buildings, a series of workshops on energy conservation for elementary and secondary school students, a telecommunications training program for Iowa educators, and various unspecified Institutional Conservation Program projects. In approving Iowa's Commercial/Industrial SECP Program, the DOE granted \$87,200 (\$80,000 principal plus \$7,200 interest) to the State and encouraged Iowa to submit a restitutionary plan for use of the remainder of the State's Vickers and Amoco II monies.

*Wilson Freight Company and Strickland Transportation, 9/23/87; RF270-2484*

The DOE issued a Decision and Order concerning an Application for Refund from the Surface Transporters Escrow submitted after the filing deadline. The applicant alleged that an earlier, timely submission on its behalf had been "lost." However, the applicant did not submit any evidence to document this allegation. Moreover, the DOE stated that it had no record of having received any previous submission on the applicant's behalf. The DOE further stated that applicants are responsible for assuring that their submissions have been received. Accordingly, the application was dismissed as untimely.

#### Dismissals

The following submissions were dismissed:

| Company Name                                               | Case No.   |
|------------------------------------------------------------|------------|
| AGL Welding Supply Company, Inc.                           | RF270-1346 |
| American Trucking Association, Inc.                        | RF270-210  |
| AMOCO                                                      | HEF-0562   |
| ARMCO Inc. Eastern Steel Division Specialty Steel Division | RF272-910  |
| Ashland Petroleum Company                                  | RF240-9    |
| Beacon Oil, Inc.                                           | RF250-2494 |
|                                                            | RF250-2495 |
| Celanese Chemical Company                                  | RF52-7     |
| City of New York                                           | RF272-454  |
| Farmers Union Central Exchange, Inc.                       | RF270-1305 |
| Garden State Transit Lines                                 | RF270-1660 |
| Garfield & Passaic Transit Company                         | RF270-1659 |
| Growmark, Inc.                                             | RF270-1312 |
| Halliburton Services                                       | RF270-1306 |
| Jacobus Company                                            | RF250-2492 |
|                                                            | RF250-2493 |
| Land Use Corporation                                       | RF272-2640 |
| Lawton McCulley                                            | RF272-4009 |
| Louisiana Sulphur Carriers, Inc.                           | RF272-1103 |
| Maumee Truck Leasing Inc.                                  | RF270-1412 |
| Monsanto Chemical Company                                  | RF272-3650 |

| Company Name                             | Case No.   |
|------------------------------------------|------------|
| New Orleans, Public Belt Railroad        | RF272-459  |
| Pevely Dairy Company                     | RF270-2400 |
| Real Transit Company                     | RF270-1662 |
| Riblet Products Corporation              | RF270-2361 |
| Santo Propane                            | RF270-343  |
| The Southland Corporation                | RF270-2174 |
| Wolverine Power Supply Cooperative, Inc. | RF272-2159 |

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

December 1, 1987.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

[FR Doc. 87-28040 Filed 12-4-87; 8:45 am]

BILLING CODE 6450-01-M

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-2399-1]

### Agency Information Collection Activities Under OMB Review

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) requires the Agency to publish in the *Federal Register* a notice of proposed information collection requests (ICRs) that have been forwarded to the Office of Management and Budget (OMB) for review. The ICR describes the nature of the solicitation and the expected impact, and where appropriate includes the actual data collection instrument. The following ICRs are available for review and comment.

**FOR FURTHER INFORMATION CONTACT:** Carla Levesque at EPA, (202) 382-2740 (FTS 382-2740).

### SUPPLEMENTARY INFORMATION:

#### Office of Water

*Title:* National Survey of Pesticides in Drinking Water Wells (Pilot Study). (EPA ICR #1191-E).

*Abstract:* EPA is obtaining updated information by telephone on the numbers of wells serving each community water system. This will be used to design a representative sample



of wells for a national survey of pesticides in wells. The findings will be used to develop pesticides and drinking water regulations.

**Respondents:** Community Water Systems.

**Estimated Annual Burden:** 250 hours.

**Frequency of Collection:** One time only.

#### Water

##### *National Pollutant Discharge Elimination System (NPDES)*

**Title:** Wastewater Permittee Compliance Assessment Reporting and Recordkeeping. (EPA ICR #1427). (Renewal of existing requirements; no change proposed).

**Abstract:** Facilities discharging any pollutant (effluent) into national waters must have a permit. Permittees must report to EPA or State agency and maintain records to demonstrate compliance with permit conditions.

**Respondents:** Businesses, publicly owned treatment works, and other facilities discharging wastewater.

**Estimated Annual Burden:** 192,806 hours.

**Frequency of Collection:** On occasion.

#### Office of Solid Waste

**Title:** Survey of Hazardous Waste Management Facilities for Information on Liability Coverage. (EPA ICR #1429). (New Collection).

**Abstract:** Owners and Operators of Hazardous Waste storage, treatment and disposal facilities are requested to provide information on their efforts to obtain insurance for liability coverage, as required in 40 CFR Part 264/§ 265.147. Information on difficulties encountered will enable the Agency to develop regulatory reforms and other financial responsibility program initiatives.

**Respondents:** Owners and Operators of Hazardous Waste Management Facilities.

**Estimated Annual Burden:** 1,258 Hours.

**Frequency of Collection:** One time only.

Comments on the abstract on this notice may be sent to:

Carla Levesque, U.S. Environmental Protection Agency, Office of Standard and Regulations (PM-223), Information and Regulatory System Division, Information Policy Branch, 401 M St., SW., Washington, DC 20460 and

Tim Hunt (ICRs #1191-E and 1427), Marcus Peacock (ICR #1429), Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room

3019), 726 Jackson Place NW., Washington, DC 20503.

Date: November 30, 1987.

Daniel J. Fiorino,

Director, Information Regulatory Systems Division.

[FR Doc. 87-27999 Filed 12-4-87; 8:45 am]

BILLING CODE 6570-50-M

#### [FRL-3298-7]

##### **Agency Information Collection Activities Under OMB Review**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) requires the Agency to publish in the *Federal Register* a notice of proposed information collection requests (ICRs) that have been forwarded to the Office of Management and Budget (OMB) for review. The ICR describes the nature of the solicitation and the expected impact, and where appropriate includes the actual data collection instrument. The following ICRs are available for review and comment.

**FOR FURTHER INFORMATION CONTACT:** Carla Levesque at EPA, (202) 382-2740 (FTS 382-2740).

#### **SUPPLEMENTARY INFORMATION:**

##### **Office of Air and Radiation**

**Title:** Information Collection Requirements for Grain Elevators (NSPS Subpart DD). (EPA ICR # 1130). (Renewal of an existing collection).

**Abstract:** Sources must notify EPA of construction, reconstruction, modification, anticipated and actual start-up, date and results of performance tests. Records must be maintained of the performance test results, and all start-ups, shutdowns, and malfunctions, to ensure compliance with the standard. The States and/or EPA use the data to ensure compliance with the standards, to target inspections, and, when necessary, as evidence in court.

**Respondents:** Owners and Operators of Grain Elevators.

**Estimated Annual Burden:** 227 hours.

**Frequency of Collection:** One time only.

**Title:** Information Requirements for Secondary Lead Smelters. (NSPS Subpart L). (EPA ICR # 1128). (Renewal of an existing collection).

**Abstract:** Sources must notify EPA of construction, reconstruction, modification, anticipated and actual start-up, and date and results of performance tests. Records must be

maintained of the performance test results and start-ups, shutdowns, and malfunctions, to ensure compliance with the standard. The States and/or EPA use the data to ensure compliance with the standard, to target inspections, and, when necessary, as evidence in court.

**Respondents:** Owners and Operators of Secondary Lead Smelters.

**Estimated Annual Burden:** 116 hours.

**Frequency of Collection:** One time only.

Comments on the abstract on this notice may be sent to:

Carla Levesque, U.S. Environmental Protection Agency, Office of Standard and Regulations (PM-223), Information and Regulatory System Division, Information Policy Branch, 401 M St., SW., Washington, DC 20460 and

Nicolas Garcia, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3019), 726 Jackson Place, NW., Washington, DC 20503.

Date: November 24, 1987.

Daniel J. Fiorino,

Director, Information Regulatory Systems Division.

[FR Doc. 87-28000 Filed 12-4-87; 8:45 am]

BILLING CODE 6560-50-M

#### [OPTS-40015; FRL-3299-8]

##### **Testing Consent Agreement Development for Chemical Substances; Notice of Public Meeting**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** A meeting will be held on December 15, 1987 to review EPA's use of testing consent agreements in the development and implementation of testing programs under section 4 of the Toxic Substances Control Act. EPA is holding the meeting to discuss problems encountered in implementing the consent agreement process, to identify the issues involved, and explore ways to resolve these issues.

**DATES:** A public meeting will be held December 15, 1987 from 10 a.m. until 12 noon. Persons interested in attending this meeting should notify the TSCA Assistance Office by December 14, 1987.

**ADDRESS:** The public meeting will take place at EPA Headquarters, 401 M St., SW., Rm. 103 NE Mall, Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Edward A. Klein, Director, TSCA



Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 554-1404.

**SUPPLEMENTARY INFORMATION:** EPA has issued an Interim Final Rule in 40 CFR Part 790 that amends EPA's regulations for development and implementation of testing requirements under section 4 of TSCA. These amendments provide testing under consent agreements when EPA and affected manufacturers, processors, and other interested parties achieve timely consensus on appropriate testing programs. A public meeting to discuss implementation of the consent agreement process will be held on December 15, 1987 at 10 a.m. at EPA Headquarters, 401 M St., SW., Rm. 103 NE Mall, Washington, DC 20460.

Authority: 15 U.S.C. 2603.

Dated: December 1, 1987.

J. Merenda,

Director, Existing Chemical Assessment Division, Office of Toxic Substances.

[FR Doc. 87-28098 Filed 12-3-87; 1:45 pm]

BILLING CODE 5560-50-M

## FEDERAL COMMUNICATIONS COMMISSION

### Public Information Collection Requirement Submitted to Office of Management and Budget for Review

November 30, 1987.

The Federal Communications Commission has submitted the following information collection requirement to the Office of Management and Budget for review and clearance under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Copies of the submission may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037. For further information on this submission contact Terry Johnson, Federal Communications Commission, (202) 634-1535. Persons wishing to comment on this information collection should contact J. Timothy Sprehe, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

**OMB Number:** 3060-0375

**Title:** Section 76.66, Input Selector Switches and Consumer Education

**Action:** Revision

**Respondents:** Businesses (including small businesses)

**Frequency of Response:** On occasion

**Estimated Annual Burden:** 8,000

**Responses:** 104,000 Hours

**Needs and Uses:** The Commission is requiring cable television system operators to provide their subscribers with written installation instructions for input selector switches and information on the potential for interference related to input selector switches and measures to avoid such problems. The instructions and information will enable subscribers to install switches properly and help to prevent interference.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-27984 Filed 12-4-87; 8:45 am]

BILLING CODE 6712-01-M

### Public Information Collection Requirements Submitted to the Office of Management and Budget for Review

November 30, 1987.

The Federal Communications Commission has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of these submissions may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037. For further information on these submissions contact Terry Johnson, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on these information collections should contact J. Timothy Sprehe, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

**OMB Number:** None

**Title:** Application for a New or Modified Microwave Radio Station License Under Part 21

**Form Number:** FCC 494

**Action:** New collection

**Respondents:** Businesses (including small businesses)

**Frequency of Response:** On occasion

**Estimated Annual Burden:** 5,000

**Responses:** 10,000 Hours

**Needs and Uses:** FCC Form 494 will be used by communications entities to apply for facility licenses in the Point-to-Point Microwave Radio Service, the Multipoint Distribution Service, the Digital Electronic Message Service and the Local Television Transmissions Service. The form replaces the FCC 435 and FCC 436 forms. The data will be used to determine whether the applicant is qualified legally, technically and financially.

**OMB Number:** None

**Title:** Certification of Completion of Construction Under Part 21

**Form Number:** FCC 494-A

**Action:** New collection

**Respondents:** Businesses (including small businesses)

**Frequency of Response:** On occasion

**Estimated Annual Burden:** 5,000

**Responses:** 1,250 Hours

**Needs and Uses:** FCC Form 494-A will be submitted by licensees as certification of completion of construction authorized by conditional license. It is used by the FCC to evaluate the construction status and to ensure that the licensee has fulfilled the construction conditions in its authorization. The form will be used for stations authorized in various services under 47 CFR Part 21.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-27985 Filed 12-4-87; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 87-525]

### Applications for Consolidated Proceeding; Marlene Beecroft and Sartell Communications

1. The Commission has before it the following mutually exclusive applications for a new FM station:

| Applicant, city and State                                      | File No.     | MM Docket No. |
|----------------------------------------------------------------|--------------|---------------|
| A. Marlene Beecroft, Sartell, MN.                              | BPH-860929MB | 87-525        |
| B. Sartell Communications, a Limited Partnership; Sartell, MN. | BPH-860929MC | .....         |

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designed for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

**Issue Heading and Applicant(s)**

1. Comparative, all
2. Ultimate, all

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to



which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037 (Telephone No. (202) 857-3800).

W. Jan Gay,

*Assistant Chief, Audio Services Division,  
Mass Media Bureau.*

[FR Doc. 87-27986 Filed 12-4-87; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 87-518]

**Applications for Consolidated Proceeding; Hatch Broadcasting, Inc., et al**

1. The Commission has before it the following mutually exclusive applications for a new FM station:

| Applicant, city and state               | File No.     | MM docket No. |
|-----------------------------------------|--------------|---------------|
| A. Hatch Broadcasting, Inc.; Hatch, NM. | BPH-850711NS | 87-518        |
| B. Turquesa Enterprises; Hatch, NM.     | BPH-850712RL |               |
| C. Christine G. Sanchez; Hatch, NM.     | BPH-850712RZ |               |
| D. Beverly R. Flotte; Hatch, NM.        | BPH-850712SA |               |

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

*Issue Heading and Applicant(s)*

1. Multiple Ownership, D
2. Environmental, D
3. Air Hazard, C
4. Comparative, ALL
5. Ultimate, ALL

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M

Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037 (Telephone No. (202) 857-3800).

W. Jan Gay,

*Assistant Chief, Audio Services Division,  
Mass Media Bureau.*

[FR Doc. 87-27987 Filed 12-4-87; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 87-526]

**Applications for Consolidated Hearing; William M. Piner et al.**

1. The Commission has before it the following mutually exclusive applications for a new FM station:

| Applicant, city, and state                                             | File No.                 | MM Docket No. |
|------------------------------------------------------------------------|--------------------------|---------------|
| A. William M. Piner; West Carrollton, OH.                              | BPH-860604ML             | 87-526        |
| B. Vernon R. Baldwin; West Carrollton, OH.                             | BPH-860605MV             |               |
| C. Dayton Public Radio, Inc.; West Carrollton, OH.                     | BPED-860606MB            |               |
| D. 2001 Communications, Inc.; West Carrollton, OH.                     | BPH-860606ME             |               |
| E. West Carrollton Broadcasting Company; West Carrollton, OH.          | BPH-860606MF             |               |
| F. Whalen-Logan Broadcasting; West Carrollton, OH.                     | BPH-860606MG             |               |
| G. Two Twenty-One A Broadcast, Inc.; West Carrollton, OH.              | BPH-860606MH             |               |
| H. Ro Rita Bernice Hawes-Saunders; West Carrollton, OH.                | BHP-860606MI             |               |
| I. Alix C. Rey; West Carrollton, OH.                                   | BPH-860606MJ             |               |
| J. HP&P Corporation; West Carrollton, OH.                              | BPH-860606MK             |               |
| K. Thomas F. Nornhold, d/b/a T.N. Communications; West Carrollton, OH. | BPH-860606MM (dismissed) |               |

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

*Issue Heading and Applicant(s)*

1. Environmental Impact, C
2. Air Hazard, A, C, D, E
3. Comparative, All
4. Ultimate, All

3. If there is any non-standardized issue(s) in this proceeding, the full text

of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037. (Telephone (202) 857-3800).

W. Jan Gay,

*Assistant Chief Audio Services Division,  
Mass Media Bureau.*

[FR Doc. 87-27988 Filed 12-4-87; 8:45 am]

BILLING CODE 6712-01-M

**FEDERAL EMERGENCY MANAGEMENT AGENCY**

[FEMA-804-DR]

**Louisiana; Major Disaster and Related Determinations**

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Notice.

