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Friday
February 12, 1988

Briefing on How To Use the Federal Register—
For information on a briefing in Washington, DC, see announcement on the inside cover of this issue.

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THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

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

WHO: The Office of the Federal Register.

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

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

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

WASHINGTON, DC

WHEN: February 19; at 9:00 a.m.
WHERE: Office of the Federal Register, First Floor Conference Room, 1100 L Street NW., Washington, DC.
RESERVATIONS: Roy Nanovic, 202–523–3187

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

CFR PARTS AFFECTED IN THIS ISSUE

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

Federal Register
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Presidential Documents

Title 3—

The President

Proclamation 5770 of February 10, 1988

National Child Passenger Safety Awareness Week, 1988

By the President of the United States of America

A Proclamation

Motor vehicle crashes are a major cause of death and disabling injury for America's children. The best way to protect children in automobiles is to use child safety seats and other safety restraints on every trip. We must alert parents and concerned citizens of the critical need to make child passenger safety a priority in every community, and we should recognize the thousands of people throughout our Nation who do so as they take part in programs and activities in support of National Child Passenger Safety Awareness Week. Fittingly, this special week falls just before Valentine's Day, when we express love and appreciation to family and friends.

Many people may be unaware that child passenger protection laws requiring the use of child safety seats and belt systems are in place in all 50 States and the District of Columbia. Correctly used, child safety seats are highly effective, reducing the risk of fatality among children under four by about 70 percent and of serious injury by about 67 percent. For older children, studies of the effectiveness of belt systems indicate that they can reduce the risk of fatalities and serious injuries by 40 to 55 percent.

Effective child passenger protection requires awareness that the efficacy of child safety seats and belt systems depends on their correct installation and use. A nationwide effort is underway to boost correct child seat use to 70 percent or higher by 1990 through increasing public awareness and enforcement of child passenger protection laws and alerting parents about the importance of installing the restraints correctly and securing their children in them properly on every trip. With added concern for the proper installation and consistent use of these safety devices, we can prevent tragedies and save the lives of hundreds of children every year.

To encourage the people of the United States to protect their children properly in child safety seats and belt systems; to encourage safety and law enforcement agencies and others to promote greater use of these essential safety devices; and to inform the public about the serious dangers children can face as automobile passengers and the importance of child safety protection devices and their correct use, the Congress, by House Joint Resolution 402, has designated the week of February 7–13, 1988, as "National Child Passenger Safety Awareness Week" and authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of February 7–13, 1988, as National Child Passenger Safety Awareness Week. I ask all Americans to make sure that their children are fully protected by the correct use of child passenger protection devices. I call upon concerned citizens and government officials to observe this week with appropriate ceremonies and activities in reaffirmation of our commitment to universal and correct use of child passenger protection devices.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of February, in the year of our Lord nineteen hundred and eighty-eight, and of the Independence of the United States of America the two hundred and twelfth.

Ronald Reagan

[FR Doc. 88-3268
Filed 2-11-88; 10:52 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 53, No. 29
Friday, February 12, 1988

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Regulation 672]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 672 establishes the quantity of California Arizona navel oranges that may be shipped to market during the period February 12 through February 18, 1988. Such action is needed to balance the supply of fresh navel oranges with the demand for such oranges during the period specified due to the marketing situation confronting the orange industry.

DATE: Regulation 672 (§ 907.972) is effective for the period February 12 through February 18, 1988.

FOR FURTHER INFORMATION CONTACT: Raymond C. Martin, Section Head, Volume Control Programs, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2528–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 447–5120.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Order 907 [7 CFR Part 907], as amended, regulating the handling of navel oranges grown in Arizona and designated part of California. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended, 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 the use of volume regulations on small entities as well as larger ones.

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 123 handlers of California-Arizona navel oranges subject to regulation under the navel orange marketing order, and approximately 4,065 producers in California and Arizona. 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 $500,000, 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 California-Arizona navel oranges may be classified as small entities.

This action is consistent with the marketing policy for 1987–88 adopted by the Navel Orange Administrative Committee (Committee). The Committee met publicly on February 9, 1988, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and unanimously recommended a quantity of navel oranges deemed advisable to be handled during the specified week. The Committee reports that the demand for navel oranges is improving.

Based on consideration of supply and market conditions, and the evaluation of alternatives to the implementation of prorate regulations, the Administrator of the AMS has determined that this final rule will not have a significant economic impact on a substantial number of small entities.

Pursuant to 5 U.S.C. 553, it is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. To effectuate the declared purposes of the Act, it is necessary to make this regulatory provision effective as specified, and handlers have been apprised of such provision and the effective time.

List of Subjects in 7 CFR Part 907

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

For the reasons set forth in the preamble, 7 CFR Part 907 is amended as follows:

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

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

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

2. Section 907.972 is added to read as follows: (This section will not appear in the Code of Federal Regulations.)

§ 907.972 Navel Orange Regulation 672.

The quantity of navel oranges grown in California and Arizona which may be handled during the period February 12, 1988, through February 18, 1988, are established as follows:

(a) District 1: 1,360,000 cartons;
(b) District 2: 240,000 cartons;
(c) District 3: Unlimited cartons;
(d) District 4: Unlimited cartons.

Dated: February 10, 1988.

Robert C. Keeney,

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

[FR Doc. 88–3183 Filed 2–11–88; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Part 910

[Lemon Regulation 600]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 600 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 250,000 cartons during the period February 14 through February 20, 1988. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

DATES: Regulation 600 (§ 910.900) is effective for the period February 14 through February 20, 1988.

FOR FURTHER INFORMATION CONTACT: Raymond C. Martin, Section Head, Volume Control Programs, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2523, South Building, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 447-5697.

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

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

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

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

This regulation is consistent with the marketing policy for 1987-88. The committee met publicly on February 9, 1988, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended, by an 8-4 vote, a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that the market for lemons is improving.

Pursuant to 5 U.S.C. 553, it is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary, in order to effectuate the declared purposes of the Act, to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

For the reasons set forth in the preamble, 7 CFR Part 910 is amended as follows:

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

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

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

2. Section 910.900 is added to read as follows:

(This section will not appear in the Code of Federal Regulations.)

§ 910.900 Lemon Regulation 600.

The quantity of lemons grown in California and Arizona which may be handled during the period February 14, 1988, through February 20, 1988, is established at 250,000 cartons.

Dated: February 10, 1988.

Robert C. Keeney,

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

[FR Doc. 88-3184 Filed 2-11-88; 8:45 am]

BILLING CODE 3410-02-M

Economics Management Staff

7 CFR Parts 4000 and 4001

Organization, Functions, and Availability of Information to the Public

AGENCY: Economics Management Staff, USDA.

ACTION: Final rule.

SUMMARY: This rule explains the organization and functions of the Economics Management Staff (EMS) and the procedures for requesting records from EMS under the Freedom of Information Act (FOIA). It supplements the Department's regulations at 7 CFR Part 1, Subpart A.

EFFECTIVE DATE: February 12, 1988.

FOR FURTHER INFORMATION CONTACT: Laura B. Snow, Economics Agencies FOIA Officer, Economics Management Staff, USDA, Room 4310, South Building, 12th and Independence Avenue SW., Washington, DC 20250. Telephone (202) 447-7590.

SUPPLEMENTARY INFORMATION: This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required and this rule may be made effective in less than 30 days after publication in the **Federal Register.** Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. Also, this rule will not cause a significant economic impact or other substantial effect on small entities. Therefore, the requirements of the Regulatory Flexibility Act, 5 U.S.C. 605(b), do not apply.

List of Subjects

7 CFR Part 4000

Organization and functions (Government agencies).

7 CFR Part 4001

Freedom of Information.

Accordingly, 7 CFR is amended by adding a new Chapter XL and Parts 4000 and 4001 to read as follows:

CHAPTER XL—ECONOMICS MANAGEMENT STAFF

PART 4000—ORGANIZATION AND FUNCTIONS

Sec.

Authority: 5 U.S.C. 301 and 552, and 7 CFR 2.87, except as otherwise stated.

§ 4000.1 General.

The Economics Management Staff (EMS) was established on September 30, 1981 (46 FR 47753), in response to Secretary's Memorandum 1000-1 of June 17, 1981, entitled "Reorganization of Department." The primary responsibility of EMS is to provide a comprehensive program of management support services to the agencies reporting to the Assistant Secretary for Economics of the U.S. Department of Agriculture.

§ 4000.2 Organization.

EMS maintains its offices in the South Building of the U.S. Department of Agriculture, 12th and Independence Avenue SW., Washington, DC 20250, and at 1301 New York Avenue NW., Washington, DC 20005–4789. The organization consists of (a) the Director; (b) Deputy Director; (c) four Divisions: Administrative Services Division, Budget and Finance Division, Information Division, and Personnel Division; and (d) Equal Opportunity and Civil Rights Staff.

§ 4000.3 Functions.

(a) *Director.* The Director is responsible for formulating, recommending, coordinating, and administering a comprehensive program of management support services for the Economic Research Service, the National Agricultural Statistics Service, the Office of Energy, the Economic Analysis Staff, the World Agricultural Outlook Board, and EMS itself.

(b) *Deputy Director.* The Deputy Director is responsible for advising and counseling the Director and shares the responsibility for administering the management support services program.

(c) *Director, Administrative Services Division.* The Director, Administrative Services Division, is responsible for formulating, recommending, implementing, and directing procurement policy and services, real and personal property management, paperwork management, Freedom of Information Act and Privacy Act administration, management analysis, and related services.

(d) *Director, Budget and Finance Division.* The Director, Budget and Finance Division, is responsible for formulating, recommending, implementing, and directing budgetary and related financial management services.

(e) *Director, Information Division.* The Director, Information Division, is responsible for formulating, recommending, implementing, and directing a comprehensive information dissemination program.

(f) *Director, Personnel Division.* The Director, Personnel Division, is responsible for formulating, recommending, implementing, and directing a comprehensive personnel management program including classification, staffing, employee development, and employee relations.

(g) *Director, Equal Opportunity and Civil Rights Staff.* The Director, Equal Opportunity and Civil Rights Staff, formulates, recommends, implements, and directs comprehensive equal opportunity and civil rights programs for all serviced agencies.

§ 4000.4 Authority to act for the Director.

When the Director is absent, the following officials are designated to serve as Acting Director in the order indicated:

Deputy Director
Director, Personnel Division
Director, Administrative Services Division
Director, Budget and Finance Division
Director, Information Division

PART 4001—AVAILABILITY OF INFORMATION TO THE PUBLIC

Sec.
4001.1 General.
4001.2 Public inspection, copying, and indexing.
4001.3 Requests for records.
4001.4 Denials.
4001.5 Appeals.

Authority: 5 U.S.C. 301 and 552; 7 CFR 1.1–1.23 and Appendix A.

§ 4001.1 General.

This part is issued in accordance with the regulations of the Secretary of Agriculture in §§ 1.1 through 1.23 of this title and Appendix A thereto, implementing the Freedom of Information Act (FOIA) (5 U.S.C. 552), and governs the availability of records of the Economics Management Staff (EMS) to the public.

§ 4001.2 Public inspection, copying, and indexing.

5 U.S.C. 552(a)(2) requires that certain materials be made available for public inspection and copying and that a current index of these materials be published quarterly or otherwise be made available. EMS does not maintain any materials within the scope of these requirements.

§ 4001.3 Requests for records.

Requests for records of EMS shall be made in accordance with § 1.6 (a) and (b) of this title and addressed to: Economics Agencies FOIA Officer, Economics Management Staff, USDA, Room 4310, South Building, 12th and Independence Avenue SW., Washington, DC 20250. This official is delegated authority to make determinations regarding such requests in accordance with § 1.3(a)(3) of this title.

§ 4001.4 Denials.

If the Economics Agencies FOIA Officer determines that a requested record is exempt from mandatory disclosure and that discretionary release would be improper, the Economics Agencies FOIA Officer shall give written notice of denial in accordance with § 1.6(a) of this title.

§ 4001.5 Appeals.

Any person whose request is denied shall have the right to appeal such denial. Appeals shall be made in accordance with § 1.6(e) of this title and addressed to the Director, Economics Management Staff, U.S. Department of Agriculture, Washington, DC 20250.

Done at Washington, DC, this 8th day of February, 1988.

Allan S. Johnson,
Director, Economics Management Staff.

[FR Doc. 88-2911 Filed 2-11-88; 8:45 am]

BILLING CODE 3410-35-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 30, 40, 60, 61, 70, 71, 72, 73, 74 and 110

Relocation of NRC Offices—NMSS, OI, and GPA

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to indicate that its Offices of Nuclear Material Safety and Safeguards (NMSS) and Investigations (OI) and portions of the Office of Governmental and Public Affairs (GPA) have relocated at the agency's new office building located at One White Flint North in Rockville, Maryland. These amendments are being made to inform NRC licensees and members of the public of the relocation of these offices.

EFFECTIVE DATE: February 12, 1988.

FOR FURTHER INFORMATION CONTACT: Donnie H. Grimsley, Director, Division of Rules and Records, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301–492–7211.

SUPPLEMENTARY INFORMATION: On January 20, 1988 (53 FR1531), the NRC

published a general notice announcing that as of January 11, 1988, the Office of NMSS had relocated at the agency's new office building located at One White Flint North, 11555 Rockville Pike, Rockville, Maryland. The notice also announced that effective January 15, the Office of GPA's State, Local, and Indian Tribe Programs and International Programs had relocated at One White Flint North. The remainder of GPA, including Public Affairs and Congressional Affairs, will relocate at the new building in late February 1988. In addition, effective January 19, 1988, the NRC's Office of Investigations has been relocated at One White Flint North..

Because these amendments deal solely with the relocation of agency personnel, the notice and comment provisions of the Administrative Procedure Act do not apply under 5 U.S.C. 553(b)(A). These amendments are effective upon publication in the **Federal Register**. Good cause exists to dispense with the usual 30-day delay in the effective date, because these amendments are of a minor and administrative nature, dealing with the relocation of agency personnel.

Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(2). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

Paperwork Reduction Act Statement

This final rule contains no information collection requirements and therefore is not subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

List of Subjects

10 CFR Part 30

Byproduct material, Government contracts, Intergovernmental relations, Isotopes, Nuclear materials, Penalty, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 40

Government contracts, Hazardous materials—transportation, Nuclear materials, Penalty, Reporting and recordkeeping requirements, Source material, Uranium.

10 CFR Part 60

High-level waste, Nuclear power plants and reactors, Nuclear materials, Penalty, Reporting and recordkeeping requirements, Waste treatment and disposal.

10 CFR Part 61

Low-level waste, Nuclear materials, Penalty, Reporting and recordkeeping requirements, Waste treatment and disposal.

10 CFR Part 70

Hazardous materials—transportation, Nuclear materials, Packaging and containers, Penalty, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Special nuclear material.

10 CFR Part 71

Hazardous materials—transportation, Nuclear materials, Packaging and containers, Penalty, Reporting and recordkeeping requirements.

10 CFR Part 72

Manpower training programs, Nuclear materials, Occupational safety and health, Reporting and recordkeeping requirements, Security measures, Spent fuel.

10 CFR Part 73

Hazardous materials—transportation, Incorporation by reference, Nuclear materials, Nuclear power plants and reactors, Penalty, Reporting and recordkeeping requirements, Security measures.

10 CFR Part 74

Accounting, Hazardous materials—transportation, Material control and accounting, Nuclear materials, Packaging and containers, Penalty, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Special nuclear material.

10 CFR Part 110

Administrative practice and procedure, Classified information, Export, Import, Incorporation by reference, Intergovernmental relations, Nuclear materials, Nuclear power plants and reactors, Penalty, Reporting and recordkeeping requirements, Scientific equipment.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the NRC is adopting the following amendments to 10 CFR Parts 30, 40, 60, 61, 70, 71, 72, 73, 74, and 110.

PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

1. The authority citation for Part 30 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat 1242, as amended (42 U.S.C. 5841).

2. In § 30.6, paragraph (a)(2)(ii) is revised to read as follows:

§ 30.6 Communications.

(a) * * *

(2) * * *

(ii) 11555 Rockville Pike, One White Flint North, Rockville, Maryland.

* * * * *

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

3. The authority citation for Part 40 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

4. In § 40.5, paragraph (a)(2)(ii) is revised to read as follows:

§ 40.5 Communications.

(a) * * *

(2) * * *

(ii) 11555 Rockville Pike, One White Flint North, Rockville, Maryland.

* * * * *

5. In § 40.23, paragraph (d) is revised to read as follows:

§ 40.23 General license for carriers of transient shipments of natural uranium other than in the form of ore or ore residue.

* * * * *

(d) A licensee who needs to amend a notification may do so by telephoning the Division of Safeguards and Transportation at 301–492–3365.

6. In § 40.66, paragraph (c) is revised to read as follows:

§ 40.66 Requirements for advance notice of export shipments of natural uranium.

* * * * *

(c) A licensee who needs to amend a notification may do so by telephoning the Division of Safeguards and Transportation at 301–492–3365.

7. In § 40.67 paragraphs (c) and (d) are revised to read as follows:

§ 40.67 Requirement for advance notice for importation of natural uranium from countries that are not party to the Convention on the Physical Protection of Nuclear Material.

* * * * *

(c) The licensee shall notify the Division of Safeguards and

Transportation by telephone at 301–492–3365 when the shipment is received at the receiving facility.

(d) A licensee who needs to amend a notification may do so by telephoning the Division of Safeguards and Transportation at 301–492–3365.

PART 60—DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTES IN GEOLOGIC REPOSITORIES

8. The authority citation for Part 60 is revised to read as follows:

Authority: Secs. 51, 53, 62, 63, 65, 81, 161, 182, 183, 68 Stat. 929, 930, 932, 933, 935, 948, 953, 954, as amended (42 U.S.C. 2071, 2073, 2092, 2093, 2095, 2111, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842, 5846); secs. 10 and 14, Pub. L. 95–601, 92 Stat. 2951 (42 U.S.C. 2021a and 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); sec. 121, Pub. L. 97–425, 96 Stat. 2228 (42 U.S.C. 10141).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 60.10, 60.71 to 60.75 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

9. Section 60.4 is revised to read as follows:

§ 60.4 Communications.

Except where otherwise specified, all communications and reports concerning the regulations in this part and applications filed under them should be addressed to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Communications, reports, and applications may be delivered at the Commission's offices at 1717 H Street NW., Washington, DC, or 11555 Rockville Pike, Rockville, Maryland.

PART 61—LICENSING REQUIREMENTS FOR LAND DISPOSAL OF RADIOACTIVE WASTE

10. The authority citation for Part 61 is revised to read as follows:

Authority: Secs. 53, 57, 62, 63, 65, 81, 161, 182, 183, 68 Stat. 930, 932, 935, 948, 953, 954, as amended (42 U.S.C. 2073, 2077, 2092, 2093, 2095, 2111, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842, 5846); secs. 10 and 14, Pub. L. 95–601, 92 Stat. 2951 (42 U.S.C. 2021a and 5851).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); Tables 1 and 2, §§ 61.3, 61.24, 61.25, 61.27(a), 61.41 through 61.43, 61.52, 61.53, 61.55, 61.56, and 61.61 through 61.63 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 61.9a, 61.10 through 61.16, 61.24, and 61.80 are isssued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

11. Section 61.4 is revised to read as follows:

§ 61.4 Communications.

Except where otherwise specified, all communications and reports concerning the regulations in this part and applications filed under them should be addressed to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Communications, reports, and applications may be delivered in person at the Commission's Offices at 1717 H Street, NW., Washington, DC, or 11555 Rockville Pike, Rockville, Maryland.

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

12. The authority citation for Part 70 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

13. In § 70.5, paragraph (a)(2)(ii) is revised to read as follows:

§ 70.5 Communications.

(a) * * *

(2) * * *

(ii) 11555 Rockville Pike, One White Flint North, Rockville, Maryland.

* * * * *

PART 71—PACKAGING AND TRANSPORTATION OF RADIOACTIVE MATERIAL

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

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

15. Section 71.1 is revised to read as follows:

§ 71.1 Communications.

All communications concerning the regulations in this part should be addressed to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, or may be delivered in person at the Commission Office at 1717 H Street, NW, Washington, DC, or its Offices at 11555 Rockville Pike, Rockville, Maryland.

PART 72—LICENSING REQUIREMENTS FOR THE STORAGE OF SPENT FUEL IN AN INDEPENDENT SPENT FUEL STORAGE INSTALLATION (ISFSI)

16. The authority citation for Part 72 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

17. Section 72.4 is revised to read as follows:

§ 72.4 Communications.

Except where otherwise specified, all communications and reports concerning the regulations in this part and applications filed under them should be addressed to the Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Division of Industrial and Medical Nuclear Safety, Washington, DC 20555. Communications, reports, and applications may be delivered in person at the Commission's Offices at 11555 Rockville Pike, Rockville, Maryland, or at 1717 H Street NW., Washington, DC.

18. In § 72.11, paragraph (a) is revised to read as follows:

§ 72.11 Filing of applications for specific licenses; oath or affirmation.

(a) *Place of filing.* (1) Each application for a license, or amendment thereof, under this part should be filed with the Director, Division of Industrial and Medical Nuclear Safety, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

(2) Applications, communications, reports, and correspondence may also be delivered in person at the Commission's Offices at 11555 Rockville Pike, Rockville, Maryland, or at 1717 H Street NW., Washington, DC.

* * * * *

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

19. The authority citation for Part 73 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

20. In § 73.72, paragraph (a)(4) and (a)(5) are revised to read as follows:

§73.72 Requirement for advance notice of shipment of formula quantities of stragegic special nuclear material, special nuclear material of moderate strategic significance, or irradiated reactor fuel.

(a) * * *

(4) Notify the Division of Safeguards and Transportation by telephone at 301–492–3365 at least 10 days before the shipment commences at the shipping facility that an advance notice has been sent; and

(5) Notify the Division of Safeguards and Transportation by telephone at 301–492–3365 of any changes to the shipment itinerary.

* * * * *

21. In § 73.73, paragraph (b) is revised to read as follows:

§ 73.73 Requirement for advance notice and protection of export shipments of special nuclear material of low strategic significance.

* * * * *

(b) A licensee who needs to amend a written advance notification required by paragraph (a) of this section may do so by telephoning the Division of Safeguards and Transportation at 301–492–3365.

22. In § 73.74, paragraph (b) is revised to read as follows:

§ 73.74 Requirement for advance notice and protection of import shipments of nuclear material from countries that are not party to the Convention on the Physical Protection of Nuclear Materials.

* * * * *

(b) A licensee who needs to amend a written advance notification required by paragraph (a) of this section may do so by telephoning the Division of Safeguards and Transportation at 301–492–3365.

* * * * *

PART 74—MATERIAL CONTROL AND ACCOUNTING OF SPECIAL NUCLEAR MATERIAL

23. The authority citation for Part 74 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

24. In § 74.6, paragraph (b)(2) is revised to read as follows:

§ 74.6 Communications.