**SUMMARY:** This is a notice of the Presidential declaration of a major disaster for the State of Louisiana (FEMA-804-DR), dated November 30, 1987, and related determinations.

**DATED:** November 30, 1987.

**FOR FURTHER INFORMATION CONTACT:** Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3614.

**Notice:** Notice is hereby given that, in a letter dated November 30, 1987, the President declared a major disaster under the authority of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 *et seq.*, Pub. L. 93-288), as follows:

I have determined that the damage in certain areas of the State of Louisiana from tornadoes and severe flooding on November 15-19, 1987, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I, therefore, declare that such a major disaster exists in the State of Louisiana.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the affected areas. You are also authorized to provide Public Assistance in the affected areas, if requested and necessary, and an acceptable State commitment for these purposes is provided.



Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under Pub. L. 93-288 for Public Assistance will be limited to 75 percent of total eligible costs in the designated areas.

Pursuant to section 408(b) of Pub. L. 93-288, you are authorized to advance to the State its 25 percent share of the Individual and Family Grant program, to be repaid to the United States by the State when it is able to do so.

The time period prescribed for the implementation of section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Robert D. Broussard of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Louisiana to have been affected adversely by this declared major disaster: The parishes of Avoyelles, Caddo, Grant, Madison, and Rapides for Individual Assistance; and the parishes of Catahoula, DeSoto, Franklin, LaSalle, and Winn as adjacent areas for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Julius W. Becton, Jr.,

Director, Federal Emergency Management Agency.

[FR Doc. 87-27942 Filed 12-4-87; 8:45 am]

BILLING CODE 6718-02-M

## FEDERAL RESERVE SYSTEM

### **Comerica, Inc., et al.; Acquisitions of Companies Engaged in Permissible Nonbanking Activities**

The organizations listed in this notice have applied under §§ 225.23 (a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23 (a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the

application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than December 21, 1987.

**A. Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Comerica Incorporated*, Detroit, Michigan; to acquire Comerica Acceptance Corporation, Detroit, Michigan, and thereby engage in leasing personal or real property pursuant to § 225.25(b)(5), and making and servicing loans pursuant to § 225.25(b)(1) of the Board's Regulation Y. These activities will be conducted in the State of Michigan.

**B. Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Paducah Bank Shares, Inc.*, Paducah, Kentucky; to acquire Commonwealth Financial Services Corporation, Bowling Green, Kentucky, and thereby engage in arranging leases to finance the purchase of commercial personal property and to engage in related leasing and advisory services pursuant to § 225.25(b)(5) of the Board's Regulation Y. These activities will be conducted in the State of Kentucky and adjacent states. Comments on this application must be received by December 28, 1987.

Board of Governors of the Federal Reserve System, December 2, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-27926 Filed 12-4-87; 8:45 am]

BILLING CODE 6210-01-M

### **Change in Bank Control; Acquisitions of Shares of Banks or Bank Holding Companies; Richard L. Delhomme**

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than December 22, 1987.

**A. Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Richard L. Delhomme*, New Iberia, Louisiana; to acquire an additional 10 percent of the voting shares of City Bancorp, Inc., New Iberia, Louisiana, and thereby indirectly acquire City Bank and Trust Company, New Iberia, Louisiana.

**B. Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Robert L. Swanson and Dewey F. Bargiacchi*; to acquire 11.9 percent of the voting shares of Bay Commercial Services, San Leandro, California, and thereby indirectly acquire Bay Bank of Commerce, San Leandro, California.

2. *Investo Partnership*, Tacoma, Washington; to acquire 15.82 percent of the voting shares of Valley Bank Corporation, Sumner, Washington, and thereby indirectly acquire Bank of Sumner, Sumner, Washington.

Board of Governors of the Federal Reserve System, December 2, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-27927 Filed 12-4-87; 8:45 am]

BILLING CODE 6210-01-M

### **Deutsche Bank AG; Application To Engage in Permissible Nonbanking Activities; Correction**

This notice corrects a previous Federal Register notice (FR Doc. 87-27081) published at page 45245 of the



issue for Wednesday, November 25, 1987.

Under the Federal Reserve Bank of New York, the entry for Deutsche Bank, AG is revised to read as follows:

A. Federal Reserve Bank of New York (William Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Deutsche Bank AG*, Frankfurt, Federal Republic of Germany; to engage *de novo* through its subsidiary Deutsche Credit Corporation, in financing, leasing, insurance and related activities and data processing, transmission, data base and bookkeeping services pursuant to §§ 225.25 (b)(1), (b)(5), (b)(7), and (b)(8) of the Board's Regulation Y. These activities will be conducted on a worldwide basis.

Comments on this application must be received by December 17, 1987.

Board of Governors of the Federal Reserve System, December 2, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-27925 Filed 12-4-87; 8:45 am]

BILLING CODE 6210-01-M

**Midlothian State Bank Employees Stock Ownership Trust, et al.; Formations of: Acquisitions by; and Mergers of Bank Holding Companies**

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than December 28, 1987.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230

South LaSalle Street, Chicago, Illinois 60690:

1. *Midlothian State Bank Employees Stock Ownership Trust*, Midlothian, Illinois; to become a bank holding company by acquiring 26.16 percent of the voting shares of Midlothian State Bank, Midlothian, Illinois.

2. *Premier Bancorporation, Inc.*, Jackson, Michigan; to become a bank holding company by acquiring 100 percent of the voting shares of Premier Bank, Jackson, Michigan. Comments on this application must be received by December 24, 1987.

B. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *First National Agency of Baudette, Inc.*, Baudette, Minnesota; to acquire at least 85.85 percent of the voting shares of Blackduck State Bank, Blackduck, Minnesota.

C. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *One Bancorp, Ltd.*, Malad City, Idaho; to become a bank holding company by acquiring 94 percent of the voting shares of Ireland Bank, Malad City, Idaho.

Board of Governors of the Federal Reserve System, December 2, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-27928 Filed 12-4-87; 8:45 am]

BILLING CODE 6210-01-M

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Public Health Service; Alaska Native Health Facilities; Delegation of Authority**

By the authority vested in me as Secretary, I hereby delegate to Assistant Secretary for Health, with authority to redelegate, the authority vested in me under Pub. L. 99-5591 (100 Stat 3341-278). This delegation includes the authority to exchange interest in land for Alaska Native health facilities in the State of Alaska. This delegation excludes the authorities to issue guidelines on regulations and submit reports to Congress. It is effective immediately.

Date: November 17, 1987.

Otis R. Bowen,

Secretary.

[FR Doc. 87-28004 Filed 12-4-87; 8:45 am]

BILLING CODE 4160-15-M

**Office of the Secretary**

**Statement of Organization, Functions and Delegations of Authority; Office of Information Resources Management**

Part A, Office of the Secretary, of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services is amended. Chapter AMM, Office of Management Analysis and Systems, as last amended at 50 FR 45940 (November 5, 1985), is deleted and replaced with a new Chapter AMM. In addition, the name of the Office is changed to the Office of Information Resources Management and the functions of the Office and its organization are expanded to improve the efficiency and effectiveness of the Department's Information Resources Management (IRM) Program. The changes are as follows:

1. Delete in its entirety Chapter AMM (Office of Management Analysis and Systems) and replace with the following:

**Chapter AMM—Office of Information Resources Management**

**Section AMM.00 Mission**

The Office of Information Resources Management advises the Secretary and the Assistant Secretary for Management and Budget on issues and policies pertaining to the utilization of information resources.

The Office of Information Resources Management: (1) Establishes IRM control mechanisms and administers the Department's IRM strategic plan; (2) guides and oversees the development of information systems and communication networks; (3) develops strategies and frameworks for regional information systems; (4) formulates and coordinates the Department's policies on the creation, processing, handling, storage, dissemination and disposition of information; (5) guides and oversees the Department's printing management programs; (6) provides and supports automated data processing and communications equipment and administrative application systems for the Office of the Secretary; and (7) develops and supports Decision Support Systems for top-level Departmental managers.

**Section AMM.10 Organization**

The Office of Information Resources Management under the supervision of the Deputy Assistant Secretary for Information Resources Management, who reports to the Assistant Secretary for Management, who report to the Assistant Secretary for Management



and Budget, consists of the following components:

**Immediate Office**

Office of Resources Management  
Division of Information Management  
Division of Policy and Evaluation  
Division of Telecommunications and ADP

**Office of Systems Management**

Division of Office Automation and Support  
Division of Management Support Systems

**Section AMM.20 Functions**

**A. Immediate Office.** The Immediate Office of the Office of Information Resources Management is responsible for directing, administering and coordinating the activities of the Office of Information Resources Management, including coordinating the formulation, tracking and reporting of the Office's budget.

**B. Office of Resources Management.** The Office of Resources Management is responsible for:

1. Managing the Department's information resources management program in accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and the Paperwork Reduction Reauthorization Act of 1986 (Pub. L. 99-500).

2. Developing, recommending and overseeing the policies and procedures by which the Department plans, acquires and manages its information resources.

3. Representing the Department in interactions with the Office of Management and Budget, the General Services Administration and other external entities regarding the management of the Department's information resources.

**(a) The Division of Information Management** is responsible for:

(1) Defining and overseeing the Department's records management programs including directives, forms, files, reports, micrographics and records disposition. This also would include developing policies and guidelines for the handling, printing, dissemination, storage, archiving, destruction, and effective sharing of information, systems of records and other collections of information within the Department.

(2) Overseeing the Department's printing and copying activities.

(3) Developing and coordinating Department-wide policies and procedures on the electronic receipt and dissemination of information from/to the public.

(4) Establishing and maintaining the Department's inventory of information systems.

(5) Providing policy guidance, management planning, technical assistance, coordination, evaluation and oversight of the Department's systems security activities.

**(b) The Division of Policy and Evaluation** is responsible for:

(1) Leading the development of the Department's IRM program and IRM long-range strategic plan, and measuring their effectiveness.

(2) Developing policies and guidelines for, and coordinating the collection and compilation of the IRM planning and ITS budget data in support of Departmental and Federal requirements (OMB Circular A-11).

(3) Reviewing and evaluating the Department's compliance with applicable OMB Circulars and other Government regulations as they relate to IRM.

(4) Establishing a viable long-range strategy for Regional information processing.

(5) Leading the planning and implementing of links between major DHHS networks for the transfer of information and for accessing a variety of services.

(6) Developing policies covering the use of information processing standards throughout the Department.

**(c) The Division of Telecommunications and ADP** is responsible for:

(1) Monitoring, evaluating and guiding Department-wide automated data processing and telecommunications activities for adherence to approved IRM strategies and plans.

(2) Reviewing and approving Departmental requests to acquire computing and communications resources.

(3) Establishing and overseeing a Departmental-wide voice and data telecommunications management program.

(4) Guiding the establishment of, and evaluating the Departmental components' IRM oversight programs.

(5) Coordinating the development and installation of a campus area network at Departmental headquarters.

(6) Conducting systems reviews for select Departmental-wide automated administrative systems and other selected major systems and applications.

**C. Office of Systems Management.** The Office of Systems Management provides DHHS-wide leadership by example in the development or acquisition, operation and maintenance of information systems. The Office is responsible for:

1. Managing the development, implementation and operation of

specific Department-wide application systems; developing policies and standards related to these systems; and acquiring related resources and support services.

2. Promoting the use of standardized automated information systems throughout the Office of the Secretary, including the Immediate Office of the Secretary, the staff divisions and the regional offices.

3. Conducting applied research, development and testing in the areas of workstation hardware, software and communications.

4. Coordinating the OS-wide IRM planning process and ITS Budget for the acquisition/development, installation, and support of hardware, software and applications systems.

5. Formulating, justifying and administering the ASMB-wide ITS Plan and Budget, including the procurement, distribution and maintenance of the hardware and software.

6. Coordinating and overseeing OS-wide automated data processing and telecommunications activities, including efforts in the regional offices.

**(a) The Division of Office Automation and Support** concentrates on the overall workstation environment—the workstations themselves, system and network software, application software packages—throughout the Office of the Secretary. Specifically, the Division is responsible for:

(1) Establishing strategies and plans for the development and maintenance of an information management infrastructure (personal computer workstations, local area networks, general applications, user training and support) to support the full automated information processing needs of the staff divisions of the Office of the Secretary, including the Immediate Office of the Secretary and regional offices.

(2) Developing policies and standards for the development, maintenance and growth of the office systems infrastructure of the Office of the Secretary.

(3) Initiating and directing special and continuing studies to test, adjust and improve the existing infrastructure of the Office of the Secretary in conjunction with changing user needs and technological advancements.

(4) Evaluating, acquiring, installing and providing operational support of personal computer workstations, networks and software within the Office of the Secretary, including the Immediate Office of the Secretary and the regional offices.

(5) Providing technical support and training on office automation services to



staff within the Office of the Secretary, including the Immediate Office of the Secretary and the regional offices.

(6) Establishing electronic data linkages and supporting electronic data interchange between the Office of the Secretary, the operating divisions of the Department, including the regional offices, and other public/private agencies/organizations that interact with the Department.

(7) Providing assistance in the development and implementation of the IRM plans, including the ITS Budget, of the staff divisions of the Office of the Secretary.

(b) *The Division of Management Support Systems* is responsible for the development and implementation of customized applications and systems that enable the Office of the Secretary, including the Immediate Office of the Secretary and the regional offices, to more effectively and efficiently accomplish its mission. These systems support ASMB and designated OS functional area operations, OS management control processes, and OS senior-level decision making. Specifically, the Division is responsible for:

(1) Defining, designing, implementing and maintaining a set of integrated, automated application systems to support the operational aspects of financial, budget, administrative and program functions within the Office of the Secretary, including the Immediate Office of the Secretary and the regional offices.

(2) Defining, designing, implementing and maintaining a set of integrated automated application systems to support designated management control processes of the Office of the Secretary and the functional managers within ASMB.

(3) Defining, designing, developing/acquiring, operating and maintaining Departmental automated systems to retrieve, analyze and display information needed by Departmental managers and top-level staff for decision-making purposes in allocating resources and evaluating program efforts; and defining the standards for data compatibility of such systems.

(4) Acquiring from existing Departmental systems the data needed to support an OS automated decision-making support system. Gathering, maintaining and managing the information used for the Department's decision support systems.

(5) Defining software management standards and practices for all application systems developed under the direction of the Office of Information Resources Management.

(6) Acquiring, installing and evaluating designed developmental (prototype) systems.

Date: December 1, 1987.

S. Anthony McCann,  
*Assistant Secretary for Management and Budget.*

[FR Doc. 87-27976 Filed 12-4-87; 8:45 am]

BILLING CODE 4150-04-M

## National Institutes of Health

### Academic Research Enhancement Award

The National Institutes of Health (NIH) is making a special effort to stimulate research in educational institutions which provide the baccalaureate training for a significant number of our nation's research scientists but which historically have not been major recipients of NIH support. Since Fiscal Year (FY) 1985 Congressional appropriations for the NIH have included funds for this initiative, which NIH has implemented through the Academic Research Enhancement Award (AREA) Program. In FY 85, the NIH made 75 awards, totalling \$5 million. In FY 86, 146 such grants were awarded, amounting to \$9.57 million. In FY 87, a total of 152 AREA grants were awarded from the Congressional appropriation of \$10 million.

This award is designed to enhance the research environment of educational institutions that have not been traditional recipients of NIH research funds. The AREA funds are intended to support new research projects or expand ongoing research activities proposed by faculty members of these institutions in areas related to the health sciences. Applications for FY 1988 AREA grants are currently undergoing review for scientific merit. Since it is anticipated that additional funds will be available next year, the NIH is inviting grant applications for the FY 1989 competition for AREA grants.

Eligibility requirements of the AREA Program include the following:

#### *Applicant Institutions*

- All domestic institutions offering baccalaureate or advanced degrees in the sciences related to health are eligible, except those that have received an NIH Biomedical Research Support Grant (BRSG) of \$20,000 or more per year for four or more years during the period from FY 1982 through FY 1988.

- Health professional schools (e.g., schools of medicine, dentistry, nursing osteopathy, pharmacy, veterinary medicine, public health, allied health

and optometry) as well as organizationally discrete campuses of a university system are eligible if they meet the above criterion.

- Multiple applications proposing different research projects may be submitted by an applicant institution.

#### *Applicant Principal Investigators*

- Must not have active research grant support (including an AREA) from either NIH or the Alcohol, Drug Abuse and Mental Health Administration (ADAMHA) at the applicant institution at the time of award of an AREA grant.

- May not submit a regular NIH or ADAMHA research grant application for essentially the same project as a pending AREA application.

- Are expected to conduct the majority of their research at their own institution, although limited access to special facilities or equipment at another institution is permitted.

- May not be awarded more than one AREA grant at a time nor be awarded a second AREA grant to continue the research initiated under the first AREA grant.

- Those in doubt about eligibility should consult their institution's Office of Sponsored Research, or the Director, Special Programs and Initiatives (Building 31, Room 1B54, NIH, Bethesda, MD 20892, 301/496-1968).

Funding decisions will be based on the proposed research project's scientific merit and relevance to NIH programs, and the institution's contribution to the undergraduate preparation of doctoral-level health professionals. Among projects of essentially equivalent scientific merit and program relevance, preference will be given to those submitted by institutions that have granted baccalaureate degrees to 25 or more individuals who, during the period 1977-1987, obtained academic or professional doctoral degrees in the health related sciences.

AREAs are awarded on a competitive basis. Applicants may request support for up to a total of \$75,000 in direct costs (plus applicable indirect costs) for a period not to exceed 36 months. Although this award is non-renewable it will enable qualified individual scientists within the eligible institutions to receive support for feasibility studies, pilot studies and other small-scale research projects preparatory to seeking more substantial funding from the regular NIH research grant programs.

Applications for this award will be accepted under the regular application submission procedures of the Division of Research Grants (DRG) of NIH. Grant



applications must be prepared and submitted on Form PHS 398 (Rev. 9/86) Grant Application. An abbreviated format and simplified instructions will be provided for use in preparing these applications. The receipt date is June 22, 1988.

Those individuals and institutions meeting eligibility requirements and wishing to receive further information and/or application materials should write to: AREA, Office of Grants Inquiries, Division of Research Grants, National Institutes of Health, Westwood Building—Room 449, Bethesda, Maryland 20892, (301) 496-7441.

(Catalog of Federal Domestic Assistance Program No. 13.390, Academic Research Enhancement Award (AREA), National Institutes of Health)

Date: November 23, 1987.

**James B. Wyngaarden,**

*Director, National Institutes of Health.*

[FR Doc. 87-27989 Filed 12-4-87; 8:45 am]

BILLING CODE 4140-01-M

#### **National Cancer Institute; Cancer Control Review Committee; Meeting**

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Control Grant Review Committee, National Cancer Institute, on December 14-15, 1987, Holiday Inn Crowne Plaza, 1750 Rockville Pike, Rockville, Maryland 20852.

This meeting will be open to the public on December 14, from 8 p.m. to 8:30 p.m., to review administrative details and other cancer control review issues. Attendance by the public will be limited to space available.

In accordance with provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and sec. 10(d) of Pub. L. 92-463, the meeting will be closed to the public on December 14 from 8:30 p.m. to 10:30 p.m. and on December 15 from approximately 8 a.m. to adjournment for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Carolyn Strete, Executive Secretary, Cancer Control Grant Review Committee, National Cancer Institute, Westwood Building, Room 810, National Institutes of Health, Bethesda, Maryland 20892 (301/496-2378) will furnish substantive program information.

Dated: December 1, 1987.

**Betty J. Beveridge,**

*Committee Management Officer, NIH.*

[FR Doc. 87-28041 Filed 12-4-87; 8:45 am]

BILLING CODE 4140-01-M

#### **National Heart, Lung, and Blood Institute; Cardiology Advisory Committee; Meeting**

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Cardiology Advisory Committee, National Heart, Lung, and Blood Institute, January 11-12, 1988, Building 31C, Conference Room 8, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892.

The entire meeting will be open to the public from 8:00 a.m. on January 11 to adjournment on January 12. Attendance by the public will be limited to space available. Topic for discussion will include a review of the research programs relevant to the Cardiology area and consideration of future needs and opportunities.

Terry Bellicha, Chief, Communications and Public Information Branch, National Heart, Lung, and Blood Institute, Room 4A21, Building 31, National Institutes of Health, Bethesda, Maryland 20892, (301) 496-4236, will provide a summary of the meeting and a roster of the committee members.

Eugene R. Passamani, M.D., Acting Associate Director for Cardiology, Division of Heart and Vascular Diseases, National Heart, Lung, and Blood Institute, Room 320, Federal Building, Bethesda, Maryland 20892, (301) 496-5421, will furnish substantive program information upon request.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research, National Institutes of Health)

Dated: November 24, 1987.

**Betty J. Beveridge,**

*Committee Management Officer, NIH.*

[FR Doc. 87-27990 Filed 12-4-87; 8:45 am]

BILLING CODE 4140-01-M

#### **National Institute of Arthritis and Musculoskeletal and Skin Diseases; National Arthritis Advisory Board; Meeting**

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the

National Arthritis Advisory Board on January 24 and 25, 1988. The subcommittees will meet January 24, 7 p.m. to adjournment, and the full board will meet January 25, 8:30 a.m. to approximately 4 p.m., at the Crystal Gateway Marriott, 1700 Jefferson Davis Highway, Arlington, Virginia 22202. The meeting, which will be open to the public, is being held to discuss the Board's activities and to continue evaluation of the implementation of the long-range plan to combat arthritis. Attendance by the public will be limited to space available. Notice of the meeting room will be posted in the hotel lobby.

Mr. John R. Abbott, Executive Secretary, National Arthritis Advisory Board, 1801 Rockville Pike, Suite 500, Rockville, Maryland 20852, (301) 496-0801, will provide on request an agenda and roster of the members. Summaries of the meeting may also be obtained by contacting his office.

Dated: December 1, 1987.

**Betty J. Beveridge,**

*NIH Committee Management Officer.*

[FR Doc. 87-27991 Filed 12-4-87; 8:45 am]

BILLING CODE 4140-01-M

#### **National Institute of Environmental Health Sciences; Board of Scientific Counselors, NIEHS; Meeting**

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, NIEHS, January 19-20, 1988, in Building 101 Conference Room South Campus, NIEHS, Research Triangle Park, North Carolina.

The entire meeting will be open to the public. At this meeting the Board will hear overviews of the research programs in each of the laboratories in the Intramural Research Program. One hour presentations will be given by the head of the seven laboratories followed by ample time for questions and answers.

Attendance by the public will be limited to space available.

The Executive Secretary, Dr. Martin Rodbell, Scientific Director, NIEHS, Research Triangle Park, NC 27709, telephone (919) 541-3205, FTS 629-3205, will furnish summaries of the meeting, rosters of committee members and substantive program information.

Dated: November 24, 1987.

**Betty J. Beveridge,**

*Committee Management Officer, NIH.*

[FR Doc. 87-27992 Filed 12-4-87; 8:45 am]

BILLING CODE 4140-01-M



**Public Health Service****National Advisory Council on Health Care Technology Assessment; Meeting**

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory Council scheduled to meet during the month of December 1987:

**Name:** National Advisory Council on Health Care Technology Assessment (Medicare Coverage Process Subcommittee).  
**Date and Time:** December 11, 1987, 8:30 am to 4:00 pm.

**Place:** Georgetown Holiday Inn, Potomac Room, 2101 Wisconsin Avenue, Northwest, Washington, DC.

Open December 11, 8:30 am to 3:00 pm.

Closed 3:00 pm to 4:00 pm.

**Purpose:** The Council is charged to provide advice to the Secretary and to the Director of the National Center for Health Services Research and Health Care Technology Assessment (NCHSR) with respect to the performance of the health care technology assessment functions prescribed by section 305 of the Public Health Service Act, as amended. This Subcommittee is charged with studying the Medicare coverage process.

**Agenda:** The open session of the meeting on December 11 from 8:30 am to 3:00 pm will be devoted to administrative matters and the review and discussion of the findings and conclusions from the Subcommittee's study of the Medicare coverage process.

The closed session of the meeting will involve the review and discussion of documents which are exempt from disclosure under 5 U.S.C. 552(b), 5 U.S.C., App. 2, section 10 (b) and (d), and 5 U.S.C. 552b(c) (2) and (9). These documents reflect the internal procedural practices of the NCHSR and contain the views, judgments, and deliberations of Federal employees and their disclosure would frustrate the implementation of future agency actions.

During the closed session of the meeting, the Subcommittee will review and discuss those study findings and conclusions which involve the examination of the above-described confidential agency documents which are exempt from mandatory disclosure. In order to maintain the confidentiality of these documents, the portion of the meeting devoted to discussion of them will be closed to the public.

Anyone wishing to obtain a Roster of Members, Minutes of Meeting, or other relevant information should contact Mrs. Kelly Fennington, National Center for Health Services Research and Health Care Technology Assessment, Room 1805, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone (301) 443-5650.

Agenda items are subject to change as priorities dictate.

Date: December 1, 1987.

**J. Michael Fitzmaurice,**  
*Director, National Center for Health Services Research and Health Care Technology Assessment.*

[FR Doc. 87-27973 Filed 12-4-87; 8:45 am]

BILLING CODE 4160-17-M

**Social Security Administration****Statement of Organization, Functions and Delegations of Authority**

Part S of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services (HHS) covers the Social Security Administration (SSA).

Notice is given that section S3C.10 and S3C.20 are amended to reflect the establishment of the Federal Disability Determination Services (FDDS), the Division of Disability Process Policy and the Division of Disability Program Information and Studies; the abolishment of the Division of Vocational Rehabilitation and Special Programs, the Division of Program Analysis and Technical Policy and the Division of Disability Studies; and the realignment of functions in the Division of Medical and Vocational Policy and the Division of Field Disability Operations.

The Office of Disability (OD) material is amended as follows:

**Section S3C.00 The Office of Disability—(Mission):**

**Add:**

As necessary, the Office processes State agency workloads on a temporary or transitional basis.

**Section S3C.10 The Office of Disability—(Organization):**

**Delete:**

E. through I. in their entirety.

**Add:**

E. The Federal Disability Determination Services ( ).

F. The Division of Medical and Vocational Policy (S3C8).

G. The Division of Field Disability Operations (S3CB).

H. The Division of Disability Process Policy ( ).

I. The Division of Disability Program Information and Studies ( ).

**Section S3C.20—The Office of Disability (Functions):**

**Delete:**

E. through I. in their entirety.

**Add:**

E. The Federal Disability Determination Services ( ).

1. Develops and adjudicates disability determinations either temporarily as help for one or more Disability Determination Services (DDSs) or as a transition until a permanent alternative case processing operation is fully operational in the event that SSA must assume the disability determination function for a State because of noncompliance with the Department's regulations and guidelines, or voluntary withdrawal.

2. Tests proposed procedures and systems modifications prior to nationwide implementation; controls disability claims and conducts special policy reports required for management purposes, including alleviating workload in State agencies.

3. Reviews and makes disability decisions on applications for disability under title II and title XVI of the Social Security Act on initial applications, on reconsideration requests, and continuing disability.

4. Screens disability applicants for, and makes referrals to, vocational rehabilitation (VR) agencies; develops and evaluates medical/vocational evidence and arranges for procurement and payment of such evidence, as required.

5. Reviews State hearing officer and Federal hearing officer decisions, prepares decisions on foreign claims and changes hearing officers' determinations in accordance with the regulations at 404.918 and 416.1418; participates in hearing process studies, and prepares statistical and narrative reports and recommendations for a training and policy and procedural changes based on case review and analysis or study findings.

**F. The Division of Medical and Vocational Policy (S3C8).**

1. Is responsible for the development, evaluation, implementation and maintenance of medical policy for the major body system impairments (exertional and nonexertional) in initial and continuing claims at all adjudicative levels.

2. Carries out professional relations efforts in support of SSA's efforts to gain support from professional medical associations, private advocacy groups and the public, and provides guidance and assistance on professional relations to the SSA regional and DDS field networks.

3. Is responsible for general medical policy in areas such as residual functional capacity, clear-cut cessation, onset and duration of disability, nonsevere impairments and cross-cutting issues.



4. Is responsible for vocational policy and procedures in areas such as vocational evaluation factors, the vocational grid and work evaluation.

5. Is responsible for coordinating, with the Office of the General Counsel and the Office of Policy, recommendations concerning which court decisions should be appealed; the development of responses to interrogatories and court orders; and will ensure that policies and procedures are changed to reflect legal precedents and comply with specific court orders.

**G. The Division of Field Disability Operations (S3CB).**

1. Provides national guidance for the administrative aspects of the disability determination function whether administered through State DDS, or contracted out to the private sector, or accomplished by designated SSA organizational components.

2. Develops pertinent policies, regulations and procedures; by establishing standards and guides for performance; by monitoring performance; by initiating corrective action where needed; by coordinating workloads and by administering the funds for the DDSs, etc. Conducts such studies and reviews as are necessary to the disability determination function.

3. Implements the provisions of the Social Security Act which call for the referral of beneficiaries and recipients to State or alternate VR providers, evaluates VR provider services,

remimburses VR providers for successful rehabilitations, ensures that client participation in a program is appropriate and meets the requirements of the Act, and develops proposals and plans for new VR initiatives.

4. Works through SSA regional offices, interested national organizations and other SSA central office components to accomplish objectives or, in special situations, works directly with the component performing the disability determination function.

**H. The Division of Disability Process Policy ( ).**

1. Develops procedures and instructions for the disability provisions of other programs including certain title XVI and XVIII provisions unique to the disability programs; e.g., end stage renal disease and drug addition/alcoholism referral and monitoring.

2. Develops and issues the policies, procedures and instructions relating to the development of nonmedical evidence, the processing of claims, the development of policy guidelines and technical procedures for the Continuing Disability Review process.

3. Develops the procedures and instructions which define the administrative appeals process. Develops notice policy and issuing language and forms for use in disability claims and notices including foreign language and braille notices.

4. Plans and coordinates the OD system-related activities, including:

Input into the development of user specifications, oversight management, information resource management and expert systems.

5. Is responsible for: (a) Format, structure and organization of disability-related POMS issuances; (b) uniformity review of the Office of Assessment, the Office of Hearings and Appeals, the Office of Central Operations and regional office disability-related programmatic issuances; (c) coordination of development and implementation of disability training; (d) managing the policy review tracking and reporting system; (e) startup of disability program initiatives and pilot projects and (f) serving as OD liaison for field office concerns.

**I. The Division of Disability Program Information and Studies ( ).**

1. Conducts research and evaluates studies on the disabled population and recipients and specific operational/administrative program issues. Designs demonstration experiments.

2. Develops and maintains data bases for research, statistical activities and program information. Provides recurring and specialized reports, and coordinates information requirements.

3. Develops, implements and evaluates VR and work incentive demonstration projects.

Dated: November 25, 1987.