* * * * *

(b) * * *

(2) 11555 Rockville Pike, One White Flint North, Rockville, Maryland.

PART 110—EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL

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

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

26. Section 110.4 is revised to read as follows:

§ 110.4 Inquiries.

Inquiries concerning this part should be addressed to the Assistant Director for International Security, Office of Governmental and Public Affairs, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (Telephone 301–492–0344).

27. In § 110.30, paragraph (a) is revised to read as follows:

§ 110.30 Filing license applications.

(a) A person shall file a license application with the Assistant Director for International Security, Office of Governmental and Public Affairs, U.S. Nuclear Regulatory Commission, Washington, DC 20555, or deliver the application in person to the Commission's Offices at 1717 H Street, NW, Washington, DC.

* * * * *

28. In § 110.43, paragraph (a)(1) is revised to read as follows:

§ 110.43 Physical security standards.

(a) * * *

(1) Review of the physical security program established by the recipient country and of the implementation of the national requirements, as considered through country visits and other information exchanges, to ensure that the physical security measures provide, as a minimum protection comparable to that set forth in the International Atomic Energy publication INFCIRC/225 Rev. 1, entitled "The Physical Protection of Nuclear Material" (INFCIRC/225), which is incorporated by reference in this part. This incorporation by reference was approved by the Director of the Federal Register on May 3, 1978. Notice of any changes to the publication will be published in the **Federal Register** Copies of INFCIRC/225 may be obtained from the Assistant Director for International Security, Office of Governmental and Public Affairs, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and are available for inspection in the Commission Public Document Room. A copy is on file in the library of the Office of the Federal Register.

* * * * *

29. In 110.50, paragraph (b)(3) is revised to read as follows:

§ 110.50 Terms.

* * * * *

(b) * * *

(3) Unless a license specifically authorizes the export of foreign-origin nuclear material or equipment, a licensee shall notify in writing the Assistant Director for International Security at least 40 days prior to export of Australian-origin or Canadian-origin nuclear material or equipment. A licensee may not ship this material or equipment until authorized by the Assistant Director for International Security. The Assistant Director for International Security will not authorize shipment until after obtaining the consent of the Australian Government for Australian-origin material or the Canadian Government for Canadian-origin material.

* * * * *

30. § 110.70, paragraph (c) is revised to read as follows:

§ 110.70 Public notice of receipt of an application.

* * * * *

(c) Periodic lists of applications received may be obtained upon request addressed to the Assistant Director for International Security, Office of Government and Public Affairs, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Dated at Bethesda, Maryland, this 3rd day of February 1988.

For the Nuclear Regulatory Commission.

James M. Taylor,

Acting Executive Director for Operations.

[FR Doc. 88–3024 Filed 2–11–88; 8:45 am]

BILLING CODE 7590–01–M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 140

Debt Collection; Income Tax Refund Offset

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: The Budget Reconciliation Act of 1987, passed December 22, extends authority of the Secretary of the Treasury to offset the income tax refund due a taxpayer who has a delinquent debt obligation to the Federal Government under section 2653 of the Deficit Reduction Act.

Therefore, SBA is republishing this regulation which was scheduled to expire with the authority under the Deficit Reduction Act on December 31, 1987. The text is identical to that published in 51 FR 42547, November 25, 1986.

DATES: Effective retroactively to January 1, 1988.

FOR FURTHER INFORMATION CONTACT: Fred Hanus, Financial Analyst, Office of Portfolio Management, Small Business Administration, 1441 L Street NW., Room 813, Washington, DC 20416. Telephone (202) 653–6900 (this is *not* a toll free number).

SUPPLEMENTARY INFORMATION: SBA adopted regulations on November 25, 1986, at 51 FR 42547, to implement 31 U.S.C. § 3720A. SBA published supplementary information with the regulation explaining its authority. The Budget Reconciliation Act of 1987, Pub. L. 100–203 extends statutory authority

without otherwise amending it. Therefore, SBA is republishing the identical regulation.

Since this rule is procedural in nature and since the procedures themselves require that actual notice be sent to all persons affected thereby, it is not subject to the notice and public comments requirements of the Administrative Procedures Act. 5 U.S.C. 553(b)(A). No comments were received when this regulation was first published as an interim final rule.

Executive Order 12291

These regulations are not a major rule because they will not have an annual economic effect of $100 million or more. They will not increase costs to any entity nor adversely affect competition or employment in the United States.

Regulatory Flexibility Act Certification

SBA certifies that this rule will not have a significant economic impact on a substantial number of small entities. SBA will notify the Internal Revenue Service only of debts owed by individuals. Therefore, no small entities will be affected.

Paperwork Reduction Act of 1980

This rule requires individuals to submit information if they wish to dispute SBA's claim. 13 CFR 140.6(e). This information requirement is part of an administrative action which begins when SBA sends a notice to a particular party as required by § 140.6(c). Therefore, this collection is exempt from the requirements of the Paperwork Reduction Act. 5 CFR 1320.3(c).

PART 140—DEBT COLLECTION

Accordingly 13 CFR Part 140 is amended as follows:

1. Revise the authority citation:

Authority: 31 U.S.C. 3720A, Deficit Reduction Act; 15 U.S.C. 634(b)(6), Small Business Act.

2. Add in the table of contents for Part 140 the new section as follows:

Sec.

* * * * *

140.6 Income Tax Refund Offset.

3. Add new § 140.6 *Income Tax Refund Offset* as follows:

§ 140.6 Income tax refund offset.

(a) *Definitions.*—(1) *Past due.* Any accelerated debt or any judgment debt is past due for the purpose of this section, and remains past due until paid in full. An unaccelerated debt is past due if, at the time of the notice required by paragraph (c) of this section, any part of the debt had been due, but not paid for at least 90 days. Such an unaccelerated debt remains past due until paid current.

(2) *Legally enforceable.* A debt is legally enforceable if there is any forum, including State or Federal court or administrative agencies, in which SBA's claim would not be barred on the date of offset. Non-judgment debts are enforceable for ten years. Judgment debts are enforceable beyond ten years.

(3) *Debt.* A debt eligible for offset of tax overpayment is the principal amount loaned but not repaid or otherwise due, plus interest accrued to the date of referral, penalties, and costs, including any fee charged by the Internal Revenue Service. If a note has not been accelerated, the principal amount eligible for offset is limited to the principal portion of installments due, but not paid, as of the day of referral.

(4) *Notice.* Notice means the information sent to the debtor pursuant to paragraph (c) of this section. The information may be included on or with a bill or monthly statement. The date of notice is three days after mailing by SBA.

(5) *Dispute.* A dispute is a written statement that all or part of an alleged debt is not past due or is not legally enforceable supported by documentation or other evidence. Offers of compromise, repayment plans, requests for deferrals and other requests or offers are not disputes.

(b) *Referral.* SBA may request the IRS to offset any tax refund payable to an individual who has a past due, legally enforceable debt of $25.00 or more due to the Agency. SBA shall make the referral in the form and on the dates prescribed by the IRS.

(c) *Notice.* Before making a referral, SBA will mail a notice to the debtor's last known address stating that SBA intends to refer the debt to IRS for a tax refund deduction unless the debtor pays the past due amount or disputes the debt according to the procedures explained below within 60 days. The notice will include an address where disputes must be sent.

(d) *Other preconditions.* Prior to referring a debt, SBA will:

(1) Disclose the loan status to a consumer reporting agency as provided by 31 U.S.C. 3711(f) and implemented in 13 CFR 140.3; and

(2) Satisfy any other conditions prescribed by the Secretary of the Treasury in 26 CFR 301.6402–6T or other regulations.

(e) *Disputes.* A debtor may request a review by SBA if the debtor believes that all or part of the debt is not past due or legally enforceable as follows:

(1) The debtor must send a written request for review to the address provided in the notice.

(2) The request must state the amount disputed and the reasons why the debtor believes that the debt is not past due or is not legally enforceable.

(3) The request must include any documents which the debtor wishes to be considered or state that additional information will be submitted within the time permitted.

(4) The request, and any additional information submitted pursuant to paragraph (e)(3) of this section, must be received by SBA, at the address stated in the notice, within 60 days of the notice provided for in paragraph (c) of this section.

(f) *Reviews.* The SBA field office responsible for servicing a debt will review disputes. SBA shall consider any documentation and arguments submitted by the debtor and agency records. A decision that any disputed portion of the debt is eligible to be referred shall be reviewed and concurred in by a supervisory official. SBA shall send a written notice of the decision to the debtor.

(g) *Change In Amount Due.* SBA will notify IRS of any reduction in the amount due within 10 business days of receipt of payments or notice of other reductions. SBA will not report increases in the amount due after the original referral. However, any fee charged by IRS may be imposed and added to the balance at the time of offset.

(g) *Prior Reviews.* Any debt which has been reviewed pursuant to this section, or any other section of this part, or which has been reduced to a judgment, may not be disputed except on the grounds of payments made, or events occurring, subsequent to the previous review.

(h) *Simultaneous Referrals.* SBA may refer a debt to IRS for a tax refund offset and take additional action at the same time or in sequence. Such additional action may include, but is not limited to, disclosing the debt to a consumer reporting agency as permitted by 31 U.S.C. 3711(f) and 13 CFR 140.3. When SBA makes simultaneous or sequential referrals, only one review is required, provided that:

(1) SBA gives notice of each intended action at least 60 days before the first action;

(2) The review granted is the broadest permitted for any of the proposed actions; and

(3) All the referrals occur within 6 months of the notice.

Dated: February 1, 1988.

James Abdnor,

Administrator.

[FR Doc. 88-2977 Filed 2-11-88; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 88-NM-05-AD; Amdt. 39-5851]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Boeing Model 747 series airplanes, except Model 747SP, which requires periodic inspection of both inboard and outboard trailing edge flaps carriage spindles for fracture or cracks, and repair or replacement, if necessary. This amendment is prompted by a report of two spindles failing on one flap, causing severe control problems during approach and landing. This condition, if not corrected, could lead to the inability of the pilot to safely control the airplane during landing.

EFFECTIVE DATE: March 7, 1988.

ADDRESSES: The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Richard H. Yarges, Airframe Branch, ANM-120S; telephone (206) 431-1925. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: An incident has occurred in which a Boeing Model 747 airplane was on approach when both inboard and outboard spindles of the left inboard trailing edge flap failed, causing severe control problems during approach and landing. On the ground, the foreflap and midflap were found severely damaged.

The number 4 carriage spindle fractured just forward of the aft journal sleeve and the number 3 carriage spindle fractured under the journal sleeve at the forward end. Both fractures initiated at corrosion pits and propagated by stress corrosion until the final rapid ductile fracture.

Evidence indicates that the number 4 carriage spindle fracture had existed, undetected, on the airplane for an extended period of time. During this time the flap functioned normally. The first failure accelerated the time to failure of the number 3 carriage spindle and resulted in a double spindle failure before the first failure was detected.

Since this condition is likely to exist or develop on other airplanes of the same type design, this AD requires periodic inspection of all trailing edge flap carriage spindles for fracture or cracks. This is considered interim action until final action is identified, at which time the FAA may consider further rulemaking.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required).

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

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

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

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Boeing: Applies to Model 747 series airplanes, certificated in any category, except Model 747SP. Compliance required as indicated, unless previously accomplished.

To prevent failure of the trailing edge flap's carriage spindles, accomplish the following:

A. Prior to the accumulation by each new or overhauled flap carriage spindle of 30,000 flight hours, or eight years time-in-service, whichever occurs first, or within 30 days after the effective date of this AD, whichever occurs later:

1. Visually inspect forward and aft journal areas of each trailing edge flap carriage spindle for cracks. This requires the removal of acccess panels to expose the aft journal area.

2. Prior to further flight, repair or replace with serviceable parts any fractured or cracked spindle discovered during the inspection required by paragraph A.1., above.

3. Repeat the inspections required by paragraph A.1., above, at intervals not to exceed three months.

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

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

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

This amendment becomes effective March 7, 1988.

Issued in Seattle, Washington, on February 4, 1988.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 88-2985 Filed 2-11-88; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 86-ANE-27; Amdt. 39-5850]

Airworthiness Directives; Teledyne Continental Motors GTSIO-520, TSIO-520, IO-520, and IO-550 Series Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the Federal Register and makes effective as to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective as to all known U.S. owners and operators of certain Teledyne Continental Motors reciprocating engines by individual letters. The AD requires repetitive inspections and replacement, if necessary, of cylinder assemblies in service, including cylinder assemblies which are reworked from affected cylinder assembly part numbers, and the one time inspection of cylinders in stock. The AD also relieves inspections upon the installation of an improved piston. The AD is needed to prevent possible cylinder head to barrel separation which could result in engine failure and/or engine compartment fire.

DATES: Effective—February 24, 1988, as to all persons except those persons to whom it was made immediately effective by priority letter AD No. 86-13-04 R3, issued November 10, 1987, which contained this amendment.

Compliance required within the next 5 flight hours after the effective date of this AD, unless already accomplished.

FOR FURTHER INFORMATION CONTACT: Jerry C. Robinette, Aerospace Engineer, Propulsion Branch, ACE-140A, Atlanta Aircraft Certification Office, Federal Aviation Administration, 1669 Phoenix Parkway, Suite 210C, Atlanta, Georgia 30349; telephone (404) 991-3810.

SUPPLEMENTARY INFORMATION: On June 20, 1986, AD No. 86-13-04 Amendment 39-5345 (51 FR 23406) was issued requiring repetitive inspections of cylinder assemblies in service and the one time inspection of cylinders in stock on certain Teledyne Continental Motors GTSIO-520, TSIO-520, IO-520, and IO-550 series engines. AD action was necessary to prevent possible cylinder head to barrel separation which could cause engine failure and/or engine compartment fire. Priority Letter AD No. 86-13-04 R1, issued September 5, 1986, allowed the replacement of suspect cylinder assemblies with approved cylinder assemblies in order to discontinue the repetitive inspections required. AD No. 86-13-04 R2 Amendment 39-5555 (52 FR 4607; February 13, 1987) added certain chrome plated cylinder assembly part numbers to the list of suspect cylinder assemblies. Priority Letter AD No. 86-13-04 R3, issued November 10, 1987, expanded the scope to include cylinder assemblies which are reworked from affected cylinder assembly part numbers and to relieve inspections by the installation of an improved piston.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to public interest, and good cause existed to make priority letter AD 86-13-04 R3 effective immediately by individual letters, issued November 10, 1987, as to all known U.S. owners and operators of certain Teledyne Continental Motors GTSIO-520, TSIO-520, IO-520, and IO-550 series engines. These conditions still exist, and this AD is hereby published in the Federal Register as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

Conclusion

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption

"FOR FURTHER INFORMATION CONTACT."

List of Subjects in 14 CFR Part 39

Engines, Air transportation, Aircraft, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) amends Part 39 of the Federal Aviation Regulations (FAR) as follows:

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

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

§ 39.13 [Amended]

2. By adding to § 39.13 the following new airworthiness directive (AD):

Teledyne Continental Motors. Applies to cylinder assemblies (part number (P/N) stamped on flange of cylinder) with P/N's 643985, 646100, 646101, 646652, 646652CP, 646657, 646657CP, 649162, 649162CP, 649169, 649169CP, including all these numbers with all "A" dash numbers as a suffix, and also any cylinder reworked from the above part numbers, either of which were manufactured on or after January 1, 1985, with 485 total hours or less installed on, but not limited to, the following Teledyne Continental Motors (TCM) Engines:

New engines	Serial Nos.
GTSIO-520-H	607068 thru 607070.
GTSIO-520-K	605164.
GTSIO-520-L	608669 thru 608673.
GTSIO-520-M	606979 thru 606997.
GTSIO-520-N	610450 thru 610462.
TSIO-520-BE	528133 thru 528242, 528244 thru 528246, 528252 thru 528256, 528259, 528260, 528263, 528270.
TSIO-520-CE	530045 thru 530127, 530131, 530132.
TSIO-520-C	501603 thru 501610.
TSIO-520-EB	510802 thru 510809.
TSIO-520-G	507066.
TSIO-520-H	506883 thru 506885.
TSIO-520-M	520742 thru 520824, 520829 thru 520835, 520837, 520838.
TSIO-520-NB	521585 thru 521615.
TSIO-520-P	513908 thru 513910.
TSIO-520-R	522588 thru 522602, 522604, 522605.
TSIO-520-UB	527063 thru 527080.
TSIO-520-VB	529014 thru 529060.
TSIO-520-WB	518895 thru 518906.
IO-520-BB	578073, 578084 thru 578151, 578155, 578156, 578166.
IO-520-CB	576237 thru 576272.
IO-520-D	575717, 575747 thru 575806.
IO-520-E	556594 thru 556603.
IO-520-F	574844 thru 574988.
IO-520-K	557516 thru 557518.
IO-520-L	577121 thru 577147, 577149 thru 577153.
IO-520-MB	575043 thru 575046.
IO-550-B	675125 thru 675237, 675239 thru 675244, 675246 thru 675256, 675258 thru 675266, 675273, 675274, 675277, 675278.
IO-550-C	676156 thru 676231, 676233 thru 676248, 676250 thru 676271.

Rebuilt engines	Serial Nos.
GTSIO-520-C	155546 thru 155550.
GTSIO-520-D	219429 thru 219435.
GTSIO-520-H	235236 thru 235290, 235293 thru 235298, 267000 thru 267003.
GTSIO-520-K	226106 thru 226110.

New engines	Serial Nos.
GTSIO-520-L	245882 thru 245990, 245992 thru 246008, 246011 thru 246014, 246016 thru 246021, 246023, 246024.
GTSIO-520-M	243217 thru 243364, 243366, 243367, 243369 thru 243381.
GTSIO-520-N	241300, 265000 thru 265039, 265041.
TSIO-520-AF	245205.
TSIO-520-BB	236937 thru 236951.
TSIO-520-B	176485 thru 176522.
TSIO-520-C	178289 thru 178297.
TSIO-520-EB	242984 thru 242999.
TSIO-520-E	183816 thru 183939, 183941 thru 183943, 183947.
TSIO-520-G	216022 thru 216025.
TSIO-520-H	217173 thru 217187.
TSIO-520-J	218907 thru 218924.
TSIO-520-K	224583, 224584.
TSIO-520-LB	237237 thru 237241, 237245, 237246.
TSIO-520-L	241883 thru 241900.
TSIO-520-M	230223, 230225, 248601 thru 248628, 248632 thru 248638, 248642.
TSIO-520-NB	244933 thru 244999, 266500, 266501, 266503. thru 266511, 266513 thru 266517, 266521, 266525.
TSIO-520-N	228481 thru 228505, 228509 thru 228516.
TSIO-520-P	236453 thru 236467.
TSIO-520-R	245645 thru 245696.
TSIO-520-T	239316 thru 239321.
TSIO-520-UB	240981 thru 241000, 248851 thru 248854, 248858.
TSIO-520-VB	248288 thru 248499, 266600 thru 266661, 266683 thru 266685, 266687, 266689, 266691, 266699 thru 266702.
TSIO-520-WB	248160 thru 248203, 248205 thru 248217.
IO-520-A	112547 thru 112569.
IO-520-BA	241763 thru 241800, 249251 thru 249425, 249427 thru 249429, 249433 thru 249443, 249445, 249446, 249448 thru 249453, 249457.
IO-520-BB	236000, 236789, 248500 thru 248568, 248572, 248573, 248575.
IO-520-B	234758.
IO-520-CB	244047, 244067 thru 244110, 244112 thru 244123, 244126, 244127, 244130, 244131.
IO-520-C	243728, 243766 thru 243999, 267500, 267505 thru 267510, 267513 thru 267516, 267527.
IO-520-D	175381 thru 175531, 175534 thru 175536, 175540 thru 175556, 175559, 175560, 175563, 175565 thru 175567.
IO-520-E	215674 thru 215690.
IO-520-F	247574, 247577, 247607 thru 247727, 247731 thru 247742, 247744, 247746 thru 247750, 247752 thru 247756, 247762, 247766, 247767.
IO-520-J	216515.
IO-520-K	224045, 224046.
IO-520-L	242834 thru 242896, 242899.
IO-520-MB	236383 thru 236400, 266000 thru 266017, 266019.
IO-520-M	235728 thru 235787, 235789 thru 235793.
IO-550-B	249104 thru 249122.

These engines are installed in, but are not limited to, the following airplanes:

Aero Commander 200, 500, 685
AISI F, 20 Pegaso
Ambrosini MF-15
Beagles B206S
Beech 33, 35, 36, A36, A36TC, 55, 58, 58P, 58TC
Bellanca Viking 300
Cessna 185, 188, 206, 207, 210, 310, T310, 320, 335, 340, 401, 402, 404, 411, 414, 421
Fletcher FU-24A
Janox Javilon
Navion Model H
Omnipal Cmelak
Piper PA-46
Prinair DeHavilland Heron
Procaer F-150 Picchio
Transavia Airtruck
Windecker Eagle
Yeoman Cropmaster 285.

Compliance required within the next 5 flight hours after the effective date of this AD, except as to those compliance requirements made effective previously as set forth in AD 86-13-04, dated June 20, 1986, priority letter AD 86-13-04 R1, dated September 5, 1986, AD 86-13-04 R2, dated February 19, 1987, and priority letter AD 86-13-04 R3, dated November 10, 1987, unless already accomplished.

To prevent possible cylinder head to barrel separation, engine failure, and/or engine compartment fire, accomplish the following:

(a) For the above cylinder assembly part numbers installed on engines including those serial numbered engines listed above:

(1) Determine the part number for each cylinder assembly (part number is stamped on flange of cylinder barrel) and the date of manufacture (month and year of manufacture are stamped underneath rocker cover in the face of the rocker shaft boss).

(i) If the cylinder assembly part number and date of manufacture are as listed above, proceed with paragraphs (2), (3), (4), (5) and (6).

(ii) If the cylinder assembly part number and date of manufacture are not as listed above, proceed to paragraph (6). No further inspection is required by this AD.

(2) Visually inspect all cylinders for oil stains or leakage between the first and second barrel fins from the bottom of the head casting. The area of concern on direct drive engines is at the 12 o'clock position on the 1-3-5 cylinder side and the 6 o'clock position on the 2-4-6 side. On the GTSIO series engine, the area of concern is at the 6 o'clock position on the 1-3-5 cylinder side and 12 o'clock position on the 2-4-6 cylinder side.

(3) Pressure check all cylinder assemblies using a differential compression tester. The piston should be as close to BDC (Bottom Dead Center) as possible to insure the piston and rings are below the inspection area specified in paragraph (2) but still keeping both valves closed and maintaining pressure in the cylinder. With 80 PSIG (pounds per square inch gauge) air pressure in the cylinder, check the area specified in paragraph (2) with a soap/water solution and inspect for any leakage.