**Nelson J. Sabatini,**

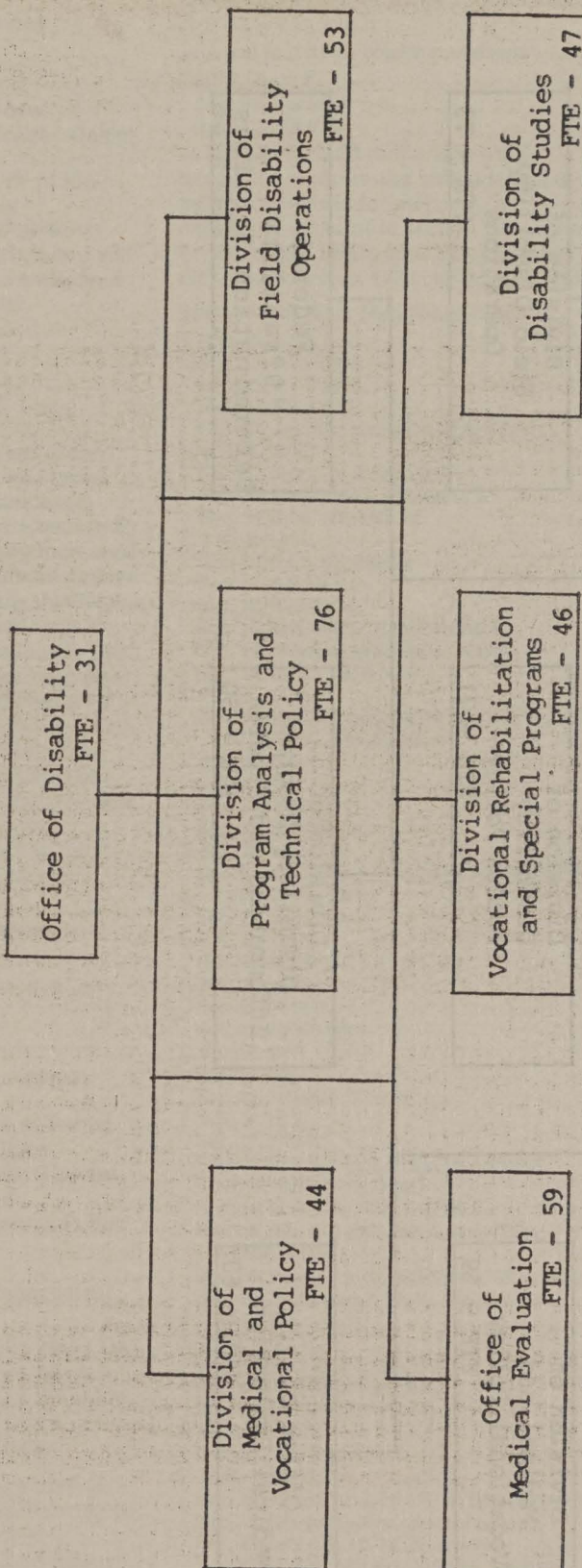
*Deputy Commissioner for Management.*

BILLING CODE 4190-11-M



Current

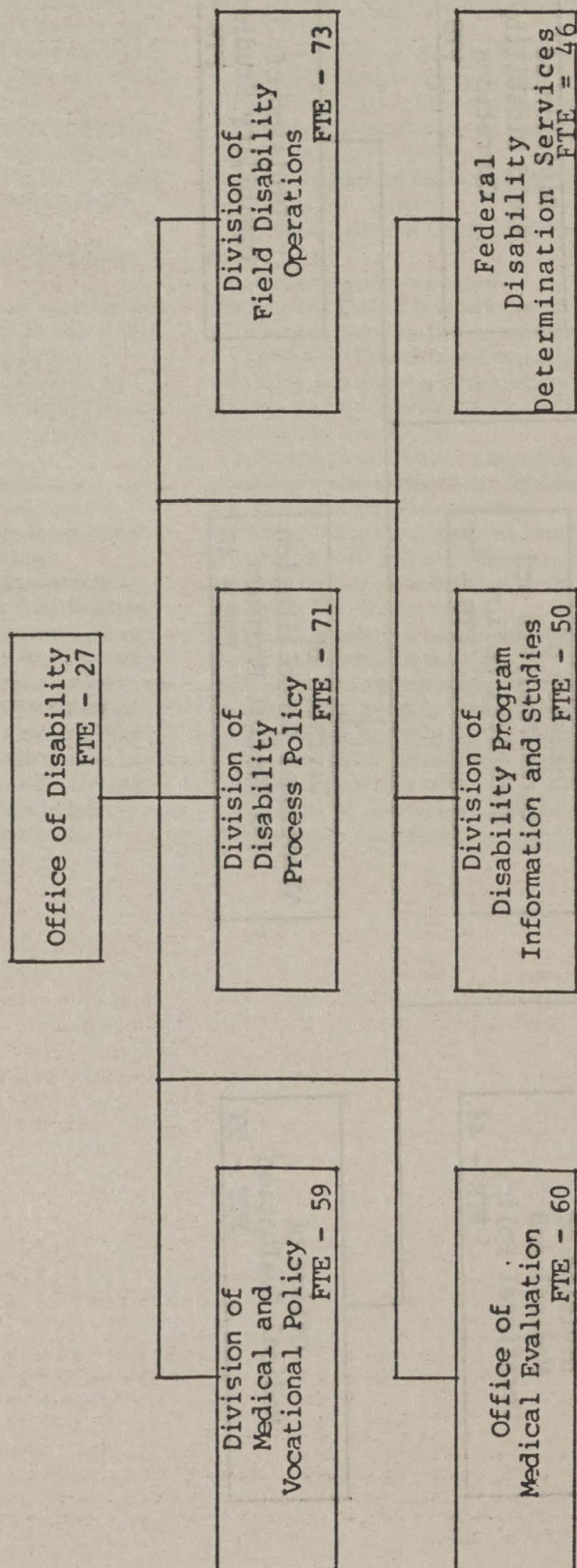
Department of Health and Human Services  
Social Security Administration  
Office of Disability





Proposed

Department of Health and Human Services  
Social Security Administration  
Office of Disability





## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

(Alaska AA-49331-CR)

## Proposed Reinstatement of a Terminated Oil and Gas Lease; Alaska

In accordance with Title IV of the Federal Oil and Gas Royalty Management Act (Pub. L. 97-451), a petition for reinstatement of oil and gas lease AA-49331-CR has been received covering the following lands:

## Fairbanks Meridian, Alaska

T. 22 S., R. 5W.,  
Sec. 13, SW $\frac{1}{4}$ , NE $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$ .  
(120 acres)

The proposed reinstatement of the lease would be under the same terms and conditions of the original lease, except the rental will be increased to \$5 per acre per year, and royalty increased to 16% percent. The \$500 administrative fee and the cost of publishing this Notice have been paid. The required rentals and royalties accruing from June 1, 1987, the date of termination, have been paid.

Having met all the requirements for reinstatement of lease AA-49331-CR as set out in section 31 (d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate the lease, effective June 1, 1987, subject to the terms and conditions cited above.

Kay F. Kletka,

Chief, Branch of Mineral Adjudication.

Dated: November 25, 1987.

[FR Doc. 87-27934 Filed 12-4-87; 8:45 am]

BILLING CODE 4310-JA-M

[AZ-040-08-4212-12; A 9603; A23098]

**Realty Action; Designation of Public Lands To Be Included in State Exchange in Cochise, Pinal, Graham, and Greenlee Counties, AZ**  
**Cancellation of Segregation of Public Land in Cochise County**

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

**ACTION:** Designation of public lands for transfer out of Federal ownership in exchange for lands owned by the State of Arizona; cancellation of lands segregated for private exchange.

**SUMMARY:** BLM proposes to exchange public land with the State of Arizona in order to achieve more efficient management of the public land through consolidation of ownership.

The segregative effect placed on the following described public land in case A 9603 is canceled:

## Gila and Salt River Meridian, Arizona

T. 15 S., R. 22 E.,  
Sec. 24, S $\frac{1}{2}$  lot 4;  
Sec. 25, MS 4197.

The public land in the following described sections and subdivisions is being considered for disposal by exchange pursuant to section 206 of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1716);

## Gila and Salt River Meridian, Arizona

T. 6 S., R. 16 E.,  
Sec. 17, W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 25, N $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 26, N $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
Sec. 27, unlotted parcel in SE $\frac{1}{4}$ NW $\frac{1}{4}$ .

T. 6 S., R. 20 E.,  
Sec. 17, lots 1, 2, 3, SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 20, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 29, lot 1, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

T. 7 S., R. 16 E.,  
Sec. 10, lot 7, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 11, S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Sec. 12, S $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 13, N $\frac{1}{2}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 14, N $\frac{1}{2}$ N $\frac{1}{2}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ ;  
Sec. 15, lot 12, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

T. 7 S., R. 17 E.,  
Sec. 31, lots 1-7 incl., NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ , SE $\frac{1}{4}$ .

T. 8 S., R. 16 E.,  
Sec. 1, lot 1;  
Sec. 21, NW $\frac{1}{4}$ ;  
Sec. 29, SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

T. 8 S., R. 17 E.,  
Sec. 6, lots 1-6 incl., S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Sec. 29, W $\frac{1}{2}$ NW $\frac{1}{4}$ .

T. 8 S., R. 31 E.,  
Sec. 11, E $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ .

T. 8 S., R. 32 E.,  
Sec. 9, E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 10, W $\frac{1}{2}$ SW $\frac{1}{4}$ .

T. 9 S., R. 17 E.,  
Sec. 13, all;  
Sec. 24, N $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ .

T. 9 S., R. 18 E.,  
Sec. 17, SW $\frac{1}{4}$ ;  
Sec. 18, lots 1-7 incl., NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 19, lots 1-14 incl., E $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 20, lots 1-5 incl., NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 29, lots 3-6 incl., N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 30, lots 1 and 2, NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
N $\frac{1}{2}$ SE $\frac{1}{4}$ .

T. 11 S., R. 32 E.,  
Sec. 3, lots 3 and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 4, S $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 5, N $\frac{1}{2}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ .

T. 13 S., R. 19 E.,  
Sec. 30, lots 3 and 4.

T. 15 S., R. 22 E.,  
Sec. 20, NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 22, S $\frac{1}{2}$  excluding mineral patent;  
Sec. 23, lots 8, 9, 10, 14, N $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ NW $\frac{1}{4}$ ; MS 497, MS 615, MS 673,  
MS 2473;

Sec. 24, lots 1, 4, 9, 15, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ ,  
SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ,  
NW $\frac{1}{4}$ ;

Sec. 25, MS 4197;

Sec. 27, N $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ ;

Sec. 28, N $\frac{1}{2}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ ;

Sec. 29, S $\frac{1}{2}$ N $\frac{1}{2}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;

Sec. 36, MS 4197.

T. 16 S., R. 22 E.,

Sec. 1, S $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$  excluding  
mineral patent;

Sec. 2, lots 12, 13, 14, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$   
excluding mineral patent;

Sec. 3, lots 5, 8, 9, 10, 14-18 incl.;

Sec. 4, lot 5, N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 6, lots 3-7 incl., SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ ;

Sec. 8, N $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 9, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 10, lots 1 and 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 12, NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$  excluding  
mineral patent;

Sec. 13, lot 7, N $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$   
excluding mineral patent;

Sec. 17, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;

Sec. 18, lot 4, N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 21, W $\frac{1}{2}$ NW $\frac{1}{4}$ ;

Sec. 22, MS 2356;

Sec. 23, lot 5, MS 2356;

Sec. 24, lots 4-7 incl.

T. 16 S., R. 23 E.,

Sec. 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 6, lots 7 and 8;

Sec. 23, lot 2, S $\frac{1}{2}$ , MS 585, unpatented  
mineral surveys;

Sec. 24, MS 586.

T. 16 S., R. 27 E.,

Sec. 34, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ .

The above described lands will be segregated from entry under the mining laws, except the mineral leasing laws, effective upon publication of this notice in the Federal Register. The segregative effect will terminate upon issuance of patent to the State of Arizona or upon expiration of two years from the effective date, or by publication of a Notice of Termination by the Authorized Officer, whichever comes first.

Final determination of disposal will await completion of an environmental analysis.

**DATE:** For a period of up to and including January 21, 1988, interested parties may submit comments to the Safford District Manager, 425 E. 4th Street, Safford, Arizona 85546.

**SUPPLEMENTAL INFORMATION:** Detailed information concerning this exchange is available at the Safford District Office.

Ray A. Brady,

District Manager.

Dated: November 24, 1987.

[FR Doc. 87-27937 Filed 12-4-87; 10:01 am]

BILLING CODE 4310-32-M



## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Reactor Safeguards; Joint Subcommittees on Metal Components and Thermal Hydraulic Phenomena; Notice of Meeting

The ACRS Subcommittees on Metal Components and Thermal Hydraulic Phenomena will hold a joint meeting on December 15, 1987, Room 1046, 1717 H Street, NW., Washington, DC

To the extent practical the meeting will be open to public attendance. However, portions of the meeting may be closed to discuss Westinghouse proprietary information.

The agenda for the subject meeting shall be as follows:

*Tuesday, December 15, 1987—8:30 a.m. until the conclusion of business*

The Subcommittees will review: (1) The North Anna steam generator tube failure, and (2) R.L. Johnson's comments on proposed revision to acceptance criteria for the ECCS rule with respect to steam generator tube integrity.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Elpidio Igne (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the

scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Date: December 1, 1987.

Morton W. Libarkin,

*Assistant Executive Director for Project Review.*

[FR Doc. 87-28019 Filed 12-4-87; 8:45 am]

BILLING CODE 7590-01-M

### Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued a revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the Commission's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and data needed by the staff in its review of applications for permits and licenses.

Revision 1 to Regulatory Guide 5.62, "Reporting of Safeguards Events," provides an approach acceptable to the NRC staff for determining when and how an event should be reported. These safeguards events are those that threaten nuclear activities or lessen the effectiveness of a security system.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Written comments may be submitted to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Copies of issued guides may be purchased from the Government Printing Office at the current GPO price. Information on current GPO prices may be obtained by contacting the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013-7082, telephone (202) 275-2060 or (202) 275-2171. Issued guides may also be purchased from the National Technical Information Service on a standing order basis. Details on this service may be obtained by writing NTIS, 5285 Port Royal Road, Springfield, VA 22161.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 1st day of December 1987.

For the Nuclear Regulatory Commission,  
Eric S. Beckjord,  
*Director, Office of Nuclear Regulatory Research.*

[FR Doc. 87-28020 Filed 12-4-87; 8:45 am]

BILLING CODE 7590-01-M

### Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the Commission's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and data needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.156, "Environmental Qualification of Connection Assemblies for Nuclear Power Plants," describes a method acceptable to the NRC staff for environmental qualification of quick-disconnect connection assemblies for service in nuclear power plants. The guide endorses IEEE Std 572-1985, "Qualification of Class IE Connection Assemblies for Nuclear Power Generating Stations."

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Written comments may be submitted to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Regulatory guides are available for inspection at the Commission's Public Documents Room, 1717 H Street NW., Washington, DC. Copies of issued guides may be purchased from the Government Printing Office at the current GPO price. Information on current GPO prices may be obtained by contacting the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013-7082, telephone (202) 275-2060 or (202) 275-2171. Issued guides may also be purchased from the National Technical Information Service on a standing order basis. Details on this service may be obtained by writing NTIS, 5285 Port Royal Road, Springfield, VA 22161.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 1st day of December 1987.



For the Nuclear Regulatory Commission.  
Eric S. Beckjord,  
Director, Office of Nuclear Regulatory  
Research.

[FR Doc. 87-28021 Filed 12-4-87; 8:45 am]

BILLING CODE 7590-01-M

## RAILROAD RETIREMENT BOARD

### Agency Forms Submitted for OMB Review

**AGENCY:** Railroad Retirement Board.

**ACTION:** In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

#### Summary of Proposal(s)

- (1) *Collection Title:* Request for Termination of Supplementary Medical Insurance
- (2) *Form(s) Submitted:* N.A.
- (3) *Type of Request:* Revision of a currently approved collection
- (4) *Frequency of Use:* On occasion
- (5) *Respondents:* Individuals or households
- (6) *Annual Responses:* 150
- (7) *Annual Reporting Hours:* 13
- (8) *Collection Description:* The Board administers the Medicare program for persons covered by the Railroad Retirement system. The request will obtain the information needed by the Board to terminate an individual's supplementary medical insurance under the program.

**Additional Information or Comments:** Copies of the proposed forms and supporting documents can be obtained from Pauline Lohens, the agency clearance officer (312-751-4692). Comments regarding the information collection should be addressed to Pauline Lohens, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Elaine Norden (202-395-7316), Office of Management and Budget, Room 3002, New Executive Office Building, Washington, DC 20503.

Pauline Lohens,

Director of Information, Resources  
Management.

[FR Doc. 87-27936 Filed 12-4-87; 8:45 am]

BILLING CODE 7905-01-M

### Proclamation Regarding Railroad Unemployment Insurance Account

Pursuant to section 8(a) of the Railroad Unemployment Insurance Act, the Railroad Retirement Board has

determined, and hereby proclaims, that the balance to the credit of the railroad unemployment insurance account as of the close of business September 30, 1987, was a deficit of \$596,785,927.34. Based on this balance and pursuant to the table in section 8(a) of the Railroad Unemployment Insurance Act, the contribution rate to finance the railroad unemployment insurance program for calendar year 1988 shall be 8.0 percent.

In witness whereof the members of the Railroad Retirement Board have hereunto set their hands and caused its seal to be affixed.

Done at Chicago, Illinois, this 30th day of November, 1987.

R. A. Gielow,

Chairman.

J. D. Crawford,

Member.

C. J. Chamberlain,

Member.

By the Railroad Retirement Board.