(4) If any leakage is noted from the above inspection and/or pressure check, the cylinder assembly must be changed before further flight. NOTE: TCM Service Bulletin M86-7, Revision 5, dated November 15, 1986, advises that extreme caution be used in the area of the propeller while performing this inspection.

(5) This visual inspection and pressure check must be repeated at intervals not to exceed 50 flight hours until the last inspection and pressure check required by this AD has been accomplished. The last inspection and pressure check required by this AD must occur between 440 hours and 490 hours of cylinder operation.

(6) The repetitive inspections and pressure checks described above may be discontinued when one of the following has been accomplished:

(i) Suspect cylinder assemblies have been replaced with assemblies having a date of manufacture prior to January 1985.

(ii) Approved replacement cylinder assemblies having different part numbers are installed provided these replacement cylinder assemblies are not reworked from the assembly part numbers listed above.

(iii) New design pistons (as shown below) are installed, and the affected cylinder assembly has the letter "P" stamped or vibro-etched on the face of the rocker shaft boss adjacent to the manufacture date, e.g., 5-85P.

Engine series	New piston part No.
IO-550	648046
IO-520	648045
TSIO-520 and GTSIO-520	648044

(7) Make appropriate Engine Logbook entry.

(b) For the above cylinder assembly part numbers not installed on engines, confirm a manufacture date stamp of 1-85 (January 1985) or subsequent (month and year of manufacture are stamped underneath rocker cover on the face of the rocker shaft boss), then notify TCM for disposition and replacement.

(c) Comply with the provisions of this AD for the above cylinder assembly part numbers which are reworked and/or reidentified with a different part number.

Note.—TCM Service Bulletin No.'s M86-7, Revision 5, dated November 15, 1986, and M87-19, dated September 17, 1987, address this subject.

(d) Aircraft may be ferried in accordance with the provisions of FAR 21.197 and 21.199 to a base where the AD can be accomplished.

(e) Upon request, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, Atlanta Aircraft Certification Office, 1669 Phoenix Parkway, Suite 210C, Atlanta, Georgia 30349.

(f) Upon submission of substantiating data by an owner or operator through an FAA maintenance inspector, the Manager, Atlanta

Aircraft Certification Office, 1669 Phoenix Parkway, Suite 210C, Atlanta, Georgia 30349, may adjust the compliance time specified in this AD.

This amendment becomes effective February 24, 1988, as to all persons except those persons to whom it was made immediately effective by priority letter AD No. 86-13-04 R3, issued November 10, 1987, which contained this amendment.

Issued in Burlington, Massachusetts, on February 3, 1988.

Timothy P. Forte,

Acting Director, New England Region.

[FR Doc. 88-2983 Filed 2-11-88; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 87-AGL-22]

Transition Area Alteration; Siren, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this action is to alter the existing Siren, WI, transition area to accommodate a new VOR RWY 05 Standard Instrument Approach Procedure (SIAP) to Burnett County Airport, Siren, WI. The intended effect of this action is to ensure segregation of the aircraft using approach procedures in instrument conditions from other aircraft operating under visual weather conditions in controlled airspace.

EFFECTIVE DATE: 0901 UTC, May 5, 1988.

FOR FURTHER INFORMATION CONTACT: Roger G. Ferguson, Air Traffic Division, Airspace Branch, AGL-520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION:

History

On Friday, December 11, 1987, the Federal Aviation Administration (FAA) proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Siren, WI, transition area (52 FR 47018).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6C dated January 2, 1987.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters the present transition area to accommodate arrival aircraft utilizing the VOR RWY 05 SIAP. The modification consists of reducing the designated airspace from an 8.5 mile radius to a 6 mile radius and returning the excess airspace back for use by general aviation.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Siren, WI [Revised]

That airspace extending upward from 700 feet above the surface within a 6 mile radius of the Burnett County Airport (Lat. 45°49'23" N., Long. 92°22'21" W.).

Issued in Des Plaines, Illinois, on January 27, 1988.

Teddy W. Burcham,

Manager, Air Traffic Division.

[FR Doc. 88-2986 Filed 2-11-88; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 87-AGL-19]

Alteration to Transition Areas, Pembina, ND and Hallock, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this action is to reflect the name change of a navigational facility currently contained in the Pembina, ND transition area and the Hallock, MN transition area descriptions. For operational reasons it is necessary to change the name and identifier of the Pembina, ND VORTAC (PMB) to Humbolt, MN VORTAC (HML).

EFFECTIVE DATE: 0901 UTC, May 5, 1988.

FOR FURTHER INFORMATION CONTACT: Roger G. Ferguson, Air Traffic Division, Airspace Branch, AGL-520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The Pembina Airport is located in North Dakota. The Pembina VORTAC is located in Minnesota. The Pembina Airport and VORTAC are currently listed under the Grand Forks, ND Flight Service Station (FSS) NOTAM file even though the VORTAC is physically located in Minnesota. The responsibility for NOTAMS involving the VORTAC rests with Princeton, MN Automated Flight Service Station (AFSS). This results in operational problems and excessive coordination between the two AFSS facilities since Princeton does not initially or directly receive the NOTAMS involved. This further creates the possibility of needed information being omitted from pilot weather briefings due to the non-receipt of the NOTAM by the responsible facility, i.e. Princeton, MN AFSS which in turn could affect aviation safety.

To correct the situation it is necessary to change both the name and identifier of the VORTAC so that the Princeton AFSS receives the information directly. Changing the name and identifier necessitates altering the published descriptions of the Pembina, ND and Hallock, MN transition areas so as to reflect the name change.

These alternations will affect only the published descriptions and will cause no change to aeronautical operations as currently conducted.

Aeronautical maps and charts will reflect the defined area which will enable other aircraft to circumnavigate the area in order to comply with

applicable visual flight rule requirements.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations will alter the Pembina, ND transition area and the Hallock, MN transition area by replacing the name Pembina VORTAC with the name Humboldt VORTAC wherever it appears in the transition area description.

I find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary because this action is a minor amendment in which the public would not be particulary interested. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6C dated January 2, 1987.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—

(1) is not a "major rule" under Executive Order 12291;

(2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and

(3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedure and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

§ 71.181 [Amended]

2. By amending § 71.181 as follows:

Pembina, ND [Amended]

Delete the words "Pembina VORTAC".

Add the words "Humbolt VORTAC" wherever "Pembina VORTAC" previously appeared.

Hallock, MN [Amended]

Delete the words "Pembina VORTAC".

Add the words "Humboldt VORTAC" wherever "Pembina VORTAC" previously appeared.

Issued in Des Plaines, Illinois, on January 29, 1988.

James R. Murray,

Acting Manager, Air Traffic Division.

[FR Doc. 88–2987 Filed 2–11–88; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 87–AGL–26]

Alteration to Control Zone and Transition Area, Monroe County Airport, Bloomington, IN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this action is to alter the Bloomington, IN control zone and transition area to accommodate existing Standard Instrument Approach Procedures (SIAPs) to Monroe County Airport. The intended effect of this action is to ensure segregation of the aircraft using approach procedures in instrument conditions from other aircraft operating under visual weather conditions in controlled airspace.

EFFECTIVE DATE: 0901 UTC, May 5, 1988.

FOR FURTHER INFORMATION CONTACT: Roger G. Ferguson, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694–7360.

SUPPLEMENTARY INFORMATION:

History

On Friday, December 11, 1987, the Federal Aviation Administration (FAA) proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Bloomington, IN control zone and transition area (52 FR 47017).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

Except for editorial changes, this amendment is the same as that proposed in the notice. Sections 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations were republished in Handbook 7400.6C dated January 2, 1987.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters the Bloomington, IN control zone and transition area to accommodate existing SIAPs to Monroe County Airport, Bloomington, IN. This action will reduce the length of the control zone extensions by approximately three (3) miles each. It will also reduce the area of the transition area by approximately 40% by shortening the northeast extension and eliminating the north, south and southwest extensions.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones, Transition areas.

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

§ 71.171 [Amended]

2. By amending § 71.171 as follows:

Bloomington, IN [Revised]

Within a 5-mile radius of Monroe County Airport lat. 39°08'40" N., long. 86°37'00" W); within 3 miles each side of the Hoosier VORTAC 181 radial, extending from 5 mile radius zone to 7½ miles south of the VORTAC; within 3 miles each side of the Hoosier VORTAC 062 radial, extending from the 5 mile radius zone to 8½ miles northeast of the VORTAC; within 3 miles each side of the Hoosier VORTAC 346 radial; extending from the 5 mile radius zone to 7½ miles north

of the VORTAC; and within 3 miles each side of the Hoosier VORTAC; 236 radial, extending from the 5 mile radius zone to 7½ miles southwest of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice of Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

§ 71.181 [Amended]

3. By amending § 71.181 as follows:

Bloomington, IN [Revised]

That airspace extending upward from 700 feet above the surface within a 7½ mile radius of Monroe county Airport (lat. 39°08'40" N.; long. 86°37'00" W.; within 3 miles each side of the Hoosier VORTAC 062 radial, extending from the 7½ mile radius to 8½ miles northeast of the VORTAC.

Issued in Des Plaines, Illinois, on January 27, 1988.

Teddy W. Burcham,

Manager, Air Traffic Division.

[FR Doc. 88-2988 Filed 2-11-88; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 87-AGL-27]

Alteration of Transition Area, Virgil I. Grissom Municipal Airport, Bedford, IN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this action is to alter the Bedford, IN transition area to reduce the amount of airspace designated to accommodate existing Standard Instrument Approach Procedures (SIAPs) to Virgil I. Grissom Municipal Airport. The intended effect of this action is to ensure segregation of the aircraft using approach procedures in instrument conditions from other aircraft operating under visual weather conditions in controlled airspace.

EFFECTIVE DATE: 0901 UTC, May 5, 1988.

FOR FURTHER INFORMATION CONTACT: Roger G. Ferguson, Air Traffic Division, Airspace Branch, AGL-520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION:

History

On Friday, December 11, 1987, the Federal Aviation Administration (FAA) proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Bedford, IN transition area (52 FR 47019).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6C dated January 2, 1987.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters the Bedford, IN transition area to accommodate existing SIAPs to Virgil I. Grissom Municipal Airport. This action will reduce the general radius of the transition area from 6½ to 5 miles and the northeast extension from 8 to 7.5 miles. This will permit the excess airspace to be returned to general non-controlled use.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Bedford, IN [Revised]

That airspace extending upward from 700 feet above the surface within a 5 mile radius of Virgil I. Grissom Municipal Airport (lat. 38°50'26"N, long. 086°26'45"W); within 5 miles each side of the Hoosier, IN VORTAC 156 radial extending from the 5 mile radius area to 35 miles southeast of the VORTAC; and within 3 miles each side of the 305° bearing from Virgil I. Grissom Municipal Airport, extending from the 5 mile radius area to 7.5 miles northwest of the airport.

Issued in Des Plaines, Illinois, on January 27, 1988.

Teddy W. Burcham,

Manager, Air Traffic Division.

[FR Doc. 88-2989 Filed 2-11-88; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR 139

[Docket No. 24812; Amdt. 139-14]

Airport Certification; Revision and Reorganization; Correction

AGENCY: Federal Aviation Administration [FAA], DOT.

ACTION: Final rule; correction.

SUMMARY: In the November 18, 1987, issue of the **Federal Register** (52 FR 44276), the FAA published a final rule revising and reorganizing 14 CFR Part 139. The final rule contains several errors that require correction. The errors include improperly placing commas within one sentence, skipping the letter "c" in lettering the paragraphs within one section, deleting a single word in one sentence, and inadvertently inserting the wrong date in several sections. This document serves to correct these errors.

FOR FURTHER INFORMATION CONTACT: Mr. Jose Roman, Jr., (202) 267-8724.

Correction of the Amendment

In consideration of the foregoing, 14 CFR Part 139 is corrected as follows:

§ 139.201 [Corrected]

1. In § 139.201(c) on page 44284, second column, change "January 1, 1988" to "December 31, 1987" and change "January 1, 1989" to "December 31, 1988."

§ 139.205 [Corrected]

2. In § 139.205(b)(25) on page 44285, first column, add the word "unserviceable" after the word "other."

§ 139.209 [Corrected]

3. In § 139.209(c) on page 44285, second column, change "January 1, 1988" to "December 31, 1987" and change "January 1, 1989" to "December 31, 1988."

§ 139.317 [Corrected]

4. In § 139.317(f) on page 44288, first column, change "January 1, 1988" to "December 31, 1987."

5. In § 139.317(g)(3) on page 44288, second column, change "January 1, 1988" to "December 31, 1987."

§ 139.321 [Corrected]

6. In § 139.321 on page 44290, first column, paragraph (c) is correctly revised to read: "(c) Each certificate holder shall, as a fueling agent, comply with and, except as provided in paragraph (h) of this section, require all other fueling agents operating on the airport to comply with the standards established under paragraph (b) of this section and shall perform reasonable surveillance of all fueling activities on the airport with respect to those standards."

7. In § 139.321(h) on page 44290, second column, remove the words "paragraph (b)(6) of."

§ 139.327 [Corrected]

8. In § 139.327 on page 44291, second column, redesignate paragraphs "(d)" and "(e)" as paragraphs "(c)" and "(d)."

Note.—For a **Federal Register** correction to this document, see the Corrections section of this issue.

Dated: February 10, 1988.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division, Office of the Chief Counsel.

[FR Doc. 88-3228 Filed 2-10-88; 4:15 pm]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR PART 240

[Rel. No. 34-25291]

Schedule for Examinations of Newly Registered Government Securities Dealers

January 26, 1988.

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission has granted the NASD a twelve month period to conduct the examinations required under section 15(b)(2)(C) of the Act of those government securities dealers that register with the Commission between July 25, 1987 and January 31, 1988.

DATES: This action becomes effective February 12, 1988. This action expires on January 31, 1989.

FOR FURTHER INFORMATION CONTACT: Robert Love, Special Counsel, Division of Market Regulation at (202) 272-3064.

SUPPLEMENTARY INFORMATION:

Discussion

Section 15(b)(2)(C) of the Securities Exchange Act of 1934 ("Act") [15 U.S.C. 78o(b)(2)(C)] generally requires that broker-dealers be inspected for compliance with the Act within six months of registration with the Commission. The section also authorizes the Securities and Exchange Commission ("SEC" or "Commission") to delay the inspection of any class of broker-dealers for up to six months. With the adoption of Rule 15b2-2 [1] in 1982, the Commission assigned the responsibility for these inspections to the self-regulatory organizations ("SROs").

Rule 15b2-2 was amended in April 1987 to extend the rule's coverage to government securities dealers that register with the Commission pursuant to section 15C [2] as required by the Government Securities Act of 1986.[3] The amendment appropriately established a framework for the examination of newly registered government securities dealers that is consistent with the examination schedule for all other broker-dealers registered with the Commission.

The Commission believes that examination time frames in Rule 15b2-2, however, are not sufficient for the initial group of government securities dealers that register with the Commission under section 15C of the Act as of July 25, 1987 through January 31, 1988. This is due to the fact that most of the provisions of the rules regulating the government securities dealers, such as the net capital, recordkeeping, reporting and securities count provisions, did not become effective until October 30, 1987. Furthermore, a number of significant regulatory requirements, including portions of the customer protection rule and certain disclosure provisions, will not become effective until January 31, 1988.[4] Accordingly, under the existing six month time frame, such examinations of government securities dealers registered during the period between July 25, 1987 through January 31, 1988 would not, in the Commission's view, be based on a meaningful analysis of the firms' adherence to the new rules.[5]

The NASD, which has the responsibility for conducting these examinations, has requested that the Commission provide it with additional time to conduct these examinations in light of the effective dates of the rules applicable to government securities dealers. The NASD's current attention to these firms is responsive to the concerns expressed by Congress when it adopted section 15(b)(2)(C) as part of the Securities Acts Amendments of 1975 [Pub. L. 94-29].[6] The NASD represents that, as part of a comprehensive and cooperative effort worked out with the SEC staff, it has held comprehensive interviews and on-site visits with these firms prior to their membership with the NASD and/or registration with the Commission. The NASD also has represented that problems identified during these on-site visits have been communicated to the firms and corrective measures are being taken pursuant to NASD verification and monitoring.

Section 15(b)(2)(C) of the Act provides that the Commission may delay the inspection under the section of any class of broker-dealer for a period not to exceed six months. The six month extention for these government securities dealers will permit the examinations to become meaningful.

In light of these reasons, the Commission has determined that the NASD inspections may be delayed until the second six month time period permitted under the Act.[7] The

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[1] *See* Securities Exchange Act of 1934 Releases No. 18248 (November 10, 1981) and No. 18556 (March 10, 1982) for a full discussion of a policy considered in conjunction with this rule.

[2] *See* Securities Exchange Act Release No. 34372, April 21, 1987, 52 FR 16833.

[3] Pub. L. 99-571, 100 Stat. 3208.

[4] *See* generally, § 403.7 of the Department of the Treasury's Regulations governing government securities dealers, 52 FR 27910 at 27952 (July 24, 1987).

[5] The registrations of sixty-six of the seventy-seven government securities dealers that have registered with the Commission pursuant to section 15C as of January 13, 1988 became effective on July 25, 1987.

[6] "The subcommittee believes that such early and frequent inspections of new entrants by the SEC or the appropriate cooperative regulatory bodies are critically important to nip incipient problems in the bud * * *" Securities Industry Study, Report of the Subcommittee on Commerce and Finance of the House Committee on Interstate and Foreign Commerce, 92d Cong., 2d Sess. 23 (Subcomm. Print. 1972) (emphasis omitted).

[7] Pursuant to 5 U.S.C. 605(b), the Chairman has certified that the amendment to the NASD's examination schedule would not, if adopted, have a significant impact on a substantial number of small entities. The certification, including the reasons therefor, is attached.

Commission has determined that notice and public procedure on this action are impracticable and unnecessary because of the need to immediately relieve the NASD of its obligation to conduct the examinations during the earlier time frame. Without immediate action, the NASD would be forced to commence these examinations resulting in unnecessary burdens on firms and inefficient allocation of NASD resources. Moreover, the delay does not impose any burden on the relevant government securities dealers. In addition, the revised schedule sets the examinations for the first practicable period after the applicable rules become effective. The new schedule represents no significant policy change from Section 15(b)(2)(C). Since this action relieves a current restriction on the NASD, it will become effective upon publication in the **Federal Register.**[8]

List of Subjects in 17 CFR Part 240

Reporting and recordkeeping requirements, Securities.

Title 17, Chapter II of the Code of Federal Regulations is amended as follows:

PART 240—[AMENDED]

1. The authority citation for Part 240 continues to read as follows:

Authority: Sec. 23, 48 Stat. 901, as amended (15 U.S.C. 78w), unless otherwise noted.

2. Section 240.15b2–2 is temporarily amended by adding a new paragraph (f) to read as follows:

§ 240.15b2–2 Inspection of newly registered brokers and dealers.

* * * * *

(f) For those government securities dealers that registered with the Commission pursuant to Section 15C between July 25, 1987 and January 31, 1988, the examining self-regulatory organization is authorized and directed to conduct an inspection to determine whether the member is in compliance with the financial responsibility rules and all other applicable provisions of the Act and rules thereunder no later than twelve months from the member's registration with the Commission. This paragraph (f) becomes effective on February 12, 1988 and expires on January 31, 1989.

By the Commission.

Jonathan G. Katz,

Secretary.

Regulatory Flexibility Act Certification

I, David Ruder, Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 605(b) that the amendment to the schedule of the National Association of Securities Dealers, Inc. ("NASD") for its examinations under Section 15(b)(2)(C) of the Securities Exchange Act of government securities dealers that register with the Securities and Exchange Commission between July 25, 1987 and January 31, 1988 set forth in Securities Exchange Act Release No. 25291, will not have a significant economic impact on a substantial number of small entities as that term is defined for broker-dealers in 17 CFR 240.0–10 for the reasons discussed below. Those government securities dealers are the first to be registered with the Commission pursuant to the Government Securities Act of 1986. Their registration, however, becomes effective before the effective date of the rules under which they operate. The Amendment removes the requirement in Rule 15b2–2 that the NASD conduct Section 15(b)(2)(C) examinations of these government securities dealers within six months of their registration with the Commission. The action imposes no new regulatory burden and merely relieves the current restrictive and insufficient time frame that governs the NASD's examination program.

Date: January 15, 1988.

David S. Ruder,

[FR Doc. 88–2005 Filed 2–11–88; 8:45 am]

BILLING CODE 8010–01–M

[8] 5 U.S.C. 553(d).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 157

[Docket No. RM87–16–000; Order No. 490]

Abandonment of Sales and Purchases of Natural Gas Under Expired, Terminated, or Modified Contracts

Issued February 5, 1988.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is amending its regulations to provide for abandonment of certain sales and purchases under the Natural Gas Act by both sellers and purchasers where the underlying contract term has expired, or the contract has been terminated or modified with respect to the sales obligations by mutual agreement of the parties. Similarly, where the sales or purchase obligation has been unilaterally reduced, suspended or terminated by the exercise of a contractual provision, abandonment is authorized to the extent of the contractually authorized adjustment of takes or deliveries. Under the final rule, when a contract has expired or been terminated, either party to the contract may, upon thirty (30) days written notice, abandon its service obligation to purchase or sell the gas. The abandonment is automatically effective in accordance with the notice given. The abandoning party must notify the Commission of the abandonment within thirty (30) days of the effective date of abandonment. If the parties agree to terminate the contract or to reduce or suspend their sales and purchase obligations under the contract, the abandonment is effective in accordance with the parties' agreement, but one of the parties must notify the Commission within thirty (30) days of the effective date of abandonment.

EFFECTIVE DATE: April 12, 1988.

FOR FURTHER INFORMATION CONTACT: Jacob Silverman, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, (202) 357–9119.

SUPPLEMENTARY INFORMATION:

Before Commissioners: Martha O. Hesse, Chairman; Anthony G. Sousa, Charles G. Stalon, Charles A. Trabandt and C. M. Naeve.

I. Introduction

The Commission is amending its regulations to provide for abandonment of certain sales and purchases under the Natural Gas Act (NGA) by both sellers and purchasers where the underlying contract term has expired, and where the sales and purchase obligations have been terminated or modified by mutual agreement of the parties. Similarly, where the sales or purchase obligation has been unilaterally reduced, suspended or terminated by the exercise of a contractual provision, abandonment is authorized to the extent of the contractually authorized adjustment of takes or deliveries. Under the final rule, when a contract has expired or been terminated, either party to the contract may, upon thirty (30) days written notice, abandon its service obligation to sell or purchase the gas. The abandonment is automatically effective in accordance with the notice given. The abandoning party must notify the Commission of the abandonment within thirty (30) days of the effective date of abandonment. If the parties agree to terminate the contract or to modify their sales and purchase obligations under the contract, the abandonment is effective in accordance with the parties' agreement, and the former purchaser must notify the Commission within thirty (30) days of the effective date of abandonment.