[FR Doc. 87-27935 Filed 12-4-87; 8:45 am]

BILLING CODE 7905-01-M

## SECURITIES AND EXCHANGE COMMISSION

### Forms Under Review of Office of Management and Budget

**Agency Clearance Officer:** Kenneth A. Fogash, (202) 272-2142

**Upon Written Request Copy Available From:** Securities and Exchange Commission, Office of Consumer Affairs, Washington, DC 20549

#### Extension

*Rule 17a-8, File No. 270-53*

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for extension of OMB approval Rule 17a-8 under the Securities Exchange Act of 1934 (15 U.S.C. 78 *et seq.*) which requires brokers and dealers to make and retain reports and records concerning their currency and foreign transactions. Seven thousand (7,000) respondents incur a cumulative total of two hundred and fifty (250) burden hours to comply with the rule.

Submit comments to OMB Desk Officer: Mr. Robert Neal, (202) 395-7340, Office of Information and Regulatory Affairs, Room 3228, NEOB, Washington, DC 20503.

Jonathan G. Katz,

Secretary.

November 30, 1987.

[FR Doc. 87-27953 Filed 12-4-87; 8:45 am]

BILLING CODE 8010-01-M

### Forms Under Review By Office of Management and Budget

**Agency Clearance Officer:** Kenneth A. Fogash, (202) 272-2142

**Upon Written Request Copy Available from:** Securities and Exchange Commission, Office of Consumer Affairs, 450 Fifth Street NW., Washington, DC 20549

#### Extension of Approval

*Rule 17Ab2-1 and Form CA-1, File No. 270-203*

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for extension of OMB approval Rule 17Ab2-1 (17 CFR 240.17Ab2-1) and Form CA-1 (17 CFR 249b.200) promulgated under the Securities Exchange Act of 1934 (15 U.S.C. 78 *et seq.*) requiring clearing agencies to register with the Commission and meet Commission standards.

Submit comments to OMB Desk Officer: Mr. Robert Neal, (202) 395-7340, Office of Information and Regulatory Affairs, Room 3228 NEOB, Washington, DC 20503.

Jonathan G. Katz,

Secretary.

November 30, 1987.

[FR Doc. 87-27954 Filed 12-4-87; 8:45 am]

BILLING CODE 8010-01-M

### Forms Under Review by the Office of Management and Budget

**Agency Clearance Officer:** Kenneth A. Fogash, (202) 272-2142

**Upon Written Request Copy Available From:** Securities and Exchange Commission, Office of Consumer Affairs, 450 Fifth Street, NW., Washington, DC 20549

#### Extension

*Rule 12f-2 and Form 27; File No. 270-140, Rule 12f-3 and Form 28; File No. 270-141, Rule 24b-1; File No. 270-205*

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for clearance:

Rule 12f-2 and Form 27 under the Securities Exchange Act of 1934. Rule 12f-2 and Form 27 are designed to inform the Commission of certain changes in securities admitted to unlisted trading privileges. One respondent incurs a cumulative total of



forty-two burden minutes to comply with the rule;

Rule 12f-3 and Form 28 under the Securities Exchange Act of 1934. Rule 12f-3 and Form 28 prescribe the information that must be included in an application for notice of termination or suspension of unlisted trading privileges. Five respondents incur a cumulative total of twenty burden hours to comply with the rule and Rule 24b-1 under the Securities Exchange Act of 1934; and

Rule 24b-1 requires a national securities exchange to keep and make available for public inspection a copy of its registration statement together with any exhibits filed with the Commission. Eleven respondents incur a cumulative total of twenty-five burden minutes to comply with the rule.

Submit comments to OMB Desk Officer: Mr. Robert Neal, (202) 395-7340, Office of Information and Regulation Affairs, Office of Management and Budget, Room 3228, NEOB, Washington, DC 20503.

Jonathan G. Katz,  
Secretary.

November 30, 1987.

[FR Doc. 87-27955 Filed 12-4-87; 8:45 am]

BILLING CODE 8010-01-M

#### Forms Under Review of Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272-2142

Upon Written Request Copy Available From: Securities and Exchange Commission, Office of Consumer Affairs, Washington, DC 20549

#### Extension of Approval

Rule 17 CFR 240.17a-22, File No. 270-87

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for extension of OMB approval 17 CFR 240.17a-22 promulgated under the Securities Exchange Act of 1934 (15 U.S.C. 78 *et seq.*) which generally requires registered clearing agencies to send the Commission copies of material that they distribute to participants and other business contacts. Ten respondents incur nine (9) burden minutes to comply with this rule.

Submit comments to OMB Desk Officer: Mr. Robert Neal, (202) 395-7340, Office of Information and Regulatory

Affairs, Room 3228, NEOB, Washington, DC 20503.

Jonathan G. Katz,  
Secretary.

November 21, 1987.

[FR Doc. 87-27956 Filed 12-4-87; 8:45 am]

BILLING CODE 8010-01-M

#### Forms Under Review of Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272-2142

Upon Written Request Copy Available From: Securities and Exchange Commission, Office of Consumer Affairs, Washington, DC 20549

#### Extension

Rule 15c2-5, File No. 270-87

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for extension of OMB approval Rule 15c2-5 (17 CFR 240.15c2-5) under the Securities Exchange Act of 1934 (15 U.S.C. 78 *et seq.*) which requires brokers or dealers to prepare disclosures and to satisfy other requirements when extending credit in certain transactions. Fifty (50) respondents incur a cumulative total of twelve (12) burden hours to comply with the rule.

Submit comments to OMB Desk Officer: Mr. Robert Neal, (202) 395-7340, Office of Information and Regulatory Affairs, Room 3228, NEOB, Washington, DC 20503.

Jonathan G. Katz,  
Secretary.

November 27, 1987.

[FR Doc. 87-27957 Filed 12-4-87; 8:45 am]

BILLING CODE 8010-01-M

[Rel No. IC-16153; 811-3600]

#### Colonial Penn Variable Account A; Application for Order

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for an order under the Investment Company Act of 1940 ("the 1940 Act").

Applicant: Colonial Penn Variable Account A.

Relevant 1940 Act Sections: Order requested under section 8(f).

Summary of Application: Applicant seeks an order declaring that it has ceased to be an investment company.

Filing Date: The application was filed on September 2, 1987.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on December 7, 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 hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Colonial Penn Variable Account A, Colonial Penn Plaza, 19th and Market Streets, Philadelphia, PA 19181.

FOR FURTHER INFORMATION CONTACT: Staff Attorney Nancy M. Rappa (202) 272-2058 or Special Counsel Lewis B. Reich (202) 272-2061 (Division of Investment Management).

#### SUPPLEMENTARY INFORMATION:

Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800) 231-3282 (in Maryland (301) 253-4300).

#### Applicant's Representations

1. The Applicant is a segregated investment account established by Colonial Penn Life Insurance Company ("Colonial Penn") under the laws of the Commonwealth of Pennsylvania on September 15, 1982. The Applicant is a unit investment trust registered under the 1940 Act.

2. Variable annuity contracts ("Contracts") were to be issued by Colonial Penn through the Applicant and purchased by individuals for retirement plans. Colonial Penn began offering the Contracts in December, 1983.

3. The sale of Contracts was not as successful as Colonial Penn had hoped and, consequently, the assets of the Applicant did not increase significantly as a result of investment through the Contracts.

4. The Board of Directors of Colonial Penn determined that continued efforts to effect new sales of the Contracts were not in the best interests of the Contractholders or Colonial Penn.

5. On January 6, 1986, the Board of Directors of Colonial Penn suspended indefinitely the offer and sale of its new Contracts.



6. Contractholders of Contracts issued by Colonial Penn were informed of the determination to cease sales of new Contracts in a notice to Contractholders dated February 28, 1986, and mailed to them with the Annual Reports of the Applicant and Colonial Penn Series Trust (the "Trust") on that date.

7. As described in the notice, the Contractholders had the right, pursuant to sections 27(c) and 22(e) of the Act, to surrender their Contracts and to receive payment of the accumulated value thereof less any applicable taxes or other charges up to the time that the Trust was liquidated, and all Contractholders chose to do so.

8. In a related action, the Shareholders of the Trust decided to liquidate the Trust and adopted a proposed Plan of Liquidation at a Special Meeting of Shareholders of the Trust on April 29, 1986.

9. On June 30, 1986, there were no remaining Contractholders holding beneficial interests in the Trust. Thereafter, the assets of the Trust were liquidated and the proceeds distributed to its remaining Shareholders.

10. After the last remaining Contractholder surrendered his Contract, the Applicant ceased to engage in any business other than that necessary to wind up its affairs.

11. All expenses related to deregistration under the Securities Act of 1933 and the Act have been paid by Colonial Penn.

*Applicant's Conditions:* None.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,  
Secretary.

Date: December 1, 1987.

[FR Doc. 87-28032 Filed 12-4-87; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-16154; 811-3642]

### Colonial Penn Series Trust; Application for Order

**AGENCY:** Securities and Exchange Commission ("SEC").

**ACTION:** Notice of application for an order under the Investment Company Act of 1940 ("the 1940 Act").

*Applicant:* Colonial Penn Series Trust.  
*Relevant 1940 Act Sections:* Order requested under section 8(f).

*Summary of Application:* Applicant seeks an order declaring that it has ceased to be an investment company.

*Filing Date:* The application was filed on September 2, 1987.

*Hearing or Notification of Hearing:* If no hearing is ordering, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on December 7, 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 the 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.

**ADDRESS:** Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Colonial Penn Series Trust, Colonial Penn Plaza, 19th and Market Streets, Philadelphia, Pennsylvania 19181.

**FOR FURTHER INFORMATION CONTACT:** Staff Attorney Nancy M. Rappa (202) 272-2058 or Special Counsel Lewis B. Reich (202) 272-2061 (Division of Investment Management).

#### **SUPPLEMENTARY INFORMATION:**

Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800) 231-3282 (in Maryland (301) 253-4300).

#### **Applicant's Representations**

1. The Applicant is a business trust that was organized under the laws of the Commonwealth of Massachusetts on November 12, 1982. The Applicant is an open-end diversified management investment company, registered under the 1940 Act.

2. Units of beneficial interest in the Applicant ("Shares") were sold only to Colonial Penn Life Insurance Company ("Colonial Penn") and Intramerica Life Insurance Company ("Intramerica") (together, the "Insurance Companies") to fund certain variable annuity contracts (the "Contracts") issued by the Insurance Companies through their respective Variable Accounts. The Insurance Companies began offering the Contracts in December, 1983.

3. The sale of Contracts was not as successful as the Insurance Companies had hoped and, consequently, the assets of the Applicant did not increase significantly as a result of investment through the Contracts.

4. The Boards of Directors of the Insurance Companies determined that continued efforts to effect new sales of the Contracts were not in the best interests of the Contractholders or the Insurance Companies.

5. On January 6, 1986, the Board of Directors of Colonial Penn suspended indefinitely the offer and sale of its new Contracts offered by that company. Contractholders of Contracts previously issued by Colonial Penn were informed of the determination to cease sales in a notice to Contractholders dated February 28, 1986 and mailed to Contractholders with the Annual Reports of Colonial Penn Variable Account A and the Applicant on that date.

6. On March 19, 1986, the Board of Directors of Intramerica also suspended indefinitely the offer and sale of its new Contracts. The sole Contractholder of Contracts issued by Intramerica was informed of the determination to cease sales of new Contracts issued by Intramerica in a notice similar to that given Colonial Penn Contractholders, which notice was dated April 7, 1986 and mailed on that date.

7. At their meeting on March 25, 1986, the Trustees of the Applicant considered the suspension by the Insurance Companies of sales of new Contracts, and the effects of such actions on the Applicant, its Shareholders, and the Contractholders.

8. Deliberate consideration of each of these factors and others led the Trustees to recommend to Applicant's Shareholders, in proxy materials distributed prior to the April 29, 1986, Special Meeting of Shareholders that the Applicant be terminated and its assets liquidated in accordance with its Declaration of Trust and the Plan of Liquidation.

9. On March 25, 1986, the record date for determination of Contractholders entitled to receive notice of, and to give instructions with respect to voting at, the Special Meeting, there were issued an outstanding 4,842,786.205 Shares of the Applicant in the following classes: 2,248,423.49 Shares of CP Money Market Portfolio; 299,739.442 Shares of CP Government Securities Portfolio; 143,918.909 Shares of CP Bond Portfolio; 54,021.865 Shares of CP Growth Portfolio; 2,008,380.25 Shares of the Liquidity Division of CP Equity Generator Portfolio; and 88,302.249 Shares of the Equity Generator Portfolio.

10. The proposed Plan of Liquidation was adopted by the Shareholders at the April 29 Special Meeting.

11. On April 29, 1986, the liquidation date, the net asset value of the ownership interest of each Shareholder in the Applicant was determined.

12. Because Contractholders had the right, pursuant to sections 27(c) and 22(e) of the Act, to surrender their Contracts and to receive payment of the



respective accumulated values thereof less any applicable taxes or other charges up to the time that the Trust was liquidated, and all Contractholders chose to do so, on June 30, 1986, there were no remaining Contractholders holding beneficial interests in the Applicant. The sole Shareholders of the Applicant on that date were Colonial Penn and Intramerica.

13. The pro rata distribution of the assets of the Applicant to the Shareholders of record, the Insurance Companies, commenced following necessary approval by certain state insurance regulators who supervise the activities of the Insurance Companies.

14. The Applicant currently has no assets and no Shareholders.

15. After the Plan of Liquidation was approved by the Shareholders, the Applicant ceased to engage in any business other than that necessary to wind up its affairs.

16. All expenses of liquidation (excluding all brokerage commission and issue and transfer taxes or fees) and all expenses related to deregistration under the Securities Act of 1933 and the Act have been paid by Colonial Penn or Colonial Penn Investment Advisors Corp, the investment adviser to the Applicant.

*Applicant's Conditions:* None.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,  
Secretary.

Date: December 1, 1987.

[FR Doc. 87-28033 Filed 12-4-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-16152/File No. 812-6835]

**Application for Exemption; John Hancock Variable Life Insurance Co., et al.**

**AGENCY:** Securities and Exchange Commission ("SEC").

**ACTION:** Notice of application for exemption under the Investment Company Act of 1940 ("1940 Act").

*Applicants:* John Hancock Variable Life Insurance Company ("JHVLICO"), John Hancock Variable Life Account V (the "Variable Account") and John Hancock Mutual Life Insurance Company ("John Hancock").

*Relevant 1940 Act Sections and Rules:* Exemptions requested under section 6(c) from those provisions of the 1940 Act and those rules specified in paragraph (b) of Rule 6e-2 thereunder, other than section 7 and 8(a), and, in addition, exemptions from sections 2(a)(32),

2(a)(35), 22(c), 26(a)(1), 26(a)(2), 27(a)(1), 27(a)(3), 27(c)(1), 27(c)(2), 27(d) and 27(f) and Rules 6e2 (b)(1), (b)(12), (b)(13)(i), (b)(13)(ii), (b)(13)(iii), (b)(13)(iv), (b)(13)(v), (b)(13)(viii) and (c)(4) and 22c-1 and 27f-1.

*Summary of Application:* Applicants seek an order to permit them to issue variable life insurance policies that provide for a death benefit which will not always vary based on investment performance; both a contingent deferred sales charge and a sales charge deducted from premiums, neither of which are subject to refunds; deduction of any remaining unpaid policy issue charge on lapse or surrender; deduction from the policy's account value of cost of insurance charges, charges for substandard mortality risks and incidental insurance benefits, and minimum death benefit guarantee risk charges; values and charges based on the 1980 Commissioners, Standard Ordinary Mortality Tables; waiver of front-end sales charges in certain cases; the holding of mutual fund shares funding the issuer's separate account without the use of a trustee, in an open account arrangement and without a trust indenture; and a "free look" right which may provide for the return of amounts other than total premiums paid upon cancellation of a policy.

*Filing Date:* August 18, 1987; amended on November 12, 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 Commission by 5:30 p.m., on December 24, 1987. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicants with the request, either personally or by mail, and also send it to the Secretary of the Commission, 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 Commission.

**ADDRESSES:** Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549. Applicants, John Hancock Place, Boston, Massachusetts 02117.

**FOR FURTHER INFORMATION CONTACT:** David S. Goldstein, Attorney (202) 272-2622 or Lewis B. Reich, Special Counsel (202) 272-2061 (Division of Investment Management).

**SUPPLEMENTARY INFORMATION:** Following is a summary of the Application; the complete Application is available for a fee from either the

Commission's Public Reference Branch in person or the Commission's commercial copier (800) 231 3282 (in Maryland (301) 258-4300).

**Applicants' Representations**

1. JHVLICO is a stock life insurance company organized under Massachusetts law. The Variable Account is a separate investment account of JHVLICO registered under the 1940 Act as a unit investment trust.

2. The death benefit under a Policy is the greater of (a) the guaranteed death benefit or (b) the amount of assets earning a return for the Policy ("Account Value") multiplied by a factor sufficient to qualify the Policy as life insurance for federal income tax purposes. The death benefit under the Policy will vary based on investment performance when the latter computation of death benefit is greater. The death benefit can also vary based on investment performance when excess Account Value is, at the Policy owner's option, applied to increase the guaranteed death benefit.

3. Excess Account Value may result from favorable investment performance, JHVLICO's deduction of Policy charges at less than the maximum guaranteed rates, or the payment of premiums in excess of the required premiums. Excess Account Value may also, at the Policy owner's option, be applied to reduce the amount of the level premiums which must be paid in the future.

4. The required premiums under a Policy are based on either a "level" schedule or a "modified" schedule. The modified premiums are lower until the insured reaches age 72, at which time a "premium recalculation" is performed, if the Policy owner has not previously elected to have the premium recalculated. The premium recalculation may result in lower or higher subsequent required premiums.

5. Within limits, premiums in excess of the required premiums may be paid, and required premiums may be paid in advance. If the Account Value is sufficiently high at the beginning of any Policy year, no required premium need be paid for that year. Policy owners may also elect to reduce the amount of guaranteed death benefit, to the extent of any prior increases. Policy loans are also available and excess Account Value may be withdrawn from the Policy without imposition of any contingent deferred charges.

6. Generally speaking, higher death benefits require higher cost of insurance deductions, which in turn result in lower cash values. It is desirable that purchasers be free to choose a benefit structure which they believe suits their



own needs with respect to the relationship of cash value, death benefit and investment performance.

7. JHVLICO will deduct a premium expense charge of 7% of each premium paid. This deduction is for sales expenses (4.5%) and state premium taxes (2.5%). JHVLICO will also deduct a contingent deferred sales charge upon surrender or lapse of a Policy during the first fourteen Policy years. The contingent deferred sales charge is a percentage of the lesser of (a) the total amount of premiums paid before the date of surrender or lapse or (b) the sum of the "modified" premiums due on or before the date of surrender or lapse.

8. In addition to the basic level or modified premiums under a Policy, the required premium for each Policy year includes an additional amount if the insured is in a substandard risk category or if optional fixed insurance benefits have been added to the Policy by rider. Part of this additional premium will be collected by JHVLICO out of any premium payments which are paid during the year. The remaining additional premium will be deducted from cash value in equal monthly installments during the year.

9. The deduction of part of the sales charge as a deferred charge on surrender or lapse will be more favorable to Policy owners than deduction of the same amount of charge from premiums: first, the amount of the Policy owner's premium payment that will be allocated to the Variable Account, and be available to earn a return for the Policy owner, will be greater than it would be if the sales charge were deducted from premiums; second, a Policy owner who holds a Policy for a sufficient period of time obtains the benefit of the gradual decline of the contingent deferred sales charge to zero; third, if JHVLICO is not permitted to charge a sales load in the form of a contingent deferred charge, it would have to deduct the sales load entirely from the premiums, thereby charging persisting Policy owners more than may otherwise be necessary to recover the distribution costs attributable to such Policy owners. The sales load structure provides greater equity among Policy owners than would a nondeferred sales load.

10. The total dollar amount of sales load under a Policy is no higher than that permitted by Rule 6e-2(b)(13) for a conventional scheduled premium variable life insurance policy, and a Policy owner who surrenders or lapses prior to the fifteenth Policy year pays no more dollars in sales load than could be charged if the load were deducted entirely from premiums.

11. JHVLICO imposes an issue charge of \$240 per Policy and \$.48 per \$1,000 of initial guaranteed death benefit. This charge is for estimated administrative expenses and is deducted on a *pro rata* basis each month in 48 equal monthly installments. If a Policy is surrendered or lapses, any amount of the issue charge not yet deducted will be deducted from the proceeds.

12. Imposition of the administrative charge for issuance expenses in 48 monthly installments is more favorable to Policy owners than a charge deducted entirely from premiums or from Account Value in the first Policy year. The reduction of the owner's investment in the Variable Account less than it would be were this charge taken in full in the first Policy year. This results in a larger Account Value initially earning a return for the Policy owner. If JHVLICO did not collect any uncollected issue charge upon surrender or lapse, the surrendering or lapsing Policy owner would, in effect, escape paying his or her fair share of issue expenses.

13. JHVLICO does not anticipate making a profit on the issue charge. The amount of the charge is the same as it would have been if it were designed as a front-end periodic charge. The charge does not take into account the "time value" of money.

14. Cost of insurance charges will be deducted from Account Value on the first day of each Policy month at rates that do not exceed those prescribed in the 1980 Commissioners' Standard Ordinary Mortality Tables ("1980 CSO Tables"). Deduction of these charges from Account Value is reasonable and in accordance with the practice of most other variable life insurance policies.

15. Deduction of a portion of the charges for substandard risks and incidental insurance benefits from Account Value is also reasonable and appropriate. If all such charges were required to be deducted solely from premiums, it would be necessary for JHVLICO to (a) reduce the premium flexibility under the Policy and/or (b) further limit the classes of insureds for whom the Policy will be available and limit or eliminate the kinds of rider benefits JHVLICO intends to make available.

16. JHVLICO imposes three death benefit guarantee risk charges (collectively "Guarantee Risk Charges"): A monthly charge of up to \$.03 per \$1,000 of the amount of guaranteed death benefit which has not been purchased with excess Account Value; up to 3% of the amount of any excess Account Value applied to increase the guaranteed death benefit or, for a Policy operating on a level required premium

schedule, to reduce the amount of such level premiums; and up to 3% of the amount applied on a premium recalculation for a modified premium Policy where the new level premium is less than what it would have been had the Policy originally been issued on a level premium basis. These charges compensate JHVLICO for the risk that JHVLICO assumes in guaranteeing death benefits under the Policies, including the risk that the Account Value will not be sufficient to support the guarantees.

17. This method of assessing the risk charges for the death benefit guarantees permits each Policy owner to pay charges more commensurate with the risks under his or her own Policy. It is more appropriate and equitable to deduct these charges from the Account Value than from premiums. The Guarantee Risk Charges imposed upon application of excess Account Value or premium recalculation cannot be deducted from premiums because no premium payments are involved in those transactions.

18. The level of the Guaranteed Risk Charges is reasonable in relation to the risks assumed by JHVLICO under the Policy and JHVLICO has concluded that a reasonable likelihood exists that the distribution financing arrangement of the Variable Account will benefit the Variable Account and Policy owners. The methodology used to support the first representation is an analysis of its mortality risks, taking into account such factors as JHVLICO's contractual right to increase insurance charges above current levels, the level of risk inherent in the various insurance benefits provided by the Policy and the possibility of "anti-selection" risks resulting from Policy owners, exercise of the various flexibility features under the Policy, all based on JHVLICO's and John Hancock's experience with other insurance products.

19. Maximum cost of insurance charges based on the 1980 CSO Tables are generally lower than those based on the 1958 Commissioners' Standard Ordinary Mortality Table ("1958 CSO Table"). In establishing premium rates and determining reserve liabilities for the Policies, JHVLICO also uses the 1980 CSO Tables. For the most part, this will result in lower charges and higher Policy values than if those charges were based upon the 1958 CSO Table. Furthermore, the mortality rates reflected in the 1980 CSO Tables more nearly approach the mortality experience which will pertain to the Policy.

20. JHVLICO will waive the portion of the sales charge otherwise deducted



from each premium paid on a policy with an initial guaranteed death benefit of \$250,000 or higher. The continuation of this waiver, however, is not contractually guaranteed, and the waiver may be withdrawn or modified by JHVLICO at any time.

21. Because the initial guaranteed death benefit may be reduced after issue, it is possible that the waiver could apply at some times with respect to a given Policy and not at a subsequent time with respect to the same Policy.

22. Waiver of these charges will not unduly complicate the sales charge structure, the waiver will clearly be of benefit to those for whom it applies, and the operation of the sales charge waiver will be fully disclosed in the prospectus pertaining to the Policies.

23. The fact that the front-end sales charge may apply with respect to some premium payments but not other premium payments under a Policy results solely from the action of Policy owners in exercising the flexibility features under a Policy. These flexibility features are desirable from the standpoint of Policy owners.

24. Holding shares of underlying management investment companies in uncertificated form contributes to efficiency in the purchase and sale of such shares by separate accounts and generally saves costs.

25. Under the laws of some states, JHVLICO may now or in the future may be required to credit investment losses and gains during the free look period to Policy owners who exercise their free look right. In such cases, and under the terms of the Policy, JHVLICO will refund the sum of the Account Value as of the date JHVLICO receives the returned Policy, plus the sum of all charges deducted from premium payments and all other charges imposed on amounts allocated to the Variable Account.

26. The exemptions requested are necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the Policy and provisions of the 1940 Act.

#### Applicants' Conditions

Applicants agree that if the requested order is granted, such order will be expressly conditioned on Applicants' compliance with the following conditions and undertakings:

1. JHVLICO will keep and make available to the Commission on request a memorandum setting forth the basis of its first representation in paragraph 17 above.

2. The Variable Account will invest only in management investment companies that have undertaken, in the

event they should adopt any plan under Rule 12b-1 to finance distribution expenses, to have a board of directors, a majority of whom are not interested persons of the company, formulate and approve such plan.

3. JHVLICO will keep and make available to the Commission on request the documents or memoranda used to support representations in paragraph 17 above.

4. With respect to the requested relief from certain provisions of section 26, JHVLICO shall comply with all other applicable provisions of section 26 as if it were a trustee or custodian for the Variable Account; shall file with the insurance regulatory authority of Massachusetts an annual statement of its financial condition in the form prescribed by the National Association of Insurance Commissioners, which most recent statement indicates that it has a combined capital and surplus of not less than \$1,000,000; shall be examined from time to time by the insurance regulatory authority of Massachusetts as to its financial condition and other affairs; and shall be subject to supervision and inspection with respect to its separate account operations.

For the SEC, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

November 30, 1987.

[FR Doc. 87-27960 Filed 12-4-87; 8:45 am]

BILLING CODE 8010-01-M

#### [File No. 1-3197]

#### Issuer Delisting; Application To Withdraw From Listing and Registration; The Lionel Corporation (Common Stock, \$.10 Par Value)

December 1, 1987.

The Lionel Corporation ("Company"), has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the above specified security from listing and registration on the Pacific Stock Exchange, Inc. ("PSE"). The Company's common stock is also listed and registered on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration on the PSE include the following:

The Company wishes to centralize and localize the market for its stock in the New York area and sees no reason

to continue listing its stock on two separate exchanges. The Company will continue to have its stock traded on the Amex. The Company feels that such a move will result in a more efficient trading market for its stock while resulting in a significant savings for its shareholders.

Any interested person may, on or before December 22, 1987, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-28034 Filed 12-4-87; 8:45 am]

BILLING CODE 8010-01-M

#### [File No. 1-8862]

#### Issuer Delisting; Application To Withdraw From Listing and Registration; Mark IV Industries, Inc. (Common Stock, \$.01 Par Value)

December 1, 1987.

Mark IV Industries, Inc. ("Company") has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified securities from listing and registration on the American Stock Exchange, Inc. ("Amex"). The Company's common stock recently began trading on the New York Stock Exchange ("NYSE").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The Company considered the direct and indirect costs and expenses attendant on maintaining the dual listing of its common stock on the NYSE and Amex. The Company does not see any particular advantage in the dual trading of its stock and believes that dual listing would fragment the market for its common stock.

Any interested person may, on or before December 22, 1987, submit by



letter to the Secretary of the Securities and Exchange Commission, Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

**Jonathan G. Katz,**  
Secretary,

[FR Doc. 87-28035 Filed 12-4-87; 8:45 am]

BILLING CODE 8010-01-M

## DEPARTMENT OF TRANSPORTATION

### Aviation Proceedings; Agreements Filed During the Week Ending November 27, 1987

The following agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 408, 409, 412, and 414. Answers may be filed within 21 days of date of filing.

#### Docket No. 45306

*Parties:* Members of International Air Transport Association.

*Date Filed:* November 23, 1987.

*Subject:* South Atlantic Fares.

*Proposed Effective Date:* January 1, 1988.

#### Docket No. 45307

*Parties:* Members of International Air Transport Association.

*Date Filed:* November 23, 1987.

*Subject:* Australia-Europe Fares.

*Proposed Effective Date:* January 1, 1988.

#### Docket No. 45308

*Parties:* Members of International Air Transport Association.

*Date Filed:* November 23, 1987.

*Subject:* Within So. West Pacific Fares.

*Proposed Effective Date:* October 1, 1987-March 1, 1988.

#### Docket No. 45309

*Parties:* Members of International Air Transport Association.

*Date Filed:* November 23, 1987.

*Subject:* Articles of Asia.

### Proposed Effective Date:

**Phyllis T. Kaylor,**

Chief, Documentary Services Division.

[FR Doc. 87-27970 Filed 12-4-87; 8:45 am]

BILLING CODE 4910-62-M

## DEPARTMENT OF THE TREASURY

### Public Information Collection Requirements Submitted to OMB for Review

Date: December 1, 1987.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue, NW., Washington, DC 20220.

#### Bureau of Alcohol, Tobacco and Firearms

OMB Number: 1512-0198

Form Number: ATF REC 5110/03—ATF F 5110.28

Type of Review: Extension

Title: Distilled Spirits Plant (DSP)

Processing Records and Report

Description: The information collected is necessary to account for and verify the processing of distilled spirits in bond. It is used to audit plant operations, monitor industry activities for the efficient allocation of personnel resources and the compilation of statistics.

Respondents: Businesses or other for-profit, Small businesses or organizations.

Estimated Burden: 4,176 hours.

OMB Number: 1512-0205

Form Number: ATF REC 5110/01—ATF F 5110.40

Type of Review: Extension

Title: Distilled Spirits Plants (DSP)

Production Records and Report

Description: The information collected is used to account for proprietor's tax liability, adequacy of bond coverage and protection of the revenue. The information also provides data to analyze trends in the industry, and plan efficient allocation of field resources, audit plant operations and compilation of statistics for government economic analysis.

Respondents: Businesses or other for-profit, Small businesses or organizations.

Estimated Burden: 3,024 hours.

OMB Number: 1512-0206

Form Number: ATF REC 5110/08—ATF F 5110.41

Type of Review: Extension

Title: Applications, Miscellaneous Requests and Notices for Distilled Spirits Plants

Description: The information provided by applicants assists ATF in determining eligibility and providing for registration. These eligibility requirements are for persons who wish to establish distilled spirits plants operations. However, both statutes and regulations allow for variances from the regulations and this information provides data to permit a variance.

Respondents: Businesses or other for-profit, Small businesses or organizations.

Estimated Burden: 1,816 hours.

OMB Number: 1512-0207

Form Number: ATF REC 5110/04—ATF F 5110.43

Type of Review: Extension

Title: Distilled Spirits Plant (DSP)

Denaturation Records and Reports

Description: The information collected is necessary to account for and verify the denaturation of distilled spirits. It is used to audit plant operations, monitor the industry for the efficient allocation of personnel resources, and compile statistics for government economic planning and analysis.

Respondents: Businesses or other for-profit, Small businesses or organizations.

Estimated Burden: 1,044 hours.

OMB Number: 1512-0341

Form Number: ATF REC 5150/8

Type of Review: Extension

Title: Stills-Notices, Registration and Records

Description: This information collection requirement is used to account for and regulate the distillation of spirits. As there could be a substantial tax revenue loss that would be incurred through the illegal distillation of spirits, the data collected identifies the manufacturers, vendors and users of spirits as well as providing an accounting of stills and other apparatus.

Respondents: Businesses or other for-profit, Small businesses or organizations.

Estimated Burden: 21 hours.

OMB Number: 1512-0192

Form Number: ATF REC 5110/02—ATF F 5110.11

Type of Review: Extension



**Title:** Distilled Spirits Plants**Warehousing Records and Reports**

**Description:** The information collected is used to account for proprietor's tax liability, adequacy of bond coverage and protection of the revenue. The information also provides data to analyze trends, audit plant operations, monitor industry activities and compliance to provide for an efficient allocation of field personnel plus provide for economic analysis.