II. Background

A. The Proposed Rule

On May 7, 1987, the Commission issued a Notice of Proposed Rulemaking (NOPR) in this proceeding (52 FR 18703 (May 19, 1987)) proposing regulations to provide for abandonment of certain sales and purchases under section 7(b) of the Natural Gas Act (NGA) by both sellers and purchasers where the underlying contract term has expired, the contract has been terminated under a provision of the contract, or the purchase and sales obligations have been terminated or modified by mutual agreement of the parties.

The Commission proposed that the rule be applicable to "first sales" of gas as defined in the Natural Gas Policy Act of 1978 (NGPA) and to purchases by a pipeline from another pipeline. Under the proposal, any party to a contract for such a sale, once the contract term has expired or has been terminated by exercise of an option contained therein, could notify the other party that it will cease sales or purchases under the contract at the expiration of thirty days from the date of notification, or the notification period in the contract, whichever period is longer. Similarly, where a party had exercised a contractual provision to modify the purchase or sales obligation, abandonment would be authorized to the extent of the modification.

The proposed rule would also apply where the parties to the contract had mutually agreed to terminate the contract, or to modify it to allow the temporary abandonment. In that situation termination or modification of the parties' certificate obligations would become effective in accordance with the parties' agreement.

Under the proposed rule, abandonment of purchases by a pipeline from a producer would be conditioned upon the pipeline providing the transportation of the abandoned gas. If the abandoning pipeline were not an open-access transporter subject to the non-discrimination provisions of § 284.8(b) or § 284.9(b) of the Commission's regulations, transportation would have been available under § 284.227, a blanket transportation provision similar to that promulgated in Order No. 451.[1]

Authority to abandon the sale or purchase of gas would be granted automatically upon compliance with the above conditions. The proposed rule further provided for the grant of a blanket certificate to the producer or other first seller under § 157.301 of the Commission's regulations to sell the abandoned gas for resale in interstate commerce, with pregranted abandonment of any sale of the gas under the blanket certificate upon termination of the contract. The abandoning party, or the purchaser if the abandonment is mutually agreed to, would be required to notify the Commission of the abandonment within thirty days after the effective date of the abandonment, and provide the Commission with certain information concerning the abandoned transaction.

The rule would apply to all contracts between producers and pipelines, and would not be limited to contracts containing an indefinite price escalation clause, which is a prerequisite under the good faith negotiation procedures of Order No. 451. Thus all gas sold under any expired contract between producers and pipelines would be eligible for price renegotiation or abandonment.[2] In addition, purchases under expired contracts between pipelines would be covered by the proposed rule, although such contracts are not within the scope of Order No. 451 because they are not "first sales."

The NOPR requested general comments on the proposed rule, and comments on specific questions posed by Commissioners Stalon and Trabandt. The NOPR noted that the Commission was concerned that the benefits meant to accrue from the proposed rule may not be fully realized by captive residential customers of local distribution companies (LDC's) because of the unavailability of Order No. 436 transportation.[3] Thus the Commission sought comments on modifying the proposed rule to condition the blanket abandonment authorized under the rule on the pipeline purchaser providing Order No. 436 transportation. Secondly, the Commission sought comments on whether to require pipeline/purchasers to transport from producer/sellers in cases where the producer unilaterally abandons sales.

The Commission also requested comments as to whether the proposed rule comports with NGA section 7(b) requirements and whether a generic one year limited-term abandonment should be substituted for the permanent abandonment authorized by the proposed rule.

After the Commission issued the NOPR, the United States Court of Appeals for the District of Columbia Circuit issued certain decisions relevant to the NOPR. On June 23, 1987, it decided *Associated Gas Distributors v. FERC*, 824 F.2d 981 (*AGD*), ruling upon and remanding Order No. 436. On July 23, 1987, it issued *Consolidated Edison Company of New York, Inc. v. FERC*, 823 F.2d 630 (*Con Ed*), ruling upon and remanding *Felmont Oil Corp. et al.*, which set forth the Commission's new policy for determining whether abandoment of sales from undepleted reserves would be in the public interest.[4] Furthermore, on August 7, 1987, the Commission issued Order No. 500, which responded to the Court's remand of AGD. [5] Order No. 500 became effective on September 15, 1987.

The Commission received seventy-nine comments on the proposed rule (including seven from parties that requested the Commission to accept their late-filed comments): seventeen from producers, sixteen from gas pipelines, twenty-eight from local gas distribution companies (LDCs), twelve from public entities, and six from marketers and end users.[6]

B. Changes in the Rule

The Commission, after consideration of the comments and further review of the rule in light of *AGD* and *Con Ed*, has decided to revise the proposed rule in two respects, and to clarify that the rule will apply where the contract permits one party to the contract to reduce, suspend or terminate its purchase or sales obligation, such as by the exercise

[1] Ceiling Prices: Old Gas Pricing Structure, 51 FR 22,168 (June 18, 1986), III FERC Statutes & Regulations ¶ 30,701. Order No. 451 is under review in the United States Court of Appeals for the Fifth Circuit, Mobil Oil Exploration *et al.* v. FERC, No. 86-4950.

[2] The Commission assumes that producers that are eligible for abandonment under the regulations would usually attempt to negotiate a new contract with the existing purchaser at current market prices.

[3] Regulation of Natural Gas Pipelines After Partial Wellhead Decontrol, 50 FR 42,408 (October 18, 1985), FERC Statutes & Regulations [Regulations Preambles 1982-1985] ¶ 30,665 (October 9, 1985). In Order No. 500, 52 FR 30,334 (August 14, 1987), III FERC Statutes & Regulations ¶ 30,761 (August 7, 1987) and Orders No. 500-B, and 500-C, 41 FERC ¶ 61,025 (October 16, 1987), 41 FERC ¶ 61,351, the Commission promulgated interim regulations in response to the decision of the United States Court of Appeals for the District of Columbia Circuit in Associated Gas Distributors v. FERC, 824 F.2d 981 (D.C. Cir. 1987) which vacated Order No. 436 and remanded the matter for further proceedings.

[4] Felmont Oil Corp. and Essex Offshore, Inc., 33 FERC ¶ 61,333 (1985), *reh'g denied*, 34 FERC ¶ 61,296 (1986).

[5] 52 FR 30,334 (August 14, 1987), III FERC Statutes & Regulations ¶ 30,761.

[6] Some commenters fall into more than one category. A list of commenters is attached as Appendix A.

of a "market out" clause. First, the final rule provides that it will be applicable to all first sales, including first sales to local distribution companies (LDC's). As explained more fully *infra*, p. 36, if sales to LDC's were excluded, producers might be deterred from entering into new contracts with LDC's because they would require specific Commission approval to abandon such sales. Second, the Commission has decided that only pipelines that have accepted a blanket certificate of public convenience and necessity authorizing transportation of gas under § 284.221 of the Commission's regulations, 18 C.F.R. 284.221 (1987), will be granted the right to abandon purchases under expired contracts. As explained more fully *infra*, p. 33, because the rule will not mandate transportation when the producer initiates abandonment, pipelines that have not accepted blanket certificates under § 284.221 of the Commission's regulations could be in a more advantageous position than those that have. Accordingly, to ensure that the rule does not act as a disincentive to pipelines becoming Part 284 transporters, only pipelines that have accepted blanket certificates under Part 284 will be eligible to exercise the right to abandon purchases under the rule unilaterally. This condition will help assure consumers more meaningful long-term access to gas supplies released under this rule.[7]

The Commission also intends the rule to apply where a party exercises a contractual provision granting the party a right either to reduce, suspend or terminate takes or deliveries. These provisions, such as "market-out" clauses, give a party the right to refuse to purchase or sell under certain conditions specified in the contract.[8] However the nature of the rights granted and whether the right was properly exercised are contractual issues to be determined by a court of competent jurisdiction.[9] The rule does not expand any rights granted under an existing contract to cease selling or purchasing, but does permit the sale of jurisdictional gas to another once the right has been properly exercised.[10]

III. Discussion

A. Rationale for the Proposed Rule

Under section 7(b) of the NGA, once gas is "dedicated" to serve an interstate commerce customer, the producer cannot sell the gas to any other customers until the Commission finds that abandonment is required by the public convenience and necessity. The Commission concluded that to carry out the NGA's purposes and goals, of regulating the supply and price of natural gas, interstate service obligations should not be limited to the contractual term between the parties.[11] In *Con Ed*, the court explained (823 F.2d at 633):

> In an energy market in which natural gas supplies were problematic and in which the unregulated intrastate markets threatened to swallow up large portions of those supplies, the abandonment provision served as a brake on the movement of gas out of the interstate stream.

However, in enacting the NGPA in 1978, Congress significantly changed the method of achieving this desired objective by permitting market forces, to a very large extent, to regulate price and supply.[12] As a result the natural gas market has been converted to a nationwide market, virtually eliminating the need for the Commission's prior abandonment policy, because both interstate and intrastate gas consumers have equal access to new gas production without substantial price disparity "to assure adequate supplies of natural gas at fair prices."[13]

After passage of the NGPA and the onset of an over-supply condition, diminution of demand, and the incurring of take-or-pay obligations by pipelines, the Commission recognized the need to reexamine existing policies relating to the public convenience and necessity standard of NGA section 7(b). Thus the Commission permitted special marketing programs (SMP's), which authorized, upon relase by pipelines, temporary abandonment by producers, and subsequent sale of certain categories of gas under certain conditions to other (generally industrial, fuel switching) customers of the pipeline releasing the gas. The Commission found that the public convenience and necessity required such temporary abandonments in order to allow pipelines to obtain take-or-pay relief.

The United States Court of Appeals for the District of Columbia Circuit struck down the SMP's in *Maryland People's Counsel* v. *FERC (MPC I)*[14] because of the exclusion of "captive customers" from the class of customers eligible to participate in the programs. The SMP's at issue in *MPC I* had already expired when the court rendered its decision on May 10, 1985. Since successor SMP orders with later expiration dates had been issued by the Commission, the Court directed the Commission to show cause why the successor orders should not also be vacated. In *MPC II*,[15] the court held that the new orders were similarly infected with unlawful discrimination. However, since the new orders were scheduled to expire on October 31, 1985, the court stated that it would "allow the current SMP orders to die a natural death," by which time the Commission was expected "to promulgate new rules that may effect fundamental changes in the marketing of natural gas." The court was referring to the Notice of Proposed Rulemaking that ultimately resulted in Order No. 436.

In a series of orders issued subsequent to *MPC II*, the Commission approved limited-term abandonments (LTA's) and granted sales certificates to permit continuation of the sale of the gas that had been sold under various SMP's that expired on October 31, 1986.[16] However, the Commission also

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[7] The requirement that a pipeline have a blanket certificate under § 284.221 of the Commission's regulations means that the pipeline may not discontinue transportation without the Commission's permission, unlike transportation under § 284.101. This requirement is necessary to prevent a pipeline's manipulation of its Part 284 authorization to obtain the benefits of the rule, which include the right to abandon purchases of gas permanently. A pipeline not accepting a blanket certificate under § 284.221 will be required to seek abandonment of purchases on a case-by-case basis, under section 7(b) of the NGA, subject to scrutiny by the pipeline's customers and the Commission.

[8] See Tennessee Gas Pipeline Company, 38 FERC ¶ 61,306 at 62,003 n.13 (1987).

[9] See KN Energy Inc. v. H.G. Westerman, 38 FERC ¶ 61,108 (1987).

[10] For example: Where a purchaser under a contract that provides a right to cease purchases under specified conditions, *e.g.*, when the spot market price for gas is $1.50 or less per Mcf, notifies the producer that it is exercising that right, the rule grants abandonment to both the purchaser and the seller 30 days after the notice is given, or the notice period provided in the contract. The rule enables the seller to sell the gas to any other party during the time that the purchaser is permitted by the contract to cease purchases. As noted *supra*, this period is governed by the contractual arrangement. Absent the rule, the seller would be shut in, and would be required to seek specific abandonment authority from the Commission, as well as specific certificate authority to sell the gas in interstate commerce to any other purchaser.

[11] Sunray Mid-Continent Oil Co. v. FPC, 364 U.S. 137, 153–55 (1960).

[12] We note that NGPA Section 315, 15 U.S.C. 3375 (1982), requires that any first sale contract covering gas produced from a reservoir on the Outer Continental Shelf and which is not subject to the Commission's NGA jurisdiction, must have a duration of not less than fifteen years, or if less, the commercially producible life of the reservoir. That section has no application to gas covered by this rule because the rule applies only to gas that is dedicated to interstate commerce and subject to the Commission's NGA jurisdiction.

[13] Transcontinental Gas Pipe Line Corp. v. State Oil and Gas Board of Mississippi, 474 U.S. 409, 106 S. Ct. 709, 716 (1986).

[14] 761 F.2d 768 (D.C. Cir. 1985).

[15] 765 F.2d 450 (D.C. Cir. 1985).

[16] The LTA's were issued in basket orders covering numerous applications. The leading case is

Continued

concluded that these orders would provide important benefits to the public interest, even after Order No. 436 programs were implemented, and extended the authorizations because they allowed for the release by pipelines of shut-in, above-market-priced gas which could be sold by producers at market clearing prices. The Commission found that the public interest was served by temporary abandonments because pipelines could obtain take-or-pay relief, producers were able to sell gas and generate cash flow, and increased gas supplies available for sales made the natural gas market more price sensitive.[17]

In the Commission's April 10, 1985 Policy Statement,[18] the Commission stated that the public convenience and necessity permitted parties to change their interstate service obligations to accommodate take-or-pay buy-out agreements. The Commission stated that it would expeditiously grant abandonment authorization necessary to implement any contract renegotiations reached by the parties, and that where a producer files for abandonment to implement such renegotiations made pursuant to the policy statement, the pipeline purchaser will be deemed to have waived its right to oppose the abandonment. Subsequently, in Order No. 436, the Commission developed a regulatory approach to "allow competitive forces to operate in those areas where Congress has determined they will better protect the public interest than traditional utility-type regulation, while retaining traditional-type regulation in those areas where competitive forces have been found inadequate by the Congress." [19]

In Order No. 436, the Commission reaffirmed its April 1985 Policy Statement, and expanded the categories of gas that could be the subject of expedited abandonment, stating:

> In the Commission's judgment, new § 2.77 is consistent with the policies reflected in this rule, in that producers should be able to sell shut-in gas and purchasers, to the extent possible, should be able to renegotiate or buy-out higher priced contracts so that gas under those contracts can be sold at market-clearing prices. To this end, the Commission will consider requests for permanent, limited-term, or partial abandonment of sales subject to reduced takes irrespective of the NGPA price category of such gas.[20]

The Commission further noted its concern "about the need for abandonment in cases where the underlying contract has expired" because of "the market disordering effects of reduced sales of lower-priced gas as well as the economic effect on sellers." [21] The Commission declined to issue any criteria for allowing abandonment under expired contracts at that time but added that it would:

> Review the matter based on experience gained in individual proceedings and will, if it appears reasonable and desirable to do so, establish guidelines to be applied in ruling on future contested abandonments as a means of further expediting the determination of such abandonments.[22]

In 1985, the Commission further reconsidered its abandonment policy under section 7(b) in *Felmont Oil Corp., et al.* (*Felmont* and Opinion No. 245).[23] In *Felmont* the Commission revised its abandonment policy and changed the focus of its analysis in light of the current situation in the gas industry. Rather than limiting its public convenience and necessity analysis to a comparison between the needs of a current purchaser and a specific prospective new purchaser, the Commission sought to balance the benefits to the natural gas market as a whole from a release of dedicated gas against any detriments to the current purchaser and its customers.

Whether or not natural gas is dedicated to interstate commerce does not, at a particular moment, impact the total gas supply available to the gas market as a whole. Continuation of the dedication of the gas after expiration or termination of a contract merely places restraints on the movement of the gas, preventing it from going from one group of customers to other customers who may currently have a greater need for it. If supplies were free to move quickly, as contemplated under this rule, the nation's entire gas supply could be more efficiently utilized to satisfy consumer needs, because the gas supply could be allocated as the market dictates. Such a nationwide market could not efficiently operate with the delays and limitations inherent in a case-by-case review of each abandonment filing.

The Commission believes that continuation of the service obligation after the contract has expired is no longer required by the public convenience and necessity because it prevents market forces from operating efficiently. When either a producer or a purchaser concludes that it is no longer economically efficient to continue sales or purchases under an expired contract, Congress' NGPA policies are thwarted by policies that prevent that gas from entering the marketplace. Thus, for example, producers whose gas is not being taken by the party to whom the gas is dedicated should be able to sell it to others who are willing to purchase it. Moreover, producers with contracts for the sale of gas at prices that may be less than the replacement cost of gas reserves should be permitted to seek the market price up to the maximum lawful price for that gas once the contract expires.[24] After the contract has expired or been terminated and the gas is abandoned, the producer may enter into new contracts for the sale of the gas. Under Order No. 451, the alternative ceiling price is applicable to any contract "executed after July 18, 1986," [25] and thus gas that is abandoned and then sold under a new contract is eligible to receive up to the alternative ceiling price. Similarly, purchasers should not be required to continue purchasing relatively high-priced gas when the contract term expires, unless it is in their interest to do so. In that situation, the purchaser, and not the Commission, should determine whether it wishes to continue purchasing under the contract. Accordingly, the rule treats both producers and purchasers even-handedly, and allows either party to abandon, under NGA section 7(b), the purchase or sale obligation when the

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Tenneco Oil Co., 33 FERC ¶ 61,134 (1985), *reh'g denied and clarification granted*, 34 FERC ¶ 61,145 (1986). The Commission has also issued other LTA orders approving many applications, 33 FERC ¶ 61,233 (1985), 33 FERC ¶ 61,173 (1985), and 33 FERC ¶ 61,326 (1985).

[17] Columbia Gas Transmission Corp., 34 FERC ¶ 61,407 (1986); Marathon Oil Co., 34 FERC ¶ 61,417 (1986); and Odeco Oil and Gas Co., 38 FERC ¶ 61,343 (1987).

[18] Regulatory Treatment of Payments Made in Lieu of Take-or-Pay Obligations, 50 FR 16076 (April 24, 1985); FERC Statutes and Regulations [Regulations Preambles 1982–1985] ¶ 30,637. The policy statement is embodied in 18 CFR 2.76 (1987).

[19] Regulation of Natural Gas Pipelines After Partial Wellhead Decontrol, 50 FR 42408 (October 18, 1985); FERC Statutes and Regulations [Regulations Preambles 1982–1985] ¶ 30,665 (1985).

[20] *Id.* at 31,566.

[21] *Id.*

[22] *Id.* at 31,567.

[23] In *Con Ed*, the court remanded *Felmont*. We will discuss that case in more detail, *infra* p. 24.

[24] In Order No. 451, the Commission found that the former system of vintaged rates for old gas was a "substantial source of market distortion causing producers to prematurely abandon easily accessible supplies, and consumers to react to misleading market signals based on chance historical costs rather than current economic efficiencies," and was therefore unjust and unreasonable. III FERC Statutes and Regulations ¶ 30,701 at 30,219. The Commission found that the ceiling price for "post-'74 old gas" under the NGPA was the current replacement cost of natural gas, and replacement cost was a reasonable basis for establishing the just and reasonable price for all vintages of old gas. Furthermore, the use of replacement cost as the ceiling price was necessary to avoid the adverse effects of lower ceiling prices for older vintages of old gas and to encourage certain beneficial effects on gas supply and overall prices. *Id.* at 30,219–229.

[25] 18 C.F.R. 271.402(c)(7)(i) (1987).

contract term expires without the need to obtain prior Commission approval on a case-by-case basis.

New reserves that are subject to the Commission's NGA jurisdiction account for a decreasing percentage of total new reserve additions and will continue to decrease in the future because the NGPA "prevents the universe of gas subject to the NGA from expanding."[26] As the Commission noted in the NOPR, a study prepared by the Commission's Office of Pipeline and Producer Regulation (OPPR) entitled "Dedicated Interstate Gas Supply, Potential Supplemental Sources and Their Effects on Meeting Potential Demand" (April 1987) indicates that at the present time the reserves of dedicated gas subject to the Commission's certificate and abandonment authority are serving a diminishing role in satisfying total nationwide natural gas requirements of residential and commercial customers. Thus dedicated reserves have already diminished to the point that they are probably insufficient to meet the demands of total U.S. high-priority customers, and must necessarily have a continued diminishing role in the future. The goal of the Commission's certificate and abandonment policy during the 1970's of maintaining enough dedicated reserves to protect high-priority customers in the interstate market against possible shortages can no longer be realized since the passage of the NGPA. Therefore, the Commission's abandonment policies must be modified to reflect current market conditions caused in part by the NGPA.

The Commission pointed out in the NOPR that even under the NGA, natural gas shortages were a recurring phenomenon, and to some extent abandonment policies exacerbated the shortages because where gas surpluses existed on certain pipeline systems, the surplus gas could not readily be utilized to alleviate gas shortages existing on other pipeline systems. Nothing in the comments challenges this conclusion.[27]

The rule will also further the aim and purposes of curtailment plans. No longer will purchasers be able to husband dedicated gas (under expired contracts) that they do not currently want, even though other consumers may have a need for it. Instead, the gas will become available to all, thereby permitting the market mechanism to provide gas supplies to those who need it. Should there be a general shortfall of supplies of gas, the available supplies will be allocated by each pipeline under approved curtailment plans. The prior abandonment rule did not help in such a situation, but further exacerbated the problem, because excess supplies on one system could not be shifted quickly to other systems that were experiencing shortages. This rule should alleviate this distortion for jurisdictional gas under expired contracts.

While the availability of generic abandonment procedures would not detrimentally affect high-priority customers' assurance of supply, it would provide a number of benefits. First, the rule would increase competition because the supply of gas available to the market will be increased by allowing gas previously dedicated to a single purchaser to enter the nationwide market and by allowing purchasers greater access to supplies. The increase in competition will make the price of gas more market responsive. The second economic benefit of the rule is that it will increase high-priority users' access to gas. If gas subject to expired contracts is not permitted to enter the market when that gas is not currently being taken by the pipelines to whom it is dedicated, high-priority customers of other pipelines do not have access to all of the existing dedicated reserves. However, under the rule adopted in this order, the ability of gas supplies to move among different systems and regions in response to consumers' demands would be enhanced. Thus consumers will benefit because their suppliers will now have access to more supplies of gas. No longer will gas under expired contracts be shut-in because the dedicated purchaser would rather not take it at this time. Moreover, the nation's broader energy security interests will be served by the removal of regulatory impediments to access to natural gas by reducing the vulnerability of the economy to oil supply disruptions. Oil shortages can be ameliorated by the ability of many boiler fuel users to switch to gas, if gas reserves can be quickly brought to market without the delay of abandonment proceedings before the Commission. (U.S. Department of Energy, Energy Security: A Report to the President of the United States at p. 40 (March 1987)).

The immediate price impact of the rule on consumers will not likely be significant. The most recent available data shows that about 17 percent of interstate pipelines' purchases of dedicated gas are under expired contracts, and dedicated gas represents approximately 60 percent of those pipelines' total purchases of gas.[28] Thus interstate pipelines' purchases of dedicated gas under expired contracts represent approximately 10 percent of their total purchases of gas. Some of this flowing gas is purchased at prices below current market prices and some is purchased at prices above current market prices.

For 1987, the average price for spot purchases of natural gas in Texas and Louisiana for various delivery areas varied from $1.35 per MMBtu to $1.49 per MMBtu. The average price in the Rocky Mountains for 1987 was $1.15 per MMBtu, and $1.75 per MMBtu in the Appalachian Mountains.[29] In 1984, the average price of all gas flowing under wellhead contracts that expired before 1988 was $1.33 per MMBtu. Since 1984, the average price of all section 104 gas decreased only slightly. Information on the current average prices for all gas flowing under expired contracts is not available, but it can be reasonably assumed to be between $1.30 and $1.80 per MMBtu for 1987. Assuming that all flowing gas dedicated under expired contracts (about .169 x 3.130 = .53 Quadrillion Btu) [30] is abandoned and can be repurchased at average 1987 spot market prices in Texas and Louisiana, the impact on the market varies from a decrease in the average interstate wellhead price to an increase of 2 percent.

The Commission recognizes that the amount of gas that may fall under the rule as a result of voluntary agreements cannot be quantified because it is within the parties' discretion. However, we perceive no danger to consumers because the authority granted does not alter pipelines' responsibilities to meet their service obligations under their certificates. A pipeline's decision to release gas constitutes a purchasing practice which would be subject to challenge by its customers both in rate proceedings as well as when the pipeline makes its purchased gas adjustment filings. Finally the impact on consumers where abandonment is authorized under market-out clauses is likely to be beneficial, because those clauses generally provide pipelines with the right to cease purchasing high-priced gas. The rule will merely permit the sale of that gas to others at prices governed by market considerations.

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[26] Penzoil Co. v. FERC, 645 F.2d 360, 380 (5th Cir 1981), cert. denied 454 U.S. 1142 (1982).

[27] Commenters objecting to the proposed rule do not question this, but assert that the proposed rule may have unforeseen consequences with respect to Order No. 451. *See, e.g.*, ANR at 5–6; Tennessee at 4.

[28] See Table 1, p. 2 and Table 2, p. 2.

Note: These tables are not being printed in the **Federal Register** but are contained in copies of this order which are available through the Commission's Public Reference Division.

[29] NG Week, January 11, 1988, p. 9.

[30] See Table 1, p. 2.

If as the result of the abandonment rule more gas is made available for sale, the spot and longer term prices would be driven lower by the increased supplies. Of course the actual course of events in 1988 and beyond cannot be foreseen. Nevertheless, the immediate price impact of the abandoment rule on the market as a whole should not be great.

Moreover, gas flowing under contracts due to expire in the future will increasingly consist of higher priced gas, and thus there should be less and less impact on consumers. In fact the rule is likely to have a positive impact on consumers because purchasers will be in a position to abandon the higher priced gas and replace it with purchases at lower market prices, a substantial amount of which will be abandoned gas re-entering the market.

The rule must be viewed in the context of the Congressional and Commission policy of permitting the parties in the natural gas industry to determine the allocation of the nation's gas reserves. By providing open access on the pipelines, and more competitive markets, the Commission is seeking to permit the market participants to determine where the gas should flow and at what price. This rule is a part of this overall strategy. It frees gas to move where it is needed, rather than tying it indefinitely to the dedicated purchaser who may have no current need for the gas.

The Commission concludes that the new rule will improve the working of the market and thus provide economic benefits to all participants. The standard used in *Felmont* and in Order No. 451, of balancing the particular purchaser's needs and the needs of the market as a whole, supports adoption of the proposed rule.

B. Implications of Con Ed and AGD

The NOPR was issued and the comments received prior to the *Con Ed* and *AGD* decisions. Those decisions have addressed some of the legal issues raised both in the NOPR and by commenters. The Commission believes that nothing in those decisions requires it to change the new abandonment policy established in this rule, and in fact, those decisions support the action it is taking here.

First, we note that the court decisions support the Commission's authority to promulgate a new abandonment policy, providing that the policy change is adequately explained and based on reasoned decisionmaking. Thus, in *Con Ed* the court stated:

> At the outset, we agree with the FERC that the NGA itself does not mandate a comparative needs test but only a determination that present or future public convenience and necessity permits the abandonment at issue. In other words, by delegating abandonment power in such broad terms, *Congress expected that the Commission would develop an appropriate test to fit the regulatory climate* (emphasis added).[31]

Second, in *AGD* the court appears to have approved generic abandonment, provided that the rulemaking is valid. The court stated:

> We see no procedural objection to the Commission's identification of circumstances, in an otherwise valid rulemaking, which automatically trigger its approval of abandonment (i.e., establish a system of "pre-granted" abandonment approval). Cf. Wisconsin Gas Co. v. FERC, 770 F.2d 1144 (D.C. Cir. 1985), *cert. denied*, 106 S. Ct. 1969 (1986) (approving modification of tariffs in a generic § 5 proceeding).[32]

However, the *Con Ed* decision, as well as many of the comments on the NOPR, require us to consider the effect that the rule would have on pipelines' take-or-pay position.[33]

In *Con Ed* the court reviewed the Commission's new abandonment policy as set forth in *Felmont*. As noted earlier, the court affirmed the Commission's view that the NGA does not bar the Commission from changing the comparative needs test for abandonment[34] to some other appropriate test, provided that the Commission makes a finding "that present or future public convenience and necessity permits the abandonment at issue."[35] The court agreed that the new abandonment policy might increase supply and make lower-price gas available to other purchasers, thereby lowering gas costs to those consumers.[36] This was similar to the rationale set forth in the NOPR.[37] However, the court took exception to the Commission's assertion that the new policy would mitigate the take-or-pay problems currently facing many interstate pipelines, because it found that the new policy would give producers "fewer incentives to help out pipelines with their take-or-pay worries."[38] Accordingly, it remanded the proceedings in order to permit the Commission to decide whether to make "the same policy shift given a more thorough consideration of the effect on take-or-pay contracts."[39]

The Commission has undertaken this analysis and has reviewed the final rule in light of the court's decision in *Con Ed*. The rule would provide abandonment authority in three different situations:

1. Termination or modification of the obligations to sell and purchase by voluntary agreement between the producers and pipelines;

2. The grant of authority to pipelines to cease purchasing when the contract has expired where the producer has not agreed to termination of sales; and

3. The grant of authority to producers to terminate sales when the contract has expired where the pipeline has not agreed to termination of purchases.

Abandonment authority available under the first two situations could not adversely impact the pipelines' take-or-pay problem, and in fact would be advantageous to pipelines. Permitting generic abandonment under voluntary arrangements would help pipelines, because the abandonment would occur only if a pipeline determines that abandonment would be to its advantage. Take-or-pay relief has often been a *quid pro quo* for pipeline agreements not to oppose abandonment applications and will likely be so in connection with agreements to terminate or modify contracts and secure abandonment authority under this rule. The final rule adopted here will enable the parties to carry out this part of their arrangement in an expeditious and timely fashion.

In addition the rule will permit permanent as well as limited-term abandonments (LTA's), which now require specific Commission approval, to occur on a generic basis. The pipelines have often been the parties requesting LTA authority.[40] However, the LTA's have been considered as an interim solution while the parties adapt to the new regulatory climate. Moreover, because of their limited duration, the LTA's do not permit parties to make long-term plans. The grant of permanent abandonment authority will contribute

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[31] 823 F.2d at 636.

[32] 824 F.2d at 1015 n. 17.

[33] We should note that there was no discussion of this issue in the NOPR.

[34] Under that test, the Commission would weigh the needs of the current consumers of the gas against the needs of the proposed new consumers with "the burden placed . . . on the applicant for abandonment to show that 'the public interest' will in no way be disserved." *Con Ed*, 823 F.2D at 632.

[35] *Id.* at 632.

[36] *Id.* at 637.

[37] *Supra.*, p. 10.

[38] *Id.* at 641.

[39] *Id.* Upon remand the Commission has reaffirmed its decision in *Felmont* because it found that the modification in the abandonment policy "is appropriate in light of the changed regulatory climate brought about by the adoption of the NGPA and in light of current market conditions, even taking into account the industry's take-or-pay problems." Order on Remand Reaffirming Prior Determination, 42 FERC ¶ _____ (1988) (slip op. at 6).

[40] *See e.g.*, Odeco Oil & Gas Company, *et al.*, 38 FERC ¶ 61,343 (1987); ANR Pipeline Company *et al.*, 38 FERC ¶ 61,046 (1987).

to the stability of the market as a whole. Thus permitting permanent abandonment when pipelines voluntarily agree to it can only benefit the pipelines and could not be adverse to their interests, because they will do so when it is in their interest to so act.[41]

Similarly, allowing abandonment of a pipeline's purchases from producers will not adversely impact the pipeline's take-or-pay problem. After the United States Court of Appeals for the District of Columbia Circuit ruled that cessation of a certificated purchase requires abandonment authorization,[42] the Commission has granted such abandonment applications filed by pipelines on an individual basis.[43] This rule will permit such abandonment on a generic basis. The Commission recognizes that permitting pipelines to abandon purchases from other pipelines could have an adverse impact on particular upstream pipelines. However, that adverse effect is mitigated by the benefit to the downstream terminating pipelines. Moreover, to the extent that an upstream pipeline's contracts for the purchase of gas from producers have similar terms as do its sales contracts with the downstream pipeline, the upstream pipeline could terminate its purchase obligations with producers under this rule at the same time the downstream pipeline terminates its purchase obligations.

As indicated in the NOPR, to the extent that the rule permits pipelines to terminate their obligations under expired high-priced gas contracts, it will assist them, and in no event place them in a worse position because it is in their discretion to so act. When a pipeline abandons its purchases under an expired contract, the pipeline's sales contracts with its customers will not be affected. In this connection, the Commission notes that the rule merely authorizes the pipeline to abandon purchases but does not mandate it.

The rule does not insulate the pipeline from the consequences of its decision to abandon purchases, because the decision to release gas constitutes a purchasing practice. The pipeline's customers can challenge that decision when the pipeline seeks to pass through its purchased gas costs or in its required periodic rate filings. Any customer can challenge the pipeline's decision to release gas under the "prudence" test applicable in such proceedings. The availability of this right in customers will obviously be a consideration by the pipeline in making its decision. Accordingly, the Commission believes that the security of supply of pipelines' customers should not be adversely affected by the rule, and as noted *supra*, p. 18, security of supply is better served by this rule.[44]

A third element of the rule permits producers to abandon sales of gas when the contract has expired. This abandonment will occur even if the pipeline would prefer that the gas be available to it for purchase either currently or in the future. Two major considerations enter into evaluating the effect this would have on the take-or-pay issue. The first is the relationship that this rule has to Order No. 451. Second is the impact that producer-initiated abandonment will have on the take-or-pay exposure of (1) non-open access carriers and (2) open-access carriers. As explained below the Commission believes that the rule is complementary to Order No. 451 and that benefits to the public interest from the rule outweigh any adverse impact the rule might have on the pipeline's take-or-pay problems.

This rule will provide producers with another option in addition to Order No. 451 if they want to abandon sales of certain dedicated gas and sell it to another for up to the alternative ceiling price for that gas.[45] Under Order No. 451, producers are permitted to seek the alternative ceiling price established by the Commission for gas priced under NGPA sections 104 and 106. However, producers must comply with the "good faith negotiation rule" before collecting higher prices from current purchasers in order "to provide balanced negotiating rights among parties."[46] Under the good faith negotiation (GFN) rule, a producer may request a purchaser to nominate a higher price for any old gas covered by existing contracts authorizing a higher price, upon establishment by the Commission of a higher maximum lawful price. The purchaser, in turn, may request renegotiation of the price of any gas sold under the contract placed on the bargaining table by the producer, as well as all gas sold under other "existing" contracts with the producer which include any old gas. This enables the purchaser to renegotiate the prices of new (higher priced) gas dedicated under multi-vintage contracts and provides a balance that the Commission sought to impart to its rules. If the parties cannot agree, either party may abandon the sale or purchase of the gas at issue.

The producer, however, may decide not to proceed under Order No. 451 with respect to expired contracts and use this rule, so that the abandonment is limited to the gas it is seeking to abandon. This rule, however, cannot be utilized until the contract expires, or is mutually terminated so the producer must await occurrence of those events, and thus postpone its ability to obtain the higher price.

Under the GFN procedures of Order No. 451, a purchaser could protect itself from the immediate effects of having to pay higher prices for old gas by first nominating the price it is willing to pay for such gas and by exercising its rights under step 2 of those procedures to renegotiate downward any high-price gas sold under a multi-vintage contract with the producer. Further, the purchaser can decline to pay the price requested by the seller and allow the gas to be abandoned.

There are also certain protections afforded to the purchaser under this rule. First, the purchaser can unilaterally abandon purchases under any other expired contract with the same producer, whether or not it is a multi-vintage contract. Moreover, unlike the GFN procedures of Order No. 451, which grants the producer the right to initiate renegotiation of the price, this rule permits a purchaser to abandon purchases under expired contracts even though the producer has not initiated abandonment with respect to any sales to that purchaser. Finally, if a producer initiates abandonment under a multi-vintaged contract, it must necessarily abandon all sales under that contract, including sale of any high-priced gas, and thus relieve the purchaser of any obligation to continue purchasing such gas.

As noted above, this rule will provide producers with another option when they desire to abandon gas. We also recognize that this may appear to give producers greater leverage over pipelines in their renegotiations of take-or-pay contracts. However, under the rule, where the producer exercises its right to abandon unilaterally, the pipeline is not required to provide transportation as it is under Order No.

[41] The parties could, of course, enter into arrangements for less than permanent abandonment.

[42] Panhandle Eastern Pipe Line Company, *et al.* v. FERC, 803 F.2d 728 (D.C. Cir. 1986).

[43] Mississippi River Transmission Corp. *et al.*, 39 FERC ¶ 61,113 (1987), *reh'g denied*, 42 FERC ¶ _____ (1988).

[44] The rule only applies to purchases by pipelines, and does not apply to sales by pipelines. Thus the concern raised in Tennessee's comments that a pipeline's termination of sales to another pipeline may cause serious supply problems to the latter pipeline, has no basis. The rule grants no such authorization.

[45] As explained *supra* n.25, when NGPA sections 104 and 106(a) gas is abandoned and then sold pursuant to a new contract, the price can be up to the alternative ceiling price.

[46] Order No. 451-B, III FERC Statutes & Regulations ¶ 30,748 at 30,686 (June 3, 1987).

451, so that except for permitting the sale of the gas to others, the rule would not change the *status quo*. The Commission does not deem it appropriate under these circumstances to mandate transportation. To the extent that carriers have not accepted a blanket certificate under Part 284 mandatory transportation under this rule might exacerbate the take-or-pay problem of such carriers. Accordingly, in order to ensure that the respective negotiating positions of the parties are not changed, we will not modify the rule to mandate transportation when the producer initiates abandonment. Thus the rule will permit producers to terminate any contract that has expired, but will not impose upon the pipeline a duty to transport such gas.

In the event carriers elect to take advantage of the regulations promulgated under Order No. 500 to become open-access carriers, they would be required to transport the gas that the producer is abandoning. Order Nos. 500, 500–B and 500–C constitute a comprehensive treatment of the take-or-pay problem where the Commission, after making a "thorough examination" of all aspects of that problem, weighed and balanced the various competing interests.[47] Under Order Nos. 500 and 500–B, no take-or-pay credits are required for transportation of gas that the producer formerly sold to the transporting pipeline under a terminated take-or-pay contract and that is not currently subject to a gas purchase contract between the parties. In Order Explaining Crediting Provisions of Order No. 500,[48] the Commission clarified that "Terminated contracts include all contracts which are no longer in effect, including those which have expired, which the parties have voluntarily terminated before the contract's expiration, or which have been terminated under Order No. 451."

We see no reason to modify the provisions of Order No. 500 when a producer terminates its sales obligations under this rule because it could upset the delicate balance the Commission has crafted.

As we have discussed above, this rule will provide benefits to the market as a whole, including pipelines and their customers. Increased access to supplies will put pressure on all sellers of gas, and will make the price of gas more market sensitive. However, this rule will also be advantageous to pipelines in many situations because it will permit the pipeline to abandon expired contracts covering gas it no longer desires to purchase, and to obtain take-or-pay relief under limited term abandonment programs without requiring Commission approval on a case-by-case basis. Moreover, because we are not imposing mandatory transportation, when the producer initiates abandonment, the respective negotiating positions of the producer and pipeline have not been prejudiced. We recognize that in some situations, permitting abandonment when the contract has expired may exacerbate the take-or-pay problem of an open-access carrier. Nevertheless, this will be a gradual process because it applies to contracts as they expire. Moreover, the Commission has dealt comprehensively with the take-or-pay problem in Order No. 500 and concluded that terminated contracts are not eligible for crediting. In the Commission's judgment, the overall benefit of the rule, combined with the comprehensive treatment of the take-or-pay problem in Order No. 500, adequately addresses the limited impact that this rule may have on the pipelines' take-or-pay exposure and is consistent with the court's reasoning in *Con Ed* and *AGD*.

C. Relationship of Generic Abandonment to Overall Gas Policy

As the court noted in *Con Ed*, "by delegating abandonment power in such broad terms, Congress expected that the Commission would develop an appropriate [abandonment] test to fit the regulatory climate."[49] In exercising that authority here, the Commission is convinced that there no longer is a valid reason to continue an abandonment policy that was promulgated prior to passage of the NGPA.[50] The existing abandonment policy limits the movement of the gas, and does not increase the amount available to the public. This rule not only complements the Commission's policy, but is totally consistent with the Congress' policy under the NGPA, of moving toward a more competitive natural gas market. Moreover in Order No 436 the Commission "unbundled" the pipelines' transportation and merchant roles in order to give consumers the benefit of a competitive wellhead market.

This rule will permit gas under expired contracts to be sold to others besides the purchaser to whom the gas is dedicated. The rule will give parties an incentive to utilize their contracting power as the mechanism to determine their gas supply. Further, the rule will free up gas so that the nation's entire gas reserves can be used more efficiently. Under the prior policy, where a contract had expired and the purchaser was not taking gas, the gas could not be sold to those who needed and wanted the gas, unless the Commission granted specific authorization.

The Commission also believes that it is appropriate to extend the rule to all first sales, including those to LDC's, because the fundamental benefits of the rule apply equally to all first sellers and all purchasers. If sales to LDC's were excluded from the rule, as proposed in the NOPR, the rule would act as a disincentive to producers entering into new contracts with LDC's,[51] and LDC's would be deprived of the benefit of the released supplies of gas.

A concern expressed by many commenters and in *Con Ed*, is that permitting a producer to abandon sales under an expired contract will somehow deprive the pipeline and its customers of the benefit of relatively low-cost gas reserves that were subject to that contract. Thus many commenters urge that the pipeline customers be afforded a right of first refusal to such gas. First, we should note that even if such a right were granted, the price of the gas would be subject to the alternative MLP under Order No. 451. Given the current and expected market conditions, gas at that price is readily available in the marketplace. Moreover, the gas that is abandoned is merely a part of a pipeline's general system supply, and is not ordinarily dedicated to any particular customer of the pipeline. Given the fact that pipelines have

[47] Generally, Order No. 500 provides that when gas is transported by a pipeline under Part 284 of the Commission's regulations, the pipeline may treat that volume as a volume taken under any pre-June 23, 1987 contract. This would reduce the pipeline's take-or-pay liability under such a contract by the quantity of gas transported. Pipelines may select qualifying contracts against which credits are to be applied. Credits can be applied against liability incurred in the year the gas is transported or in any previous calendar year, commenced on or after January 1, 1986, in which the pipeline transported gas on an open access basis.

[48] 41 FERC ¶ 61,025 (October 16, 1987).

[49] *Con Ed*, 823 F.2d at 636.

[50] We would point out that in both of the cases where the comparative needs test was articulated, Transcontinental Gas Pipe Line Corp. v. FPC, 488 F.2d 1325 (D.C. Cir. 1973), *cert. denied*, 417 U.S. 291 (1974), and Michigan Consolidated Gas Co. v. FPC, 283 F.2d 204 (D.C. Cir.), *cert. denied*, 364 U.S. 913 (1960), abandonment would have left the abandoned party in a shortage situation. Moreover, in the former case, the producer attempted to abandon to obtain a higher price for the gas in the intrastate market. Under the NGPA there is no such advantage in seeking abandonment.

[51] We also note that because most direct sales by producers to LDC's are of fairly recent origin, the rule would not immediately affect many existing contracts with LDC's.

numerous contracts with many different producers, the unilateral termination of any single contract will usually have only a minor influence on a pipeline's weighted average cost of gas (WACOG).

Furthermore, gas that a pipeline currently is not taking will not necessarily be available in the future. Many reservoirs are penetrated by many different producers who sell to different pipelines. When a purchaser is not taking the available production, the producer cannot produce its ratable share, and some of that pipeline's reserves will inevitably be lost if other producers continue to produce their ratable share. More importantly, as noted in Order No. 451,[52] the current lack of a market or of market sensitive prices may lead to the premature shutting-in of a substantial number of wells. Thus, permitting abandonment under this rule will not necessarily deprive a pipeline of low-cost reserves that would otherwise be available to the pipeline, because the gas in question might not be available in the future.

IV. Response to Comments

The notice requested comments on the proposed rule, and comments to specific questions posed by Commissioner Stalon relating to Order No. 436 transportation and Commissioner Trabandt as to whether the proposed rule comports with the section 7(b) requirements, and whether a generic one year limited-term abandonment should be substituted for the permanent abandonment authorized by the proposed rule.

To some extent we have addressed the comments in the discussion of the take-or-pay problem(s). Nevertheless we shall first respond to the specific questions posed and then a respond to the comments. The latter sections will elaborate on the issues posed by Commissioners Stalon and Trabandt.

The Commission had concluded that only pipelines that have accepted a blanket certificate of public convenience and necessity authorizing transportation of gas under § 284.221 of the Commission's regulations (Part 284 blanket carriers) should be granted authority under this rule to abandon purchases unilaterally under expired contracts. Allowing only Part 284 blanket carriers to abandon unilaterally will help assure that the pipelines' customers have access to the abandoned supplies. As Part 284 carriers, the pipelines will be subject to the nondiscriminatory access condition in sections 284.8 and 284.9. As Part 284 blanket carriers, the pipelines may not discontinue transportation without the Commission's permission.