**Respondents:** Businesses or other for-profit, Small businesses or organizations.

**Estimated Burden:** 5,928 hours.

**Clearance Officer:** Robert Masarsky, (202) 566-7077, Bureau of Alcohol, Tobacco and Firearms, Room 7011, 1200 Pennsylvania Avenue, NW., Washington, DC 20226.

**OMB Reviewer:** Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

**Dale A. Morgan,**

*Departmental Reports Management Officer.*  
[FR Doc. 87-28036 Filed 12-4-87; 8:45 am]

BILLING CODE 4810-25-M

## UNITED STATES INFORMATION AGENCY

### Reporting and Information Collection Requirements Under OMB Review

**AGENCY:** United States Information Agency.

**ACTION:** Notice of reporting requirements submitted for OMB review.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act (44 U.S.C., Chapter 35), agencies are required to submit proposed or established 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. In accordance with 40 U.S.C. 486(c) Executive Order 12352, March 17, 1982, USIA is hereby given authority to solicit "Information Collection in Support of USIA Acquisition Process". Respondents will be required to respond only one time.

**DATE:** Comments must be received by December 15, 1987.

**Copies:** Copies of the Request for Clearance (SF-83), supporting statement, transmittal letter and other documents submitted to OMB for approval may be obtained from the USIA Clearance Officer. Comments on the items listed should be submitted to the Office of Information and Regulatory

Affairs of OMB. Attention: Desk Officer for USIA and also to the USIA Clearance Officer.

**FOR FURTHER INFORMATION CONTACT:** Agency Clearance Officer, Retta Graham-Mall, United States Information Agency, M/AS, 301 Fourth St., SW., Washington, DC 20547. Telephone (202) 485-7501, and OMB review: Francine, Picoult, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503. Telephone (202) 395-7340.

#### SUPPLEMENTARY INFORMATION:

**Title:** "Information Collection in Support of USIA Acquisition Process".  
**Abstract:** Information Collection from the public is necessary to evaluate bids and responses from potential suppliers for supplies, services and hardware for the purpose of making awards in conformance with rules and regulations governing procurement of federal government departments and agencies.

**Proposed Frequency of Responses:** No. of Respondents: 964, Recordkeeping Hours: 255, Total Annual Burden: 245,820.

Date: November 25, 1987.

**Charles N. Canestro,**  
*Federal Register Liaison.*

[FR Doc. 87-27938 Filed 12-4-87; 8:45 am]

BILLING CODE 8230-01-M

### Reporting and Information Collection Requirements Under OMB Review

**AGENCY:** United States Information Agency.

**ACTION:** Notice of reporting requirements submitted for OMB review.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act (44 U.S.C., Chapter 35), Agencies are required to submit proposed or established reporting and record keeping 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. USIA is required to conduct Exchange Programs in accordance with Pub. L. 87-256.

The Mutual Educational and Cultural Exchange Act of 1961. USIA is requesting approval of the extension of a program OMB-3116-0159, which requires prospective grantees who need financial assistance in conducting exchange programs with foreign countries involving young people. Responses will be required to respond only one time.

**DATE:** Comments must be received by December 15, 1987.

**Copies:** Copies of the Request for Clearance (SF-83), supporting statement, transmittal letter and other documents submitted to OMB for approval may be obtained from the USIA Clearance Officer. Comments on the items listed should be submitted to the Office of Information and Regulatory Affairs of OMB. Attention: Desk Officer for USIA and also to the USIA Clearance Officer.

#### FOR FURTHER INFORMATION CONTACT:

Agency Clearance Officer, Retta Graham-Mall, United States Information Agency, M/AS, 301 Fourth St., SW., Washington, DC 20547. Telephone (202) 485-7501, and OMB review: Francine Picoult, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503. Telephone (202) 395-7340.

#### SUPPLEMENTARY INFORMATION:

**Title:** "Guidelines for Proposals Submitted to the USIA Youth Exchange Program".

**Abstract:** This information collection is a program of selective assistance through limited grant support to private not-for-profit organizations. The purpose is to encourage increase in level and quality of Youth Exchanges between the United States and other countries to strengthen shared understanding of and commitment to basic democratic value.

**Proposed Frequency of Responses:** No. of Respondents: 100; Recordkeeping Hours: 10; Total Annual Burden: 1,000.

Dated: November 25, 1987.

**Charles N. Canestro,**  
*Federal Register Liaison.*

[FR Doc. 87-27939 Filed 12-4-87; 8:45 am]

BILLING CODE 8230-01-M

### English-as-a-Foreign Language/ English-as-a-Second Language; Summer Training Institute for African Countries

#### Summary

Under the auspices of its Teacher, Text, Technology (TTT) program, the Bureau of Educational and Cultural Affairs of the United States Information Agency (USIA) plans to sponsor an English-as-a-Foreign Language (EFL)/English-as-a-Second Language (ESL) Summer Institute. Participants will include twenty-five English teachers, teacher trainers, inspectors, and curriculum specialists and supervisors from eleven non-English-speaking African countries. Approximately two participants will be recruited from each of the following countries: Burundi, Cape Verde, Cote D'Ivoire, Guinea-Bissau,



Mozambique, Niger, Rwanda, Sao Tome, Somalia, Togo, and Zaire. Participants will be recruited from schools, universities, teacher training institutions, and national ministries of education. Minimum qualifications for participants will be a two-year teacher training diploma beyond secondary school in addition to at least three years' classroom teaching experience. Very few (if any) participants will have studied in or have visited the United States. USIA seeks detailed proposals from U.S. institutions of higher education which have an acknowledged reputation in the field of EFL/ESL and special expertise in administering cross-cultural programs.

As a summer project of the Agency's TTT program, the primary objective of the Institute will be to further TTT goals. The goals of TTT are to support the efforts of select African countries to upgrade secondary education and related teacher training in English, math, science, and other fields. The general objective of the Institute is to encourage the upgrading of English teaching in a select group of non-English-speaking African countries which are now, or have been participating in the TTT program. The Institute should be designed for secondary-level classroom teachers with responsibilities in course material development and curriculum planning, and teacher trainers with responsibilities in supervision and staff training, and in evaluating curriculum texts and materials for classroom teachers. Both groups have responsibility for assessing English language skills and proficiency.

#### Time Fram/Logistical Description

The Institute should be programmed to last a total of six and one-half weeks, beginning on or about July 11 and ending on or about August 25, 1988. The project will have three distinct components. The first will be the actual university-sponsored, campus-based EFL/ESL Institute which will provide an intensive four-week period of plenaries, presentations, workshops, and practicums designed to meet the anticipated needs of the participants. The second component will be a nine-day study tour (five working days plus two weekends) and practicum at the Northwest Regional Educational Laboratory (NWREL) in Portland, Oregon. The program at NWREL should supplement the activities of and the theoretical foundations established during the university Institute. The third and final component will be a ten-day post-Institute educational/cultural tour of Washington, DC, Philadelphia, and New York. If the university Institute is

held in any of these three cities, then another appropriately identified city will be chosen as an alternate site for one of the three stops on the educational/cultural tour.

#### Guidelines

The applicant is asked to design a program with emphasis on methodology, supervision and teaching techniques in EFL/ESL which will meet the special needs and challenges of limited resources common to the educational setting in most African countries. The program should maintain a relative balance among discussion sessions, lectures, workshops, and practicums. Lengthy lectures should not be the usual format. The overall university Institute should address general EFL-ESL issues for all participants. It will be just as important, however, that the university faculty and staff conducting the program be willing to design particular workshops and/or academic lectures/exercises to address more specifically the needs of various types of participants. In other words, flexibility and spontaneous creativity on the part of program designers and organizers is the hallmark of any successful project of this nature.

The university Institute should open with a one or two-day orientation to the United States in general, to the local/state setting in particular, and finally, to the university community and its campus resources. The academic program should be complemented consistently by ample time for interaction with American students, faculty, and administrators, and the local community, to improve the participants' overall cultural and social understanding of the United States and the particular region where the university is located.

In this regard, the Institute should incorporate cultural features such as community/cultural activities, educational tours, home visits, sports, civic events, or other opportunities for interacting with Americans. Throughout the entire summer program the African participants should have diverse opportunities to develop their appreciation of contemporary American life by interacting with various American minority groups in their local milieu; by discussing civic affairs with state and local officials; and by touring state and national historical and cultural sites.

#### Objectives

Some specific areas to address in the Institute are: 1. EFL/ESL training in theory and practice, methodology, and supervision; the role of

psycholinguistics/sociolinguistics in teaching English to non-native English speakers. Various sessions on other topics such as communication, microteaching, instruction in the use of traditional and contemporary audiovisual equipment, and simple materials development for practical classroom use should also be organized. Language enhancement and some practical classroom training may also require the attention of some sessions early in the program. For instance, specialized discussion of the nuances and idiomatic expressions common to American English, as well as particular difficulties of grammar and pronunciation for speakers of English-as-a-foreign language should be incorporated throughout the program, but especially concentrated at the beginning of the campus-based academic portion of the program. In addition, administration and supervision, evaluation, and teacher training techniques will be of particular interest to some, if not most, of the participants. Again, the substantive content and pedagogical methods should be blended with ample time for interaction with American students, faculty, and administrators, as well as local county and state school officials, to develop and enhance linguistic skills and to experience English as a living language.

2. Strengthening teaching skills in communication, pronunciation, syntax, writing, and reading.

3. Enhancement of pedagogical skills, curriculum development, development of teacher-made materials; development of curriculum materials (during the Institute) which can be used in home country.

4. Training teachers to handle individual and small group needs in classes with fifty or more students.

5. For teacher trainers: Enhancement of teacher training skills; evaluation and observation of classroom teachers; development of in-service training programs for teachers; designing and conducting workshops to train EFL/ESL teachers.

6. Visits to on-going EFL/ESL classes in local educational or community centers, providing participants with opportunities to practice EFL/ESL skills.

7. Involving participants in American culture through community/cultural activities. This must include interaction with a variety of ethnic groups.

8. Evaluation of various components of the Institute as well as the entire summer program.



### Instructions for Submitting a Proposal

If your institution decides to submit a proposal, it should provide a detailed plan in response to the above needs. Insofar as possible, outstanding professionals from other departments and offices within the institution, other than the particular office of department actually submitting the proposal, should be involved. Likewise, outstanding professionals from other institutions are also encouraged to become involved in the planning and implementation of the grant proposal.

Institutions submitting proposals should work closely with the appropriate offices of international programs, foreign student admissions/advising, student housing/food services, and student health, in planning both administrative and substantive components of the proposed project.

### Requirements

The grantee institution will be expected to handle the logistics and supervision (although not the booking or purchase) of domestic travel, on-site campus arrangements, coordination of activities at the NWREL, and the educational/cultural tour. The grantee institution will be required to enroll all participants in Teachers of English to Speakers of Other Languages (TESOL). USIA will be responsible for all communication to and from U.S. Embassies in the relevant African countries, and will provide the university with participant's biodata and itineraries, and offer any advice or guidance the university might find useful. USIA will also handle international travel arrangements from respective home countries to host institution. When participants arrive at the host institution they should be met by the university program staff.

If your university decides to submit a proposal, it should provide the following:

1. Narrative, total text not to exceed fifteen (15) double-spaced pages, including:

a. A brief (two-page) description of the participating university and participating department(s);

b. A detailed description of the proposed program (in response to needs and priorities outlined above) including but not limited to: The name and qualifications of the designated project director; the roster of staff/instructors, and representative sample of potential presenters and their qualifications; a detailed, specific description of proposed activities, including a tentative day-by-day agenda.

2. A specific and detailed line item budget for both administrative and program costs.<sup>1</sup> At a minimum, the following line items should be addressed:

a. Salaries, plus employee benefits, for both the project's professional and support staff. Show for each individual what he/she will do (percentage of time on this project where appropriate, and how much he/she will be paid);

b. Housing and board at the university, for example, faculty residences, graduate dormitories, home stays, or other if necessary;

c. Transportation costs for all travel during the course of the on-site University Institute and all ground transportation (i.e. airport/hotel transfers, city tours and/or excursions, etc.) during the entire course of the post-Institute tour. (All international travel arrangements will be made by USIA and/or participating African posts; domestic air travel, i.e., reservations and purchasing tickets for the post-Institute tour will be the responsibility of USIA's contract travel agent);

d. Miscellaneous costs such as a daily maintenance allowance (\$15.00 per participant), honoraria for presenters and consultants (including travel and per diem), film rental, award certificates, cultural activities, support material, supplemental book allowance (\$250 per participant), TESOL membership fees, and group photo;

e. Block sum required by NWREL for its programming and other services during the period the participants will be visiting Portland;

f. University in-kind contributions, cost-sharing, and/or private sector contributions;<sup>2</sup> and

g. Indirect costs which should be held to an absolute minimum. Indirect costs may not be charged against program costs, i.e., participant travel and maintenance expenses.<sup>2</sup>

3. An Assurance of Compliance Form and an Application Cover Sheet which will be sent upon request.

4. Appendices, which should be kept to a minimum, must include:

a. Current curricula vitae (abridged versions only, please) of proposed faculty and consultants.

<sup>1</sup> For your guidance, experience with similar workshops/institutes indicates that the cost to the U.S. Government should not exceed \$120,000.

<sup>2</sup> The greater the level of institutional cost-sharing proposed and the greater the degree of in-kind contributions on the part of the institution submitting the proposal, the more competitive the proposal will be viewed by the Agency's review panel. Likewise, the more reasonable the indirect cost rate, the greater the chances become of the proposal being selected for funding.

b. Brief summaries of on-going EFL/ESL programs as well as active international educational programs.

c. A list of appropriate books, readings, or preparatory materials which should be sent to participants before their departure for the U.S., providing them with topics to be discussed, as well as practical suggestions for preparing them for their stay at the host university.

All applicants should draw imaginatively on the full range of resources offered by their universities but may involve outstanding professionals from other universities and organizations. The proposals must clearly demonstrate quality on-site management capabilities for the academic and cross-cultural components of the Institute. The overall quality and organizational capabilities to manage the interactions between foreign educators and Americans.

A panel of senior USIA officers experienced in EFL/ESL, the exchange of international educators, and African affairs will use the following criteria in evaluating proposals:

1. Quality, creative, imaginative design of the EFL/ESL Institute.

2. Clear evidence of the ability to deliver a substantive academic and pedagogical EFL/ESL program.

3. Demonstrated high quality EFL/ESL programs—experience with Francophone/Lusophone Africa is desirable.

4. Evidence of strong on-site administrative and managerial capabilities for international visitors with specific discussion of how managerial and logistical arrangements will be undertaken.

5. The experience of professionals and staff assigned to the Institute.

6. The ability to tap local and state resources for the orientation and Institute.

7. Access to EFL/ESL professionals and programs from various universities and organizations.

8. A quality evaluation at the conclusion of the institute.

9. Cost-effectiveness.

Applicants should submit one original and three (3) complete copies of their proposals by close of business, Wednesday, January 6, 1988, to: Dr. Mark Blitz, Associate Director, Bureau of Educational and Cultural Affairs, Attention: E/AEA—Room 234, Bob Dalsky, U.S. Information Agency, 301 4th Street SW., Washington, DC 20547.

USIA will provide the grantee with any other participant related information prior to the beginning of the program so adjustments can be made to



suit participant needs. If you have any questions, please contact the Agency's TTT Coordinator, Bob Dalsky, E/AEA—Room 234, Bureau of Education and Cultural Affairs, USIA, 301 4th Street SW., Washington, DC 20547; or you may call him at (202) 485-7355.

Dated: December 1, 1987.

**Mark Blitz,**

*Associate Director, Bureau of Educational and Cultural Affairs.*

[FR Doc. 87-27918 Filed 12-4-87; 8:45 am]

BILLING CODE 8230-01-M



# Sunshine Act Meetings

Federal Register

Vol. 52, No. 234

Monday, December 7, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

## FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

**TIME AND DATE:** 10:00 a.m., Friday, December 11, 1987.

**PLACE:** Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

**STATUS:** Closed.

### MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from previously announced meeting.

### CONTACT PERSON FOR MORE

**INFORMATION:** Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Date: December 3, 1987.

James McAfee,

*Associate Secretary of the Board.*

[FR Doc. 87-28127 Filed 12-2-87; 4:02 pm]

BILLING CODE 6210-01-M

## MERIT SYSTEMS PROTECTION BOARD

**TIME AND DATE:** 10:00 a.m., Friday, December 11, 1987.

**PLACE:** Eighth Floor, 1120 Vermont Avenue, NW., Washington, DC.

**STATUS:** Closed.

**MATTER TO BE CONSIDERED:** The adjudication of cases dealing with jurisdictional questions or the timeliness of the petitions for review or petitions for appeal.