Furthermore, as we have noted above, *supra* p. 32, permitting abandonment by producers when the contract has expired may exacerbate the take-or-pay problems of such carriers because they will be required to transport the gas that is being abandoned. We have also recognized the substantial benefits to be derived from the abandonment of purchases by pipelines available under this rule. Accordingly, we will permit only pipelines which are Part 284 blanket carriers to utilize the rule to obtain the significant benefits provided herein by the ability to abandon the purchase of gas. Otherwise the rule might act as a disincentive to pipelines transporting under the nondiscriminatory access conditions of Part 284. Thus the benefits the rule provides will not only be balanced between sellers and purchasers but will also be balanced between purchasers that have accepted blanket certificates under Part 284 and those that have not. We believe that this modification provides balance to the rule and furthers the Commission's comprehensive approach to restructuring and solving the problems plaguing the natural gas industry.

Furthermore, we have concluded that generic abandonment comports with NGA section 7(b) and, as noted above, the court in *AGD* approved such an approach stating that the Commission could "establish a system of 'pre-granted' abandonment approval." [53] That is exactly what we have done in this rule.

Finally after full consideration, the Commission believes that limiting the generic abandonment to one year would limit the overall benefit of the rule in two important respects. First, such a limitation would prevent parties from making long term supply commitments. As we have noted previously, the prior abandonment policy restricted the movement of gas, even when it was needed by others. Moreover, as shown in the OPPR study, dedicated reserves can no longer assure a secure supply source to customers because of the diminishing amount of such gas. This rule would provide an incentive to purchasers to use their contracting power to achieve that security of supply. Second, abandonment for such a short term makes little sense from the viewpoint of administrative efficiency.

A. Validity of Rulemaking

A number of commenters questioned the validity of the rule in light of NGA section 7(b). These commenters assert generally that section 7(b) requires that abandonment can only be authorized after due hearing, and then only if it is based upon specific factual findings. Neither of these two statutory procedural prerequisites can be satisfied through a generic rulemaking, commenters argue, because section 7(b) requires that the Commission maintain case-specific review in order to protect the public interest.[54]

Others state that the NGA was enacted by Congress for the express purpose of protecting and ensuring service by interstate pipelines and producers for the benefit of residential, commercial and industrial users served by local public utilities.[55] The purpose of section 7(b), they argue, is to protect the public interest in assuring sound and reliable natural gas service through careful, case-by-case assessment of the impacts of proposed abandonments.[56]

According to UDC, the automatic abandonment procedure contemplated by the proposed rule "fails in every important respect to comply with these requirements of section 7(b)." [57] because the proposed rule allows the parties to the service contract to determine the nature and extent of their service obligation and eliminates the Commission consideration of the particular factual criteria essential to a determination of how the abandonment would effect the public dependence on the service.[58]

Virginia asserts that a generic finding of public interest is of questionable legality,[59] because such action is inconsistent with Congress' action in the NGPA to retain various categories of first sales under both price *and* abandonment restrictions.[60] Finally, some commenters state that the legal foundation for the rule does not constitute an adequate substitute for the "due hearing" requirement of section 7(b) of the NGA, which does not allow the Commission to authorize abandonments generically without providing the opportunity for protests and a hearing with respect to each application.[61]

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[52] See Order No. 451-A, III FERC Statutes & Regulations ¶ 30,720 at 30,389–392 (December 15, 1986).

[53] *AGD*, 824 F.2d at 1015 n.17.

[54] See, ANR at 2, Texas Eastern at 12, and Tennessee at 10.

[55] UDC at 6, citing FPC v. Hope Natural Gas Co., 320 U.S. 591 (1944). See also WDG at 5.

[56] UDC at 7.

[57] UDC at 9. *See also* PGL&C at 5–9.

[58] UDC at 9.

[59] Virginia at 3–5.

[60] *See also* New York at 3 and Michigan at 2.

[61] Maryland at 15–29. *See also* Missouri at 2.

The rulemaking complies with the requirements of NGA section 7(b). The Commission has provided the hearing required by section 7(b) in this rulemaking proceeding. All segments of the natural gas industry have submitted comments on the rule. The Commission has considered these comments and other relevant factors in determining whether generic abandonment would be in the overall public interest. Under the prior rule, where the Commission weighed the relative needs of the competing pipelines and their ultimate consumers, there was a need for a case-by-case determination. However, under the rule the Commission is adopting, there is no need for such hearings, because the Commission has determined on a generic basis that the public interest is benefitted by permitting abandonment when contracts terminate.[62] In *Wisconsin Gas Co. v. Ferc*,[63] the court held that the rulemaking procedure which permits parties to participate through comments satisfies the hearing requirement under the NGA as well as under the Administrative Procedure Act.[64]

We have articulated the reasons for the need to permit generic abandonment and have made the necessary finding that it is in the present or future public convenience or necessity to allow it. As the court noted in *AGD*, there is no bar to the Commission establishing generic criteria for abandonment which, if met, permit abandonment. Our action does not deregulate the abandoned gas, but merely permits its sale to other buyers, which will have the effect of making some of the gas eligible to receive up to the alternative MLP under Order No. 451.[65] Thus our action is fully consistent with the continuation of our NGA jurisdiction over "old gas," because the Commission has determined that the alternative MLP is just and reasonable.

B. Policy Considerations

Some commenters maintain that the rule threatens to eviscerate the bargaining positions of pipelines under the "good faith negotiation" procedures promulgated under Order No. 451.[66] One commenter states that under the proposed rule producers will be able to selectively abandon sales of old gas as contracts expire. The abandoned old gas would no longer be subject to the good faith negotiation prerequisite for higher prices but would be eligible for higher prices under a new contract to a new purchaser. This would permit producers to obtain high prices for old gas without exposing new gas under multi-vintage contracts to the good faith negotiation procedures of Order No. 451.[67]

Other commenters state that, aside from the legality of the proposed rule, the proposal is a poor policy decision. These commenters generally question the factual foundations of the proposed rule, including the OPPR study attached to the NOPR, the underlying policy of deregulation, the workability of the program, and whether any new approach is even necessary to achieve the stated goals.

Other commenters state that they do not believe that the conclusions in the OPPR study have been fully supported. They assert that forecasts by many organizations contradict the study's conclusions, including forecasts by producers that indicate a ten-year time frame for new deliverability, as opposed to OPPR's estimate of the volume and timing of new gas supply available upon diminishment of the gas bubble.[68] Moreover, it is contended that the Commission's fundamental premise that natural gas markets are or can be made workably competitive is flawed.[69]

One commenter asserts that the Commission's proposition "that the continuation of service obligations after the contract has expired prevents market forces from operating to the extent envisaged under the NGPA" not only has no factual support, but also conflicts with known facts regarding why market forces are not working to the extent envisaged under the NGPA.[70] According to APGA, the problem is not that Congress' NGPA policies are thwarted because 7(b) interferes with contracts, but that the contracts themselves prevent market forces from operating to bring prices down.[71]

Another commenter, citing the Supreme Court's decision in *United Gas Pipe Line Co. v. McCombs*,[72] argues that the Commission is in error in asserting that when Congress enacted the NGPA, it intended the forces of competition to supplant established regulation of jurisdictional services as required by NGA section 7(b).[73]

Many commenters state the proposed rule is unnecessary because the current policy of granting limited-term abandonment (LTA) achieves the same goals. The case-by-case LTA's are adequate to handle those situations where producers' dedicated gas is being shut in, they argue, especially in view of the option that most such producers now have to initiate the good faith negotiation procedures under Order Nos. 451 and 451-A.[74] According to WDG, the short term goals of the NOPR can be achieved with the continued use of limited-term abandonments, without sacrificing gas consumers long-term interests in supply security.[75]

As stated previously, this rule will achieve the goals in a more expeditious and effective manner than LTA's. Moreover permanent abandonment provides participants with more certainty than the LTA program because it enables them to enter into contracts on a long term basis, rather than under the limited term that the LTA provides.

The Commission has considered the various policy arguments and the critique of the OPPR study. We find the latter to be without merit. The OPPR study demonstrates potential supplemental sources of gas supply that could be realized to meet any sudden supply shortage. The study assumes that with deregulated wellhead gas prices, if a gas supply shortage develops, prices will rise, creating the price incentives to bring on supplemental sources. Such sources will assist in meeting any supply/demand imbalances while new deliverability is being developed. Moreover, the commenters' assertion that new deliverability will require a ten year period is not supported by reliable studies and appears to be inordinately long for price incentives to bring on new deliverability. The Commission relies on the experience gained after enactment of the NGPA that demonstrated that price acted as an effective stimulant to the development of new supplies. We see no reason to believe it would be any different in the event shortages develop in the future.

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[62] Furthermore, the Commission observes that, at the request of certain pipelines, it has granted limited-term abandonment authority to numerous suppliers of the pipeline rather than abandonment for any single contract. *See, e.g.*, Southern Natural Gas Co., 36 FERC ¶61,401 (1986) and Transcontinental Gas Pipe Line Corp., 36 FERC ¶61,403 (1986).

[63] 770 F.2d 1144 (D.C. Cir. 1985), *cert. denied*, 106 S. Ct. 1969 (1986).

[64] 5 U.S.C. 551 *et seq.* (1976).

[65] As noted *supra* p. 16, the reason the gas qualifies is because the producer would enter into a contract which will necessarily be a contract after July 18, 1986.

[66] *See* ANR at 5–6 (suggesting that the rule be modified to clarify that any unilateral "old" gas abandonment by a producer triggers the full multi-vintage procedures under Order No. 451, or at least will allow pipelines to abandon a like amount of higher priced gas sold by the same producer to the pipeline). *See also*, Tennessee at 4 and Columbia at 11.

[67] Tennessee at 4.

[68] IPC at 7; Laclede at 16–17.

[69] Laclede at 16–17.

[70] APGA at 32–33.

[71] *Id.*

[72] 442 U.S. 529 (1979).

[73] UDC at 16.

[74] APGA at 15.

[75] WDG at 13.

The Commission is satisfied that its premise that the natural gas market can be made workably competitive is sound, and its policies are aimed at achieving this end. Nothing has been suggested which would alter the Commission's finding that permitting generic abandonment benefits the market as a whole. Because we make such a finding, the rule is consistent with the Supreme Court's decision in *United Gas Pipe Line v. McCombs, supra.*[76] Permitting generic abandonment will allow gas to service the public in the most efficient way. While it is possible that there may be some adverse consequences for certain individual customers as a result of this rule, those are far outweighed by the benefits to others. The Commission believes that adequacy of supply can be best insured by allowing gas to be sold at its market value, and that the public is better served by reducing the restraints on the movement of gas.

As discussed *supra* at pp. 28–29, this rule provides producers an opportunity to abandon gas priced under NGPA sections 104 and 106(a) and seek the alternative MLP under Order No. 451. However, we have pointed out that this rule also provides the purchaser with certain protections.[77] Moreover, this rule does not provide mandatory transportation when the producer initiates abandonment, as does Order No. 451. The rule also permits purchasers who have accepted a blanket certificate to unilaterally abandon purchases under expired contracts. Finally, because the rule applies only to expired contracts, the producer must await that occurrence, unlike Order No. 451 which permits the producer, and only the producer, to initiate the procedure any time it desires. For all these reasons, the Commission finds that this rule will not conflict with the GFN procedures under Order No. 451.

C. Take-or-Pay

Many commenters urge that the rule be modified to deal with the take-or-pay issue. A number of commenters assert that where the producer terminates, it should be required to refund any take-or-pay payments or prepayments previously made by the abandoned purchaser.[78] Another proposed modification is that a pipeline be permitted to credit against its contract take-or-pay obligation for the abandonment period, all volumes that the pipeline delivers to high-priority users.[79]

Other commenters urge that in exchange for the opportunity to obtain a higher price for its gas in the free market and the right to transport such gas over the pipeline system, the producer should be required to specifically waive any or all take-or-pay claims currently outstanding for the volumes to be abandoned.

Finally some commenters state that allowing the producer to automatically abandon its sales when a contract expires could jeopardize a pipeline's ability to negotiate take-or-pay settlements with respect to the contract being abandoned, as well as other contracts involving high-priced gas and more severe take-or-pay exposure. They assert that it is not uncommon for pipelines and producers to negotiate "global" settlements covering numerous contracts, settlements under which the pipelines can trade increases in price under low-price gas purchase contracts for producer concessions on high-price contracts. The Commission's proposed abandonment rule would allow producers to remove from the settlement any low-priced gas which is or may soon become eligible for abandonment, thereby limiting the settlements to only high-price contracts.[80]

As indicated above, the Commission has considered the take-or-pay problem in Order No. 500. That order constitutes the Commission's comprehensive treatment of the take-or-pay problem. We do not believe that it is necessary to add any further requirements or conditions to this rule. However, the Commission has recognized the take-or-pay consequences of this rule by not imposing a mandatory transportation requirement when the producer initiates abandonment.[81] The abandonment does not affect liabilities and rights accrued as of the time of abandonment, and any disputes should be settled in accordance with the appropriate law governing the contract.[82]

D. Transportation

A number of commenters [83] suggest modifying the proposed rule to require pipelines to transport abandoned gas. They assert that failure to require transportation will result in pipelines having monopoly power over transportation services. One small producer [84] expressed concern that small gas producers would not benefit from the rule unless mandatory transportation was imposed.[85] Other small producers expressed support for the proposed rule but did request modifying the rule to impose transportation.

One commenter contends that where a producer has no alternative route to get its gas to market, a refusal by the interstate pipeline to transport the gas on reasonable terms might constitute a violation of the "essential facilities doctrine" of the antitrust laws. This commenter submits that where a field is served by one jurisdictional pipeline, that pipeline constitutes an "essential facility" under traditional antitrust law, and that failure to provide access to that pipeline (in this instance, to transport gas produced in that field) constitutes "undue discrimination" under section 5 of the NGA.[87]

Pipelines are not common carriers and only have the duty that is imposed upon them by their certificate. The final rule does not change the status quo except that it permits abandonment under the conditions specified. To require mandatory transportation in instances where the producer unilaterally terminates might exacerbate the pipelines' take-or-pay problems. However, to ensure that the rule does not act as a disincentive to carriers accepting blanket certificates under Part 284, the Commission has revised the final rule so that only a carrier that has accepted a blanket certificate under Part 284 may unilaterally abandon purchases.

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[76] In that case, the Supreme Court reversed a lower court holding that, upon depletion of reserves, a producer may abandon sales without obtaining any prior Commission approval. The Court reasoned that permitting abandonment without prior Commission approval would leave the abandonment determination "as a practical matter, in the producer's control, a result clearly at odds with Congress' purpose to regulate the supply and price of natural gas." The present case is distinguishable from *McCombs* since no abandonment without prior Commission approval is here involved. The Commission has in this rule granted prior approval of abandonments where the contract has expired. Otherwise, Commission authorization to abandon is required on a case-by-case basis.

[77] See *supra* p. 30.

[78] Arkla at 3 and 4; ANR at 6; INGAA at 11; and Transco at 2–3.

[79] Plains at 9.

[80] Tennessee at 5–6; ANR at 6.

[81] Under Order No. 500, refunding of a prepayment is required only where the pipeline allocates the credits to a different contract, and as a result of the release, the pipeline cannot exercise its make-up rights for the gas for which it has made prepayment. This cannot occur under this rule.

[82] See Order No. 451–A, III FERC Statutes & Regulations ¶ 30,720 at 30,423.

[83] AP; EME; Citizen; and IG.

[84] Frank A. Schultz.

[85] Otter Tail Power Co. v. United States, 410 U.S. 366 (1973).

[86] See, *e.g.*, Small Volume Producers and Producer Association.

[87] IP at 61, 62.

E. Right of First Refusal

Many commenters suggest that the rule should be modified to provide that the gas reserves being abandoned be offered on a right-of-first-refusal basis to the firm sales customers of the pipeline purchaser.[88] They argue that such a right of first refusal would serve to protect the interests of these sales customers in a supply security. The Commission's goals of achieving pricing by the marketplace would be achieved, they argue, but with the beneficial effect of permitting these sale customers to determine for themselves the speed with which they want to make the transition to a total reliance on the free market for gas acquisition. One commenter notes that specific market segments may suffer a decline in reliability of supply due to unavailability of transportation, and that the price impact of the proposed rule cannot be quantified. These concerns can best be addressed, they argue, by giving existing firm sales customers the right of first refusal.[89]

The Commission believes that the right of first refusal would encumber the rule and prevent its full utilization. The protection the commenters are seeking will be provided by permitting gas to move more freely to those who need it, rather than restricting it to those whose pipeline may have initially dealt with the producer.[90]

F. General Response to Comments

The prior abandonment policy frustrates the gas market environment created by the NGPA, and the Commission's policies implementing the NGPA. The prior rule did not increase supplies, but merely exacerbated shortages when they occurred. The final rule, on the other hand, affords benefits to all producers, pipelines and consumers. Producers will be able to market gas that is not being taken free of the constraint of seeking Commission approval before they may act. Pipelines will be relieved of onerous contracts if they have expired. Moreover, they, like all other gas customers, will benefit from the greater gas supply that will become available as a result of this rule.

The Commission believes that security of supply can best be achieved under the NGPA's schedule of decontrol by permitting producers and purchasers of natural gas to buy and sell gas in accordance with their contractual commitments, free of the constraints of any requirement to seek Commission approval on a case-by-case basis. The mechanism of a free market will provide adequate gas supplies to pipelines to meet their customer's demands, and in the event of a shortfall of supply, gas will be allocated on individual pipelines in accordance with Commission approved curtailment plans.

For all the reasons stated above, the Commission also believes that when parties' gas purchase contracts expire and they are free to terminate their sale or purchase obligation arrangements either permanently or for a limited period without Commission approval on a case-by-case basis, they will utilize their contractual arrangements to ensure that their service commitments can be met. Given the limitations on Commission resources, requiring such individual approval serves no useful purpose and merely imposes an unnecessary step that injects uncertainty, and delays the parties from consummating sales which would benefit the public interest in general.

V. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA)[91] generally requires a description and analysis of final rules that will have a significant economic impact on a substantial number of small entities. Specifically, if an agency promulgates a final rule under the Administrative Procedure Act (APA), a final RFA analysis must contain (1) a statement of the need for and objectives of the rule, (2) a summary of the issues raised by the public comments in response to any initial regulatory flexibility analysis, and the agency response to those comments, and (3) a description of significant alternatives to the rule consistent with the stated objectives of the applicable statute that the agency considered and ultimately rejected. An agency is not required to make an RFA analysis, however, if it certifies that a rule will not have "a significant economic impact on a substantial number of small entities."

In the proposed rule the Commission found that the proposed rule would be beneficial to small entities and accordingly certified that the rule would not have a significant impact on a substantial number of small entities. Accordingly, the Commission certifies that this rule will not have a "significant economic impact on a substantial number of small entities."

VI. Paperwork Reduction Act

The information collection provisions in this rule are being submitted to the Office of Management and Budget (OMB) for its approval under the Paperwork Reduction Act [92] and OMB's regulations.[93] Interested persons can obtain information on the proposed information collection provisions by contacting the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. [Attention: Ellen Brown (202) 357-5311]. Comments on the information collection provisions can be sent to the Office of Information and Regulatory Affairs of OMB, New Executive Office Building, Washington, DC 20503 [Attention: Desk Officer for Federal Energy Regulatory Commission].

VII. Effective Date

This rule is effective April 12, 1988.

List of Subjects in 18 CFR Part 157

Administrative practice and procedure, Natural gas, Reporting and recordkeeping requirements.

In consideration of the foregoing, the Commission amends Part 157, Chapter I, Title 18, *Code of Federal Regulations*, as set forth below.

By the Commission. Commissioner Sousa concurred in part and dissented in part with a separate statement attached. Commissioner Stalon concurred with a separate statement attached. Commissioner Trabandt concurred with a separate statement to be issued later.

Lois D. Cashell,

Acting Secretary.

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

1. The authority citation for Part 157 is revised to read as follows:

[88] WDG at 18–19. For similar suggestions, see SoCal, Atlanta, AGD, PG&E, NWDCG, Elizabethtown, CNG, VNG, CP National, Michigan, Virginia, Wisconsin, California and Arkansas.

[89] Virginia at 2. *See also* Arkansas at 2.

[90] We note that under NGPA section 315, the purchaser of any gas that was removed from the Commission's NGA jurisdiction by NGPA sections 601(a)(1)(B), who but for the provisions of that section would have been entitled to continue to receive that gas, has a right of first refusal to such gas at the expiration or termination of the contract with respect to the first sale of such gas. That section has no application to this rule because the rule applies only to gas that is dedicated to interstate commerce and subject to the Commissions' NGA jurisdiction. The Commission has concluded that at the termination of the contract abandonment should be allowed. The right of first refusal is not necessary to protect the purchaser because the NGPA and the Commission's policies have created an environment where the purchaser can replace the abandoned gas by purchases in the open market.

[91] 5 U.S.C. 601–612 (1982).

[92] 44 U.S.C. 3501 through 3520 (1982).

[93] 5 CFR 1320.12 (1986).

Authority: Natural Gas Act, 15 U.S.C. 717–717w (1982); Department of Energy Organization Act, 42 U.S.C. 7101–7352 (1982); E.O. No. 12009, 3 CFR 1978 Comp., p. 142; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432 (1982).

2. In Part 157, a new § 157.21 is added to read as follows:

§ 157.21 Abandonment of purchases.

(a) Except as provided in paragraph (c) of this section, a purchaser subject to the Commission's jurisdiction under the Natural Gas Act is authorized, upon 30-days written notice to the seller, or any longer notice period required by contract, to abandon purchases of natural gas from any first seller or pipeline:

(1) Permanently, under a contract that has expired, or

(2) To the extent that the obligation of the purchaser to take or pay for gas (or both), or of the seller to deliver gas, is unilaterally reduced, suspended or terminated by either party in accordance with a provision of an unexpired contract.

(b) A purchaser subject to the Commission's jurisdiction under the Natural Gas Act is authorized to abandon purchases of gas from any first seller or pipeline:

(1) Permanently, by agreement of the parties to such abandonment, or

(2) To the extent that the obligation of the purchaser to take or pay for gas (or both) is reduced, suspended or terminated by agreement of the parties.

(c) A purchaser that is an interstate pipeline may not unilaterally abandon purchases of gas under paragraph (a) of this section unless it has a blanket certificate of public convenience and necessity authorizing transportation of natural gas under § 284.221 of this chapter.

(d) A purchaser that permanently abandons purchases of gas under this section must file a report with the Commission within 30 days of the date that purchases are terminated providing the following information:

(1) The name of the former seller;

(2) A description of the certificate authority under which the former seller sold the abandoned gas;

(3) A description of the contractual authority under which the purchases were terminated; and

(4) If the abandonment is partial, a description of the acreage from which purchases were terminated and acreage from which purchases continue.

(e) For purposes of this section, the term "first seller" means any seller that engages in a sale of natural gas that is a "first sale" under section 2(21) of the Natural Gas Policy Act of 1978.

3. In § 157.30, paragraph (a) is amended by adding the phrase, "Except as provided in paragraph (c) of this section," to the beginning of the paragraph, and paragraphs (c) through (f) are added to read as follows:

§ 157.30 Abandonment of service.

* * * * *

(c) A first seller is authorized, upon 30-days written notice to the purchaser, or any longer notice period required by contract, to abandon sales of gas to any purchaser:

(1) Permanently, under contract that has expired, or

(2) To the extent that the obligation of the purchaser to take or pay for gas (or both), or of the seller to deliver gas, is unilaterally reduced, suspended or terminated by either party under a provision of an unexpired contract.

(d) A first seller is authorized to abandon sales of gas to any purchaser:

(1) Permanently, by agreement of the parties to such abandonment, or

(2) To the extent that the obligation of the seller to deliver gas is reduced or suspended by agreement of the parties.

(e) Unless the former purchaser agrees to file a report of the abandonment under § 157.21(d), a seller that permanently abandons sales of gas under paragraph (c) of this section must file a report with the Commission within 30 days of the date that sales are terminated providing the following information:

(1) A description of the certificate authority under which the abandoned sales were made;

(2) The name of the former purchaser;

(3) A description of the contractual authority under which the sales were terminated; and

(4) If the abandonment is partial, a description of the acreage from which sales were terminated and acreage from which sales continue.

(f) For purpose of this section, the term "first seller" means any seller that engages in a sale of natural gas that is a "first sale" under section 2(21) of the Natural Gas Policy Act of 1978.

4. In § 157.301, paragraph (a) is revised to read as follows:

§ 157.301 Blanket certificate authority, pre-granted abandonment, and reporting requirements.

(a) *Blanket certificate authority.* Any first seller of natural gas that is authorized to abandon the sale of gas under § 157.30(c) or the good faith negotiation procedures set forth in § 270.201 of this chapter, is granted a certificate of public convenience and necessity to sell such gas for resale in interstate commerce, subject to the reporting requirements of paragraph (c) of this section.

* * * * *

[Editorial note: The following Appendix A and Commissioner statements will not appear in the Code of Federal Regulations.]

APPENDIX A—List of Commentrs by Alphabetical Order and Their Designation for Reference Purposes

American Gas Association (AGA)
American Public Gas Association (APGA)
American Paper Institute (AP)
Amoco Production (Amoco)
Anadarko Petroleum Corporation (Anadarko)
ANR Pipeline Company and Colorado Interstate Gas Company (ANR)
Arkansas Public Service Commission (Arkansas)
Arkla Inc. (Arkla)
Associated Gas Distributors (AGD)
Atlanta Gas Light Company (Atlanta)
California Public Utilities Commission (California)
Cincinnati Gas & Electric Company, *et al.* (Cincinnati)
Citizens Energy Corporation (Citizens)
Columbia Gas Distribution Companies (CDC)
Columbia Gas Transmission Corporation (Columbia)
Consolidated Natural Gas Company (CNG)
Consumers Power Company (Consumers)
CP National Corporation (CP National)
Designated Producers (DP)
Elizabethtown Gas Company (Elizabethtown)
El Paso Natural Gas Company (El Paso)
Energy Marketing Exchange (EME)
Enron Interstate Pipeline (Enron—
Fertilizer Institute (FI)
Gas Company of New Mexico (GCNM)
Illinois Commerce Commission (Illinois)
Indicated Producers (IP)
Industrial Group (American Iron and Steel Institute, Georgia
Industrial Group' Process Gas Consumers Group) (IG)
Interstate Power Company (IPC)
The Interstate Natural Gas Association of America (INGAA)
KN Energy Inc. (KN)
Laclede Gas Company (Laclede)
Lone Star Gas Company (Lone Star)
Maryland People's Counsel (Maryland)
Michigan Public Service Commission (Michigan)
Michigan Consolidated Gas Company (Mich Con)
Minnesota Department of Public Service (Minnesota)
Missouri Public Service Commission. (Missouri)
Natural Gas Pipeline Company of America (Natural)
Natural Gas Supply Association (NGSA)
New York State Electric & Gas Corporation (NYSEG)
Northern Illinois Gas Company (NI-Gas)
Northern Indiana Public Service Company (NIPSCO)
Northwest Distributor Customer Group (NWDCG)
Northwest Pipeline Corporation (Northwest)
Pacific Gas & Electric Company (PG&E)

Panhandle Eastern Pipe Line Company and Trunkline Gas Company (Panhandle & Trunkline)
Pennzoil Company (Pennzoil)
The Peoples Gas Light and Coke Company and North Shore Gas Company (PGL&C)
Peoples Natural Gas Company, Division Utilicorp United Inc. (Peoples)
Plains Petroleum Company and Petroleum Operating Company (Plains)
Pogo Producing Company (Pogo)
Producers Association (PA)
Public Service Commission of New York (New York)
Public Service Commission of Wisconsin (Wisconsin)
Public Service Electric and Gas Company (PSE&G)
Rochester Gas and Electric Corporation (RG&E)
Shell Offshore Inc. and Shell Western E & P Inc. (Shell)
Frank A. Schultz (Frank Schultz)
Small Volume Producers (SVP)
Sonat Exploration Company (Sonat)
Southern California Gas Company (SoCal)
South Jersey Gas Company (SJG)
State of New Mexico (New Mexico)
Sunterra Gas Gathering Company (Sunterra)
Tennessee Gas Pipeline Company (Tennessee)
Texas Eastern Transmission Corporation (Texas Eastern)
Transcontinental Gas Pipe Line Corporation (Transco)
UGI Corporation (UGI)
United Distribution Companies (UDC)
United Gas Pipe Line Company (United)
United States Department of Justice (Justice)
Valero Interstate Transmission (Valero)
Virginia Natural Gas, Inc. (VNG)
Virginia State Corporation Commission (Virginia)
Washington Gas Light Company and Shenandoah Gas Company (WGL)
Williams Natural Gas Company (Williams)
Williston Basin Interstate Pipeline Company (Williston Basin)
Wisconsin Distributor Group (WDG)

Abandonment of Sales and Purchases of Natural Gas Under Expired, Terminated, or Modified Contracts

[Docket No. RM87-16-000]

Issued February 5, 1988.

STALON, Commissioner, *concurring:*

I believe the long-term benefits of this rule are large and more than offset any short-term problems that may result from its issuance. I, therefore, support the issuance of the rule. I do, however, share Commissioner Sousa's concern that the rule does not provide for take-or-pay relief where unilateral producer abandonment is permitted. I would have preferred that the Commission condition producer abandonment on the producer's agreement to refund all prepayments or to allow the purchaser to make up the gas for which it has made prepayments. I believe such an approach would have mitigated some potential short-term adverse consequences of the rule on pipelines take-or-pay problems while still achieving the long-term beneficial results of the rule.

I encourage interested parties to address this issue on rehearing.

Charles G. Stalon,

Commissioner.

Abandonment of Sales and Purchases of Natural Gas Under Expired, Terminated, or Modified Contracts

[Docket No. RM87-16-000]

Issued February 5, 1988.

SOUSA, ANTHONY G., Commissioner, *concurring in part and dissenting in part:*

I concur with and support fully the overall policy objectives of the abandonment rule approved by the Commission today. This rule is another step in the direction the Commission is taking towards lessening regulation so long as it is in the public interest.

However, I dissent from that part of the rule where the Commission fails to provide for take-or-pay relief where unilateral producer abandonment is permitted. I also dissent from that part of the rule which limits a pipeline's eligibility to initiate abandonment only if it is an Order No. 500 blanket certificate holder. This is a significant departure from the Notice of Proposed Rulemaking which had no such qualifying limitation. To ignore take-or-pay relief and refund of prepayments on the one hand and then to condition pipeline abandonment on enforced acceptance of a blanket certificate under section 7 appears to me to be grossly unfair. I would not object to conditioning unilateral pipeline abandonment on acceptance of a blanket certificate if take-or-pay relief is also granted on unilateral producer abandonment. The effect of the majority decision is that it will inevitably exacerbate the take-or-pay problem.

Anthony G. Sousa,

Commissioner.

[FR Doc. 88-3050 Filed 2-11-88; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 111

[ADM-9-03:CO:R:P:R:em 091716]

Annual User Fee for Customs Brokers' Permit

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

ACTION: Notice of due date of broker's user fee.

SUMMARY: This document advises Customs brokers that for 1988 the annual user fee of $125 that is assessed for each permit held by an individual, partnership, association, or corporate broker is due by April 15, 1988. This announcement is being published to comply with the Tax Reform Act of 1986.

DATES: Date of notice: (February 12, 1988). Due date for fee: April 15, 1988.

FOR FURTHER INFORMATION CONTACT: Elizabeth Durant, Chief, Broker Compliance and Evaluation Branch (202) 566-8302.

SUPPLEMENTARY INFORMATION:

Background

Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Pub. L. 99-272) established that an annual user fee of $125 is to be assessed for each customs broker's permit held by an individual, partnership, association or corporate broker. This fee is set forth in the Customs Regulations in § 111.96 (19 CFR 111.96).

Section 111.96, Customs Regulations, provides that the fee is payable for each calendar year in each district where a broker has a permit to do business by the due date, which will be published in the **Federal Register** annually

Section 1893 of the Tax Reform Act of 1986 (Pub. L. 99-514), provides that notice of the date on which payment is due of the user fee for each broker permit shall be published by the Secretary of the Treasury in the **Federal Register** by no later than 60 days before such due date.

This document notifies brokers that for 1988 the due date for payment of the user fee is April 15, 1988. It is expected that annual user fees for brokers for subsequent years will be due on the first of January each year.

Dated: February 10, 1988.

Michael H. Lane,

Commissioner of Customs (Acting).

[FR Doc. 88-3221 Filed 1-11-88; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 416

[Regulations No. 16]

Supplemental Security Income for the Aged, Blind, and Disabled; State Supplementation Provisions; Agreements; Payments; Mandatory Passalong of Federal Supplemental Security Income Benefit Increases to Recipients of State Supplementary Payments; Correction

AGENCY: Social Security Administration, HHS.

ACTION: Final rule; correction.

SUMMARY: This document corrects the example in § 416.2098(e)(2), a final rule to be codified in 20 CFR Part 416, which was published in the **Federal Register** on September 28, 1987 (52 FR 36235). The example was inadvertently transcribed and printed incorrectly.

FOR FURTHER INFORMATION CONTACT: Dave Smith, 6401 Security Boulevard, Baltimore, Maryland, telephone (301) 594–7460.

SUPPLEMENTARY INFORMATION: A revision of § 416.2098(e)(2) of Regulations No. 16 was published as a final rule on September 28, 1987 (52 FR 36235). That section contains an example which was inadvertently transcribed and printed incorrectly. We are correcting that error.

The following correction is made in FR DOC 87–22138 published in the **Federal Register** September 28, 1987 (52 FR 36235).

§ 416.2098 [Corrected]

On page 36244, the first column, in § 416.2098(e)(2) the example is corrected to read:

Example:

Note.—Example assumes the State passed along only $9.70 of the $20.00 increase in the FBR effective July 1, 1983.

The March 1983 combined supplementary/SSI payment level for a 31-day month was $519.40.

July 1983 level:	
$519.40	March 1983 combined payment.
+9.70	July 1983 COLA-equivalent.
529.10	Required July 1983 combined payment level.
529.10	Required July 1983 combined payment level.
−304.30	July 1983 FBR.
224.80	Required State Supplementary payment level.
529.10	Required July 1983 combined payment level.
−42.00	Personal needs allowance.
487.10	
487.10	
÷31	Days in month.
15.71	Per diem rate.

The required July 1983 combined supplementary/SSI payment level for a 31-day month was $529.10. This amount is equal to the March 1983 combined payment amount for a 31-day month plus the July 1983 COLA-equivalent ($519.40 + $9.70).

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

James F. Trickett,

Deputy Assistant Secretary for Administrative and Management Services.

February 8, 1988.

[FR Doc. 88–3034 Filed 2–11–88; 8:45 am]

BILLING CODE 4190–11–M

Food and Drug Administration

21 CFR Part 201

[Docket No. 82N–0395]

Aspartame as an Inactive Ingredient in Human Drug Products; OMB Approval of Requirements

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the Office of Management and Budget (OMB) has approved the collection of information requirement concerning its final rule on the labeling of aspartame as an inactive ingredient in human drug products. The agency is amending that regulation to reflect OMB's approval.

EFFECTIVE DATE: February 12, 1988.

FOR FURTHER INFORMATION CONTACT: Joseph W. Wilczek, Center for Biologics Evaluation and Research (HFN–362), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–295–8049.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 20, 1987 (52 FR 2108), FDA issued a final rule (21 CFR 201.21) declaring that aspartame, when used at a level no higher than reasonably required to perform its intended technical function, is safe for use as an inactive ingredient in human drug products. The regulation requires that the labeling of all human drug products containing aspartame as an inactive ingredient declare the presence and amount of phenylalanine in each dosage unit. The effective date of the final rule was April 20, 1987.

The agency delayed the effective date of certain of the requirements of the final rule until October 20, 1987, in a **Federal Register** notice dated April 15, 1987 (52 FR 12152). The revised effective date of October 20, 1987, applied only to the requirement in 21 CFR 201.21 that the labeling of all human drug products containing aspartame as an inactive ingredient declare the amount of phenylalanine in each dosage unit.

The regulation contains several collection of information requirements. In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 35), these requirements were submitted to the Office of Management and Budget (OMB) for approval. OMB has approved the collection of information requirements under OMB control number 0910–0242. This document announces OMB's approval of 21 CFR 201.21 and amends the regulation of January 20, 1987 (52 FR 2108), and April 15, 1987 (52 FR 12152) to reflect that approval.

Because this amendment is nonsubstantive, notice, public procedure, and delayed effective date are unnecessary (5 U.S.C. 553(b)(B) and (d)).

List of Subject in 21 CFR Part 201

Drugs, Labeling.

Therefore, under the Federal Food, Drug, and Cosmetic Act and the Administrative Procedure Act, Subchapter D of Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

PART 201—LABELING

1. The authority citation for 21 CFR Part 201 is revised to read as follows:

Authority: Secs. 501, 502, 701, 52 Stat. 1049–1051 as amended, 1055–1056 as amended (21 U.S.C. 351, 352, 371); 21 CFR 5.10; § 201.21 also issued under secs. 301, 505, 52 Stat. 1042–1043 as amended, 1052–1053 as amended (21 U.S.C. 331, 355).

2. In § 201.21 by adding a parenthetical statement at the end of the section to read as follows:

§ 201.21 Declaration of presence of phenylalanine as a component of aspartame in over-the-counter and prescription drugs for human use.

* * * * *

(Collection of information requirements approved by the Office of Management and Budget under control number 0910–0242)

Dated: Feburary 5, 1988.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 88–2996 Filed 2–11–88; 8:45 am]

BILLING CODE 4160–01–M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2619

Valuation of Plan Benefits in Single-Employer Plans; Amendment Adopting Additional PBGC Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This amendment to the regulation on Valuation of Plan Benefits in Single-Employer Plans contains the interest rates and factors for the period beginning March 1, 1988. The use of these interest rates and factors to value benefits is mandatory for some terminating single-employer pension plans and optional for others. The Pension Benefit Guaranty Corporation adjusts the interest rates and factors periodically to reflect changes in financial and annuity markets. This amendment adopts the rates and factors applicable to plans that terminate on or after March 1, 1988, and will remain in effect until the PBGC issues new interest rates and factors.

EFFECTIVE DATE: March 1, 1988.

FOR FURTHER INFORMATION CONTACT: John Foster, Attorney, Office of the General Counsel, Code 22500, Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, DC 20006, 202–778–8850 (202–778–8859 for TTY and TDD only). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: The Pension Benefit Guaranty Corporation's ("PBGC's") regulation on Valuation of Plan Benefits in Single-Employer Plans (29 CFR Part 2619) sets forth the methods for valuing plan benefits of terminating single-employer plans covered under Title IV of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"). The recent amendments to Title IV made by the Pension Protection Act ("PPA"), a part of the Omnibus Budget Reconciliation Act of 1987, increase the amount of plan benefits for which an employer is responsible upon plan termination. These new termination rules apply to plan terminations with respect to which the 60-day advance notice to affected parties (the notice of intent to terminate) is issued after December 17, 1987. (For more detail, see the PBGC's Notice of Revised Termination Rules, 53 FR 1905 (January 22, 1988).) However, the PPA does not change the Title IV valuation rules.

Under amended ERISA section 4041(c), all plans wishing to terminate in a distress termination must value guaranteed benefits and "benefit liabilities", i.e., all benefits provided under the plan as of the plan termination date, using the formulas set forth in Part 2619. Plans terminating in a standard termination may, for purposes of the notice given to the PBGC, use these formulas to value benefit liabilities, although this is not required. (Such plans may value benefit liabilities that are payable as annuities on the basis of a qualifying bid obtained from an insurer.)

Plans that terminate on or after January 1, 1986 (the effective date of the Single-Employer Pension Plan Amendments Act of 1986) and issued notices of intent to terminate prior to December 18, 1987, or against which the PBGC instituted involuntary termination proceedings before that date, shall continue to be responsible for benefit commitments under the plan and to value guaranteed benefits and/or benefit commitments.

Appendix B in Part 2619 sets forth the interest rates and factors that are to be used in the formulas contained in the regulation. Because these rates and factors are intended to reflect current conditions in the financial and annuity markets, it is necessary to update the rates and factors periodically.

The rates and factors currently in use have been in effect since November 1, 1987 (52 FR 38227 (October 15, 1987)). Changes in the financial and annuity markets now require a decrease in those rates. Accordingly, this amendment adds to Appendix B a new set of interest rates and factors for valuing benefits in plans that terminate on or after March 1, 1988, which set reflects a decrease of ¼ percent in the immediate interest rate to 8 percent.

Generally, the interest rates and factors will be in effect for at least one month. However, any published rates and factors will remain in effect until such time as the PBGC publishes another amendment changing them. Any change in the rates normally will be published in the **Federal Register** by the 15th of the month preceding the effective date of the new rates or as close to that date as circumstances permit.

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest rates and factors promptly so that the rates can reflect, as accurately as possible, current market conditions.

Because of the need to provide immediate guidance for the valuation of benefits in plans that will terminate on or after March 1, 1988, and because no adjustment by ongoing plans is required by this amendment, the PBGC finds that good cause exists for making the rates set forth in this amendment effective less than 30 days after publication.

The PBGC has determined that this is not a "major rule" under the criteria set forth in Executive Order 12291, because it will not result in an annual effect on the economy of $100 million or more, a major increase in costs for consumers or individual industries, or significant adverse effects on competition, employment, investment, productivity, or innovation.

List of Subjects in 29 CFR Part 2619

Employee benefit plans, Pension insurance, Pensions.

In consideration of the foregoing, Part 2619 of Chapter XXVI, Title 29, Code of Federal Regulations, is hereby amended as follows:

PART 2619—[AMENDED]

1. The authority citation for Part 2619 is revised to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362, as amended by secs. 11004(a), 11007–11009, 11016(c)(12)-(c)(13) and 11011(a), Pub. L. 99–272, 100 Stat. 239–240, 244–252, 274 and 253–257 and by secs. 9312, Pub. L. 100–203, 101 Stat. 1330.

2. Rate Set 71 of Appendix B is revised and Rate Set 72 of Appendix B is added to read as follows. The introductory text is republished for the convenience of the reader and remains unchanged.

Appendix B—Interest Rates and Quantities Used to Value Immediate and Deferred Annuities

In the table that follows, the immediate annuity rate is used to value immediate annuities, to compute the quantity "Gy" for deferred annuities and to value both portions of a refund annuity. An interest rate of 5% shall be used to value death benefits other than the decreasing term insurance portion of a refund annuity. For deferred annuities, k_1, k_2, k_3, n_1, and n_2 are defined in § 2619.45.

Rate set	For plans with a valuation date		Immediate annuity rate (%)	Deferred annuities				
	On or after	Before		k_1	k_2	k_3	n_1	n_2
* * *	*	*	*					
71	11-1-87	3-1-88	8.25	1.0750	1.0625	1.0400	7	8

Rate set	For plans with a valuation date		Immediate annuity rate 6 (%)	Deferred annuities				
	On or after	Before		k_1	k_2	k_3	n_1	n_2
72	3-1-88		8.00	1.0725	1.0600	1.0400	7	8

Joseph A. Vasquez, Jr.,
Acting Executive Director, Pension Benefit Guaranty Corporation.
[FR Doc. 88-3006 Filed 2-11-88; 8:45 am]
BILLING CODE 7708-01-M

29 CFR Part 2676

Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal; Interest Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This is an amendment to the Pension Benefit Guaranty Corporation's regulation on Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal (29 CFR Part 2676). The regulation prescribes rules for valuing benefits and certain assets of multiemployer plans under sections 4219(c)(1)(D) and 4281(b) of the Employee Retirement Income Security Act of 1974. Section 2676.15(c) of the regulation contains a table setting forth, for each calendar month, a series of interest rates to be used in any valuation performed as of a valuation date within that calendar month. On or about the fifteenth of each month, the PBGC publishes a new entry in the table for the following month, whether or not the rates are changing. This amendment adds to the table the rate series for the month of March 1988.

EFFECTIVE DATE: March 1, 1988.

FOR FURTHER INFORMATION CONTACT: Deborah C. Murphy, Attorney, Office of the General Counsel (22500), Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington DC 20006; 202-778-8820 (202-778-8859 for TTY and TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: The PBGC finds that notice of and public comment on this amendment would be impracticable and contrary to the public interest, and that there is good cause for making this amendment effective immediately. These findings are based on the need to have the interest rates in this amendment reflect market conditions that are as nearly current as possible and the need to issue the interest rates promptly so that they are available to the public before the beginning of the period to which they apply. (*See* U.S.C. 533 (b) and (d).) Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply (5 U.S.C. 601(2)).

The PBGC has also determined that this amendment is not a "major rule" within the meaning of Executive Order 12291 because it will not have an annual effect on the economy of $100 million or more; or create a major increase in costs or prices for consumers, individual industries, or geographic regions; or have significant adverse effects on competition, employment, investment, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 29 CFR Part 2676

Employee benefit plans, Pensions.

In consideration of the foregoing, Part 2676 of Subchapter H of Chapter XXVI of Title 29, Code of Federal Regulations, is amended as follows:

PART 2676—VALUATION OF PLAN BENEFITS AND PLAN ASSETS FOLLOWING MASS WITHDRAWAL

1. The authority citation for Part 2676 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1399(c)(1)(D), and 1441(b)(1).

2. In § 2676.15, paragraph (c) is amended by adding to the end of the table of interest rates therein the following new entry:

§ 2676.15 Interest.

* * * * *

(c) Interest rates.