### CONTACT PERSON FOR ADDITIONAL

**INFORMATION:** Robert E. Taylor, Clerk of the Board, (202) 653-7200.

Date: December 2, 1987.

Robert E. Taylor,

*Clerk of the Board.*

[FR Doc. 87-28046 Filed 12-2-87; 4:49 pm]

BILLING CODE 7400-01-M



# Corrections

Federal Register

Vol. 52, No. 234

Monday, December 7, 1987

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-3275-S]

### Water Pollution; Final NPDES General Permit for Private Domestic Discharges in East Baton Rouge Parish in the State of Louisiana

#### Correction

In notice document 87-23571 beginning on page 38134 in the issue of Wednesday, October 14, 1987, make the following corrections:

1. On page 38135, in the second column, in the third line, "segments are" should read "segments and".
2. On page 38136, in the second column, in the first table under "Outfall 401", after the entry for "Biochemical \* \* \*" insert "Ammonia (as N) 5 mg/l (?). . . . 10 mg/l (?)".
3. On page 38138, in the third column, under paragraph 5, after the fifth line insert "shall be included in the calculation and reporting of the data submitted".

BILLING CODE 1505-01-D

## VETERANS ADMINISTRATION

### 38 CFR Part 4

#### Evaluation of Hearing Loss

##### Correction

In rule document 87-26497 beginning on page 44117 in the issue of Wednesday, November 18, 1987, make the following corrections:

##### § 4.86a [Corrected]

1. On page 44119, in the third column, in § 4.86a, in the 9th and 10th lines, "(the day preceding the effective date of this change.)" should read "December 17, 1987".

2. On page 44122, in the first column, in Appendix A, in the table, in the entry for 4.87a, in the second line, "Test" should read "Text".

BILLING CODE 1505-01-D



[The body of the page contains extremely faint, illegible text, likely bleed-through from the reverse side. The text is organized into several columns and paragraphs, but the characters are too light to transcribe accurately.]



# East Coast Federal Reporter

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Monday  
December 7, 1987

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## Part II

### Department of Agriculture

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Cooperative State Research Service

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Special Research Grants Program for  
Fiscal Year 1988; Solicitation of  
Applications; Notice



## DEPARTMENT OF AGRICULTURE

## Cooperative State Research Service

Special Research Grants Program for  
Fiscal Year 1988; Solicitation of  
Applications

Applications are invited for competitive grant awards under the Special Research Grants Program for Fiscal Year 1988.

The authority for this program is contained in section 2(c)(1) of the Act of August 4, 1965, Pub. L. 89-106, as amended (7 U.S.C. 450i(c)(1)). This program is administered by the Cooperative State Research Service (CSRS) of the U.S. Department of Agriculture (USDA). Under this program, and subject to the availability of funds, the Secretary may award grants for periods not to exceed five years, for the support of research projects to further the programs discussed below. Proposals may be submitted by any land-grant college or university, research foundation established by a land-grant college or university, State agricultural experiment station, and any college or university having a demonstrable capacity in food and agricultural research. Proposals from scientists at non-United States organizations will not be considered for support.

## Applicable Regulations

Regulations applicable to this program include the following: (a) The Administrative Provisions governing the Special Research Grants Program, 7 CFR Part 3400 (50 FR 5498, February 8, 1985), which sets forth procedures to be followed when submitting grant proposals, rules governing the evaluation of proposals and the awarding of grants, and regulations relating to the postaward administration of grant projects; and (b) the USDA Uniform Federal Assistance Regulations, 7 CFR Part 3015.

## Introduction to Program Description

Standard grants will be awarded to support basic studies in selected areas of (1) animal health research and (2) aquaculture research. Consideration will be given to proposals that address innovative as well as fundamental approaches to the research areas outlined below and that are consistent with the mission of USDA. The following specific program areas and guidelines are thus provided as a base from which proposals may be developed:

## Program Area

## 1.0 Animal Health Research

## CSRS Contacts:

Dr. Dyarl D. King; Telephone: (202) 447-6428

Dr. Howard S. Teague; Telephone: (202) 447-3847

Funds will be awarded to support research seeking solutions to health problems of livestock and poultry and major aquaculture species. Up to \$150,000 will be awarded for the support of any one project under the program area, except in Aquaculture where the limit on a single award will be \$80,000. A proposal will not be evaluated by more than one peer panel in the Animal Health Program area.

*Investigators and co-investigators who have received Special Research Grant awards in the Animal Health Program area during the past five years must include a brief summary of progress and a list of publications resulting from such grants.* The overall objective of this research is to develop and/or refine methodologies for suppression of animal losses due to infectious and noninfectious diseases and internal and external parasites of livestock, poultry and major aquaculture species.

Research should be directed toward:

(1) Basic studies to clarify high-priority infectious and noninfectious diseases and parasites or their interactive effects on animal health; and (2) development of practical, implementable management systems for the producer to prevent or alleviate these significant causes of animal losses. Interdisciplinary research is encouraged on predisposing factors to animal disease including the effects of production environment. Research may include clarification of complex or unknown etiologies including nutritional, physiological, genetic, and environmental interactions; development of improved methods of detecting disease agents or antibodies in animals, animal products, tissues, etc.; clarification of disease pathogenesis; determination of methods of disease transmission including transmission by embryo transfer, artificial insemination and importation of animal products (such studies should mimic as closely as possible the conditions in practice of collection, preparation and use of embryos, semen or such products); development of improved methods of immunization against disease agents that will provide solid and persistent protection without compromising diagnosis; development of alternative disease eradication methods so as to

limit the use and dependence on biotoxic substances (such alternatives may include biologic methods, sterile male techniques, artificial pheromones, etc.); development of other disease prevention, control and eradication technology; and evaluation of the economics of disease and disease prevention or control.

The specific commodity areas, and their subcategories (not prioritized), in which projects will be funded are listed below. The commodity areas will be funded in the approximate percentages shown. Utilizing the recommendations of the peer panels, the Administrator of CSRS will make the final determination on specific grants to be awarded.

## 1.1 Beef Cattle (approximately 41 percent of available funds):

- (1) Respiratory diseases.
- (2) Reproductive diseases.
- (3) Digestive and enteric diseases.
- (4) Parasitic diseases.
- (5) Metabolic diseases.

## 1.2 Dairy Cattle (approximately 18 percent of available funds):

- (1) Mastitis.
- (2) Reproductive diseases.
- (3) Respiratory diseases.
- (4) Digestive and enteric diseases.
- (5) Metabolic diseases.

## 1.3 Swine (approximately 18 percent of funds available):

- (1) Enteric diseases.
- (2) Respiratory diseases.
- (3) Reproductive diseases.
- (4) Metabolic and musculoskeletal diseases.
- (5) Parasitic diseases.

## 1.4 Poultry (approximately 13 percent of funds available):

- (1) Respiratory diseases.
- (2) Metabolic and immunologic diseases.

- (3) Enteric diseases.
- (4) Skeletal diseases.

## 1.5 Sheep and Goats (approximately 5 percent of available funds):

- (1) Musculoskeletal diseases.
- (2) Respiratory diseases.
- (3) Digestive and enteric diseases.
- (4) Internal parasitic diseases.

## 1.6 Horses (approximately 3 percent of available funds):

- (1) Respiratory diseases.
- (2) Digestive and enteric diseases.
- (3) Reproductive diseases.
- (4) Musculoskeletal diseases.
- (5) Parasitic diseases.

## 1.7 Aquaculture (approximately 2 percent of available funds):

- (1) Infectious diseases.
- (2) Parasitic diseases.



**Program Area****2.0 Aquaculture Research****CSRS Contacts:**

Dr. Meryl Broussard; Telephone: (202) 447-6014

Dr. Howard S. Teague; Telephone: (202) 447-3847

No more than \$80,000 will be awarded for support of any one project under this program area. The objective of this research is to provide and improve upon the scientific and technical base needed by the aquaculture industry.

Proposals focused on production of commercially important aquaculture species in the following *specific areas of inquiry* will be considered:

**2.1 Improved production efficiency in nutrient requirements, reproduction and breeding, and disease and parasite control.**

**2.2 Improved water quality for production.**

**How To Obtain Application Materials**

Copies of this solicitation, the Research Grant Application Kit, and the Administrative Provisions governing this program, 7 CFR Part 3400 (50 FR 5498, February 8, 1985), may be obtained by writing to the address or calling the telephone number which follows:

Proposal Services Unit, Grants Administrative Management, Office of Grants and Program Systems, Cooperative State Research Service, U.S. Department of Agriculture, Room 005, Justin Smith Morrill Building, 15th and Independence Avenue, SW., Washington, DC 20251-2200, Telephone: (202) 475-5048.

**What to Submit**

An original and nine copies of each proposal submitted are requested. This number of copies is necessary to permit thorough, objective peer evaluation of all proposals received before funding decisions are made.

In addition to other required forms and certifications included in the Research Grant Application Kit, each copy of each proposal must include a Form CSRS-661, "Grant Application." Proposers should note that one copy of this form, preferably the original, must contain pen-and-ink signatures of the principal investigator(s) and the authorized organizational representative.

Members of review committees and the staff expect each project description to be complete in itself. Grant proposals

must be limited to 15 pages (single-spaced) exclusive of required forms, the summary of progress for any prior Animal Health Special Research grants, bibliography, and vitae of the principal investigator(s), senior associate(s) and other professional personnel. Reduction by photocopying or other means for the purpose of meeting the 15-page limit is not permitted. Attachment of appendices is discouraged and should be included only if pertinent to understanding the proposal. Reviewers are not required to read beyond the 15-page maximum to evaluate the proposal.

All copies of a proposal must be mailed in one package. Also, please see that each copy of each proposal is stapled securely in the upper left-hand corner. **DO NOT BIND.** Information should be typed on one side of the page only. *Every effort should be made to ensure that the proposal contains all pertinent information when initially submitted.* Prior to mailing, compare your proposal with the guidelines contained in the Administrative Provisions which govern the Special Research Grants Program, 7 CFR Part 3400.

Applicants should not submit the same research proposal twice in the same fiscal year to different research program area categories within the Animal Health and Aquaculture Special Research Grants Program areas. Duplicate proposals will be returned without review.

**Where and When to Submit Grant Applications**

Each research grant application must be submitted by the date set forth below to: Proposal Services Unit, Grants Administrative Management, Office of Grants and Program Systems, Cooperative State Research Service, U.S. Department of Agriculture, Room 005, Justin Smith Morrill Building, 15th and Independence Avenue SW., Washington, DC 20251-2200.

To be considered for funding during fiscal year 1988, *proposals must be postmarked by February 16, 1988*, for both the Animal Health Research and the Aquaculture Research Program areas.

One copy of each proposal not selected for funding will be retained for a period of one year. The remaining copies will be destroyed.

**Special Instructions**

On Form CSRS-661 provided in the Research Grant Application Kit, the

Special Research Grants Program should be indicated in Block 7, and the applicable program area and commodity area should be indicated in Block 8. *Select one program area only.* The number assigned to the commodity area must also be cited in Block 8. Example: (Animal Health, 1.5 Sheep and Goats). The final determination of the program area and commodity area will be made by agency staff members and/or the appropriate peer review panel. The code numbers assigned to commodity areas and specific areas of inquiry are listed below:

- 1.0 *Animal Health Research (use appropriate commodity area 1.1 through 1.7)*
- 1.1 *Beef Cattle*
- 1.2 *Dairy Cattle*
- 1.3 *Swine*
- 1.4 *Poultry*
- 1.5 *Sheep and Goats*
- 1.6 *Horses*
- 1.7 *Aquaculture*
- 2.0 *Aquaculture Research (use appropriate commodity area 2.1 or 2.2)*
- 2.1 *Nutrient Requirements, Reproduction and Breeding, and Disease and Parasite Control*
- 2.2 *Water Quality for Production.*

**Supplementary Information**

The Special Research Grants Program is listed in the Catalog of Federal Domestic Assistance under No. 10.200. For reasons set forth in the Final Rule-related Notice to 7 CFR Part 3015, Subpart V (48 FR 29115, June 24, 1983), this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)), the collection of information requirements contained in this Notice have been approved under OMB Document No. 0524-0022.

*The award of any grants under the Special Research Grants Program during FY 1988 is subject to the availability of funds.*

Done at Washington, DC, this 1st day of December 1987.

**John Patrick Jordan,**

Administrator, Cooperative State Research Service.

[FR Doc. 87-27963 Filed 12-4-87; 8:45 am]

BILLING CODE 3410-22-M



1. The first part of the report is a general introduction to the subject of the study. It discusses the importance of the problem and the objectives of the research.

2. The second part of the report is a detailed description of the methods used in the study. It includes a discussion of the experimental design, the data collection procedures, and the statistical analysis techniques.

3. The third part of the report is a presentation of the results of the study. It includes a discussion of the findings, a comparison of the results with previous research, and a conclusion about the significance of the study.

4. The fourth part of the report is a discussion of the implications of the study. It includes a discussion of the limitations of the study, the strengths of the findings, and the potential for future research.



# Reader Aids

Federal Register

Vol. 52, No. 234

Monday, December 7, 1987

## INFORMATION AND ASSISTANCE

### SUBSCRIPTIONS AND ORDERS

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| Subscriptions (public)            | 202-783-3238 |
| Problems with subscriptions       | 275-3054     |
| Subscriptions (Federal agencies)  | 523-5240     |
| Single copies, back copies of FR  | 783-3238     |
| Magnetic tapes of FR, CFR volumes | 275-1184     |
| Public laws (Slip laws)           | 275-3030     |

### PUBLICATIONS AND SERVICES

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### H.R. 2112/Pub. L. 100-178

Intelligence Authorization Act, Fiscal Year 1988. (Dec. 2, 1987; 101 Stat. 1009; 9 pages) Price: \$1.00

### H.J. Res. 404/Pub. L. 100-179

To provide for the temporary extension of certain programs relating to housing and community development, and for other purposes. (Dec. 3, 1987; 101 Stat. 1018; 1 page) Price: \$1.00



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| 1, 2 (2 Reserved)                          | \$9.00 | Jan. 1, 1987  |
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| 1945-End                                   | 26.00  | Jan. 1, 1987  |
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| 200-End                                    | 16.00  | Jan. 1, 1987  |
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| 0-199                                      | 29.00  | Jan. 1, 1987  |
| 200-399                                    | 13.00  | Jan. 1, 1987  |
| 400-499                                    | 14.00  | Jan. 1, 1987  |
| 500-End                                    | 24.00  | Jan. 1, 1987  |
| 11                                         | 11.00  | July 1, 1987  |
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| 13                                         | 19.00  | Jan. 1, 1987  |
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| 0-299                                      | 10.00  | Jan. 1, 1987  |
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| 1000-End         | 19.00 | Jan. 1, 1987  |
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| 1-399            | 12.00 | Apr. 1, 1987  |
| 400-499          | 23.00 | Apr. 1, 1987  |
| 500-End          | 24.00 | Apr. 1, 1987  |
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| 100-169          | 14.00 | Apr. 1, 1987  |
| 170-199          | 16.00 | Apr. 1, 1987  |
| 200-299          | 5.50  | Apr. 1, 1987  |
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| 800-1299         | 13.00 | Apr. 1, 1987  |
| 1300-End         | 6.00  | Apr. 1, 1987  |
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| 300-End          | 13.00 | Apr. 1, 1987  |
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<sup>1</sup> Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

<sup>2</sup> No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1987. The CFR volume issued as of Apr. 1, 1980, should be retained.

<sup>3</sup> No amendments to this volume were promulgated during the period July 1, 1985 to June 30, 1986. The CFR volume issued as of July 1, 1985 should be retained.

<sup>4</sup> The July 1, 1985 edition of 32 CFR Parts 1-189 contains a note only for Parts 1-39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1-39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

<sup>5</sup> The July 1, 1985 edition of 41 CFR Chapters 1-100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

<sup>6</sup> No amendments to this volume were promulgated during the period Oct. 1, 1985 to Sept. 30, 1986. The CFR volume issued as of Oct. 1, 1985 should be retained.