For valuation dates occurring in the month—	The values of i_k are—															
	i_1	i_2	i_3	i_4	i_5	i_6	i_7	i_8	i_9	i_{10}	i_{11}	i_{12}	i_{13}	i_{14}	i_{15}	i_v
*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
March 1988	.09875	.095	.09	.085	.08	.07375	.07375	.07375	.07375	.07375	.0675	.0675	.0675	.0675	.0675	.06

Joseph A. Vasquez, Jr.,
Acting Executive Director, Pension Benefit Guaranty Corporation.
[FR Doc. 88-3005 Filed 2-11-88; 8:45 am]
BILLING CODE 7708-01-M

DEPARTMENT OF THE TREASURY

31 CFR Part 103

Miscellaneous Technical Amendments to Bank Secrecy Act Regulations

AGENCY: Departmental Offices, Treasury.

ACTION: Final rule.

SUMMARY: Several technical amendments are being made to the Bank Secrecy Act regulations to correct typographical errors, update names, and conform the regulations more closely to the statute.

EFFECTIVE DATE: Amendments #1, #2, #3, #4, #5, #6, #7, #8 and #9 are effective as of February 12, 1988. Amendment #2 is effective October 27, 1986, which was the date of enactment of section 1362 of the Anti-Drug Abuse Act of 1986, Pub. L. 99-570.

ADDRESS: Office of Financial Enforcement, Office of the Assistant Secretary (Enforcement), Department of the Treasury, Room 4320, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

FOR FURTHER INFORMATION CONTACT: Amy G. Rudnick, Director, Office of Financial Enforcement, Office of the Assistant Secretary (Enforcement), Department of the Treasury, Room 4320, 1500 Pennsylvania Avenue NW., Washington, DC 20220, (202) 566–8022.

SUPPLEMENTARY INFORMATION: The Bank Secrecy Act, Pub. L. No. 91–508 (codified at 12 U.S.C. 1829(b), 12 U.S.C. 1951 *et seq.*, and 31 U.S.C. 5311–5324), authorizes the Secretary of the Treasury to require financial institutions to keep records and file reports that the Secretary determines have a high degree of usefulness in criminal, tax, and regulatory matters. For purposes of the Bank Secrecy Act, the term "United States" is specifically defined. *See* 31 U.S.C. 5312(a)(5). The term is important in that, among other things, it is determinative as to whether a financial institution is "domestic," thereby necessitating the filing of reports of certain currency transactions. *See* 31 U.S.C. 5313(a); 31 CFR 103.22.

Prior to the enactment of the Anti-Drug Abuse Act of 1986, Pub. L. 99–570 (Oct. 27, 1986), the statutory definition of "United States" included, when the Secretary prescribed by regulation, "a territory or possession of the United States." Pursuant to this authority, the Secretary included within the definition of United States "the territories and possessions of the United States." 31 CFR 103.11(p).

Section 1362(b) of the Anti-Drug Abuse Act of 1986 amended 31 U.S.C. 5312(a)(5) to include within the definition of "United States," when the Secretary prescribes by regulation, "the Virgin Islands, Guam, the Northern Mariana Islands, American Samoa, [and] the Trust Territory of the Pacific Islands." The Department of the Treasury has always considered the Virgin Islands, Guam, the Northern Mariana Islands, American Samoa, and the Trust Territory of the Pacific Islands to be included within the definition of "United States," as "territories and possessions of the United States" (31 CFR 103.11(p)). However, in order to have the regulations more closely track the statutory language, § 103.11(p) is being amended to conform the regulatory language to the amendment made to 31 U.S.C. 5312(a)(5) by the Anti-Drug Abuse Act.

In addition to the amendment noted above, this final rule makes several other miscellaneous technical amendments. The first sentence in § 103.22(d) is amended to correct an inadvertent change of wording which appeared in the April 8, 1987 Final Rule (52 FR 11436) that amended various sections of 31 CFR Part 103. In addition, the wording in the last sentence of § 103.22(d) is changed to conform to the wording in the first sentence (Amendment #3). The remaining miscellaneous technical amendments are made to: reflect a change in name (Amendment #4); conform the regulations to other changes in the Bank Secrecy Act made by the Anti-Drug Abuse Act of 1986 to raise the reportable amount of monetary instruments received in the United States, raise one of the criminal penalties under the Bank Secrecy Act, and revise one of the criteria for imposing such penalty (Amendments #5, #8, and #9); correct a typographical error (Amendment #6); and conform the wording of section 103.49(c)(1) to the wording of the underlying statutory provision codified at 31 U.S.C. 5322(b).

Applicability of Notice and Effective Date Requirements

Because this final rule makes technical amendments which merely conform the present regulations to various statutory changes, update names, and correct typographical errors, for such good cause found, notice and public procedure pursuant to 5 U.S.C. 553(b)(B) and a delayed effective date pursuant to 5 U.S.C. 553(d)(3) are unnecesary.

Executive Order 12291

This final rule is not a major rule for purposes of Executive Order 12291. It is not anticipated to have an annual effect on the economy of $100 million or more. It will not result in a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions. It will not have any significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or foreign markets. A Regulatory Impact Analysis therefore is not required.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required by the Administrative Procedure Act (5 U.S.C. 551 *et seq.*), or by any other statute, this document is not subject to the provisions of the Regulatory Flexibility Act, 5 U.S.C. 603 and 604.

Drafting Information

The principal author of this document is the Office of the Assistant General Counsel (Enforcement). However, personnel from other offices participated in its development.

List of Subjects in 31 CFR Part 103

Authority delegations (government agencies), Banks and banking, Currency, Foreign Banking, Investigations, Law Enforcement, Reporting and recordkeeping requirements, Taxes.

Amendments

For the reasons set forth in the preamble, 31 CFR Part 103 is amended as follows:

PART 103—[AMENDED]

1. The authority citation for Part 103 continues to read as follows:

Authority: Pub. L. No. 91–508, Title I, 84 Stat. 1114, 1116 (12 U.S.C. 1829(b), 1951–1959) and the Currency and Foreign Transactions Reporting Act, Pub. L. No. 91–508, Title II, 84 Stat. 1118, as amended (31 U.S.C. 5311–5324)

2. Section 103.11(p) is revised to read as follows:

§ 103.11 Meaning of terms.

* * * * *

(p) *United States.* The States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, the Trust Territory of the Pacific Islands, and the territories and possessions of the United States.

* * * * *

§ 103.22 [Amended]

3. Section 103.22(d) is amended by removing the word "obtaining" in the first sentence and adding in its place the word "preparing"; and in the last sentence by removing the word "obtains" and adding in its place the word "prepares".

4. Section 103.22(e) is amended by removing "Exemption Review Staff" and adding in its place "Compliance Review Group".

§ 103.23 [Amended]

5. Section 103.23(b) is amended by removing "$5,000" and adding in its place "$10,000".

§ 103.26 [Amended]

6. Section 103.26(b)(3) is amended by removing "20226" and adding in its place "20229".

§ 103.49 [Amended]

7. Section 103.49(c)(1) is amended by removing "in furtherance of the commission of any other violation of Federal law" and adding in its place

"while violating another law of the United States ".

8. Section 103.49(c)(2) is amended by removing "5 years" and adding in its place "10 years".

9. Section 103.49(c)(2) is further amended by removing "illegal activity involving transactions exceeding" and adding in its place "any illegal activity involving more than".

Dated: January 26, 1988.

John P. Simpson,

Acting Assistant Secretary (Enforcement).

[FR Doc. 88-3041 Filed 2-11-88; 8:45 am]

BILLING CODE 4810-25-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-3326-7]

Approval and Promulgation of Implementation Plans; Illinois

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

ACTION: Final rulemaking.

SUMMARY: USEPA is approving a revision to the Illinois State Implementation Plan (SIP) for Volatile Organic Compound (VOC). The revision, will provide for a compliance date extension from Illinois' Rule 35 IAC 215.204(h) from October 1, 1982, until April 1, 1986, for Fedders-USA's facility, which is located in Effingham, Illinois. This SIP revision will allow Fedders-USA additional time to reformulate the coatings used in manufacturing large appliances. This action is taken in response to a February 13, 1986, request from the State of Illinois.

EFFECTIVE DATE: This final rulemaking becomes effective on March 14, 1988.

ADDRESSES: Copies of the SIP revision, public comments on the notice of proposed rulemaking and other materials relating to this rulemaking are available for inspection at the following addresses: (It is recommended that you telephone Uylaine E. McMahan, at (312) 886-6031, before visiting the Region V office.)

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch, 230 South Dearborn Street, Chicago, Illinois 60604

Illinois Environmental Protection Agency, Division of Air Pollution Control, 2200 Churchill Road, Springfield, Illinois 62706

A copy of today's revision to the Illinois SIP is also available for inspection at: U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Uylaine E. McMahan, (312) 886-6031.

SUPPLEMENTARY INFORMATION: On February 13, 1986, the Illinois Environmental Protection Agency submitted a proposed revision to its ozone SIP for Fedders-USA's facility located in Effingham, Effingham County, Illinois. Effingham County is designated as an attainment area for ozone.

This SIP revision request is in the form of a January 9, 1986, Opinion and Order of the Illinois Pollution Control Board (IPCB), PCB 83-47. It grants Fedders-USA a compliance date extension for VOC control requirements from October 1, 1982, until April 1, 1986. The variance is intended to provide Fedders-USA with additional time to comply with Rule 35 IAC 215.204(h) through coating reformulation.

Under the existing federally approved SIP, each of Fedders-USA's large appliance coating lines is subject to a limit of 2.8 pounds of VOC per gallon of coating. This emission limitation is contained in Rule 35 IAC 35 215.204(h) of Chapter 2: Air Pollution of the Illinois Pollution Control Board Rules and Regulations. Final compliance with this emission limitation is required by October 1, 1982. The SIP revision would extend the date for final compliance for Fedders-USA to no later than April 1, 1986.

USEPA proposes to approve this SIP revision. Effingham County, where the facility is located, has always been designated as attainment/unclassifiable for ozone under section 107 of the Clean Air Act. For that reason, the SIP for the area needs to contain only those requirements necessary to assure maintenance of the standard in the area. Under USEPA's policies, the pollution control rules for such an area do not have to require the most expeditious schedule that is "reasonably available", because that requirement, contained in section 172 of the Clean Air Act, applies only to designated nonattainment areas. As a result, even though the schedule in the Fedders SIP revision is not the most expeditious that is reasonably available, USEPA may approve it, so long as the schedule does not otherwise interfere with maintenance of the ozone standard. Since this compliance date extension would not authorize emissions at Fedders that are greater that the current actual emissions at the affected lines, and since current air quality in the area meets the ozone standard, this extension would not interfere with maintenance of the standard. Fedder's eventual compliance with the applicable emission limitations according to the new schedule will assure maintenance into the future.

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

Under section 307(b)(1) of the Act, petition for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 12, 1988. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Ozone, Hydrocarbons, Intergovernmental relations.

Note: Incorporation by reference of the State Implementation Plan for the State of Illinois was approved by the Director of the Federal Register on July 1, 1982.

Dated: February 4, 1988.

A. James Barnes,

Acting Administrator.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart O—Illinois

1. The authority of Part 52 continues to read as follow:

Authority: 42 U.S.C. 7401-7642.

2. Section 52.720 is amended by adding paragraph (c)(70) to read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(70) On February 13, 1986, the Illinois Environmental Protection Agency (IEPA) submitted a revision to its ozone SIP for the Fedders-USA's facility located in Effingham, Effingham County, Illinois. It grants Fedders-USA a compliance date extension for VOC control requirements from October 1, 1982, to April 1, 1986, and provides for a legally enforceable compliance program.

(i) Incorporation by reference.

(A) A January 9, 1986, Opinion and Order of the Illinois Pollution Control Board (IPCB), PCB 83-47.

[FR Doc. 88-2913 Filed 2-11-88; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 60

[AD-FRL-3274-7]

Standards of Performance for New Stationary Sources; Revision of Method 25 of Appendix A

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This revision was proposed in the **Federal Register** on November 7, 1986 (51 FR 40448). This action promulgates the "Determination of Total Gaseous Nonmethane Organic Emissions as Carbon" method. The method is being revised to improve its precision and reliability.

EFFECTIVE DATE: February 12, 1988.

Under section 307(b)(1) of the Clean Air Act, judicial review of the actions taken by this notice is available *only* by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this rule. Under section 307(b)(2) of the Clean Air Act, the requirements that are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

ADDRESSES: *Summary of Comments and Responses.* This document for the promulgated test methods may be obtained from the U.S. EPA Library (MD–35), Research Triangle Park, North Carolina 27711, telephone number (919) 541–2777. Please refer to "Summary of Comments and Responses for Method 25, EPA–450/3–87–018." This document contains: (1) A summary of all the public comments made on the proposed test method with the Administrator's response to the comments, and (2) a summary of the changes made to the test method since proposal.

Docket. A docket, Number A–86–05, containing supporting information used in developing the promulgated rule, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section (LE–131), South Conference Center, Room 4, 401 M Street, SW., Washington, DC 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Gary D. McAlister or Mr. Roger T. Shigehara, Emission Measurement Branch (EMB)(MD–19), Emission Standards and Engineering Division (ESED), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541–2237.

SUPPLEMENTARY INFORMATION:

1. Background

On October 3, 1980 (45 FR 65956), EPA published Method 25, "Determination of Total Gaseous Nonmethane Organic Emissions as Carbon." Shortly after publication, testers began to report erratic results with the method and suggested a number of different causes for the imprecision. As a result, EPA began a program to review the test method in March 1982. The EPA completed the review and proposed revisions to Method 25, which will make the method simpler, more reliable, and more precise.

The results of the various studies on Method 25 are summarized in the following reports, which are included in the docket:

1. Evaluation of Trap Recovery Design, EMB Project Number 82SFS–1.
2. Preparation of Method 25 Sampling Equipment and Determination of Limit of Detection and Limit of Quantitation, EMB Project Number 82SFS–1.
3. Evaluation of Method 25 Condensate Trap Packing Material, EMB Project Number 82SFS–1.
4. Oxidation Catalyst Screening and Evaluation Study, ESED Project Number 82SFSI–4–2.
5. Quality Control Procedures Evaluation, ESED Project Number 82SFS1–4–3.
6. Condensate Trap Development and Evaluation, ESED Project Number 82SFS1–4–4.
7. Trap Recovery Procedures Evaluation, ESED Project Number 82SFS1–4–5.
8. Evaluation of Particulate Filters, ESED Project Number 82SFS1–5–2.

The studies showed that the basic operating principle of Method 25 was sound, but some changes in equipment design and operating practices would improve the reliability of the method. These changes can best be discussed by dividing the method into three parts: Sampling, sample recovery, and analysis.

The major changes in the sampling equipment are the addition of a heated filter, a redesigned condensate trap, and a different packing material for the condensate trap. The purpose of the filter is to remove organic particulate matter from the sample and, thus, eliminate a potential source of imprecision. The filter is heated to a temperature of 120 °C (248 °F). The new trap design is a simple U-tube which may be more easily and cheaply produced than the current design. It also provides a faster and more complete sample recovery than the existing trap while showing equal collection efficiency. The new packing material is quartz wool, which shows better durability and collection efficiency than the currently specified stainless steel packing.

The major changes in the sample recovery system are a new oxidation catalyst, a simplified recovery system, and lower operating temperatures. The new oxidation catalyst has proven to be very durable and to provide 100 percent oxidation efficiency for a wide variety of organic compounds at much lower operating temperatures than the current catalyst. The redesigned recovery system has eliminated some of the tubing and valving and, thus, reduced the potential for sample loss during recovery and decreased recovery times. The lower temperatures for sample recovery will increase the life expectancy of the recovery system materials and simplify the operation of the system.

The major change in the sample analysis system is a new separation column for the nonmethane organics analyzer. This new column provides separation of carbon monoxide, carbon dioxide, and methane from a wider range of organic compounds than the currently specified column.

In addition to these major changes, there are a number of minor changes, particularly in the area of quality assurance (QA) and calibration.

This rulemaking does not impose emission measurement requirements beyond those specified in the current regulations, nor does it change any emission standard. Rather, the rulemaking simply revises test procedures associated with emission measurement requirements that would apply irrespective of this rulemaking.

II. Public Participation

The amendments and test methods were proposed in the **Federal Register** on November 7, 1986 (51 FR 40448). To provide interested persons the opportunity for oral presentation of data, views, or arguments concerning the proposed rules, a public hearing was scheduled for December 22, 1986, at the Research Triangle Park, North Carolina, but no one wished to make an oral presentation. The public comment period was from November 7, 1986, to January 21, 1987. Three comment letters were received concerning issues relevant to the revised test method. The comments have been carefully considered and, were determined to be appropriate by the Administrator, changes have been made in the proposed test method.

III. Significant Comments and Changes to the Proposed Test Method

Three comment letters were received on the proposed test method. A detailed discussion of these comments and responses can be found in the background information document which is referred to in the **ADDRESSES** section of this preamble. The summary of comments and responses serves as the basis for the revisions which have been made to the test method between proposal and promulgation. The major comments and responses are summarized in this preamble. Two of the comment letters contained multiple comments.

One commenter thought that the addition of a heated filter and the associated filter heating equipment should be optional rather than mandatory because many sources have no particulate matter in the stack gas. Another commenter thought that filtration is necessary but that the proposed filtration system is unnecessarily complex. This commenter suggested using an in-stack filter in place of the proposed out-of-stack filter.

We believe that the method will yield acceptable precision only when the sample is filtered even at sources that are thought to be free of particulate matter. The method is extremely sensitive to contamination, and the best way to prevent contaminant carbon from being included in the sample is to filter it. However, we think an in-stack filter is appropriate only at those sources where a heated out-of-stack filter would be prohibited for safety reasons. Because organic compounds can change physical state with changing temperature, the filtration temperature determines whether some organic compounds are counted as volatile organic compounds (VOC) or not. Under these circumstances, we believe that the only equitable manner in which to measure VOC emissions is to filter all samples at the same filtration temperature regardless of the source's operating temperature.

A third commenter thought that the 250 °F filtration temperature was too high and should be reduced to 190 °F. This commenter claimed that the filtration temperature was chosen to correspond to that of EPA Method 5 and concluded that it had nothing to do with the photochemical reactivity of volatile organic materials. The commenter argued that the temperature should be reduced to one that was consistent with removal of condensible organic material or particulate matter that does not react photochemically to form ozone. The commenter suggested that the filter temperature be reduced to 190 °F because this would reduce the amount of condensible organic material collected in the sample.

We do not agree that all photochemically reactive organic compounds must be gases at ambient temperatures. Even those compounds that are normally liquids at ambient temperature may have a significant vapor pressure, and thus exist partly in the gas phase as evidenced by the evaporation of organic liquids stored in open containers. If the filtration temperature were reduced from 250 °F to 190 °F, we believe that compounds which are properly considered VOC would be artificially excluded from the sample.

One commenter thought that the proposed sampling procedure ignored the need for isokinetic sampling when particulate matter is present. This commenter argued that when condensed organic material is present, it will be disproportionately sampled by the method.

We believe that isokinetic sampling is not necessary because particles formed by condensation are typically submicron in size and will behave like a gas. Thus, even if the sample is not collected isokinetically, it will not contain a disproportionate amount of condensed organic matter.

One commenter wrote that the method does not address the problem of residual contamination in the sampling train. The commenter suggested that a pretest conditioning and quality assurance check be added to the method.

We agree with this comment and have incorporated a contamination check in the method.

Another commenter thought that the leak check in the method could be reduced from 10 minutes to 5 minutes.

We agree that the leak-check procedure can be reduced from 10 minutes to 5 minutes and have revised the method to reflect this.

This commenter also wrote that a mercury manometer is not appropriate for field use and that vacuum gauges should be substituted.

We agree that a vacuum gauge of sufficient accuracy could be used in place of a mercury manometer and have revised the method to reflect this.

IV. Administrative

The docket is an organized and complete file of all the information considered by EPA in the development of this rulemaking. The docket is a dynamic file, since material is added throughout the rulemaking development. The docketing system is intended to allow members of the public and industries involved to identify readily and locate documents so that they can intelligently and effectively participate in the rulemaking process. Along with the statement of basis and purpose of the proposed and promulgated test methods and EPA responses to significant comments, the contents of the docket will serve as the record in case of judicial review (Section 307(d)(7)(a)).

Miscellaneous

The rulemaking does not impose any additional emission measurement requirements on facilities affected by this rulemaking. Rather, this rulemaking revises the test method to which the affected facilities are already subject.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a regulatory impact analysis. This regulation is not major because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices; and there will be no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

This rule does not contain any information collection requirements subject to OMB review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the attached rule will not have any economic impact on small entities because no additional test costs are incurred. Any written comments from OMB and any written EPA responses are available in the docket.

List of Subjects in 40 CFR Part 60

Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Incorporation by reference, Automobile surface coating, Large appliance surface coating, Beverage can coating, and Metal coil coating.

Dated: February 3, 1988.

A. James Barnes,

Acting Administrator.

40 CFR Part 60 is amended by revising Method 25 of Appendix A as follows:

PART 60—[AMENDED]

1. The authority citation for Part 60 continues to read as follows:

Authority: Sections 101, 111, 114, 116, and 301 of the Clean Air Act, as amended (42 U.S.C. 7401, 7411, 7414, 7416, 7601).

2. Method 25 of Appendix A is revised to read as follows:

Appendix A—Reference Methods

* * * * *

Method 25—Determination of Total Gaseous Nonmethane Organic Emissions as Carbon

1. Applicability and Principle

1.1 Applicability. This method applies to the measurement of volatile organic compounds (VOC) as total gaseous nonmethane organics (TGNMO) as carbon in source emissions. Organic particulate matter will interfere with the analysis and, therefore, a particulate filter is required. The minimum detectable for the method is 50 ppm as carbon.

When carbon dioxide (CO_2) and water vapor are present together in the stack, they can produce a positive bias in the sample. The magnitude of the bias depends on the concentrations of CO_2 and water vapor. As a guideline, multiply the CO_2 concentration, expressed as volume percent, times the water vapor concentration. If this product does not exceed 100, the bias can be considered insignificant. For example, the bias is not significant for a source having 10 percent CO_2 and 10 percent water vapor, but it would be significant for a source near the detection limit having 10 percent CO_2 and 20 percent water vapor.

This method is not the only method that applies to the measurement of TGNMO. Costs, logistics, and other practicalities of source testing may make other test methods more desirable for measuring VOC contents of certain effluent streams. Proper judgment is required in determining the most applicable VOC test method. For example, depending upon the molecular weight of the organics in the effluent stream, a totally automated semicontinuous nonmethane organics (NMO) analyzer interfaced directly to the source may yield accurate results. This approach has the advantage of providing emission data semicontinuously over an extended time period.

Direct measurement of an effluent with a flame ionization detector (FID) analyzer may be appropriate with prior characterization of the gas stream and knowledge that the detector responds predictably to the organic compounds in the stream. If present, methane (CH_4) will, of course, also be measured. The FID can be applied to the determination of the mass concentration of the total molecular structure of the organic emissions under any of the following limited conditions: (1) Where only one compound is known to exist; (2) when the organic compounds consist of only hydrogen and carbon; (3) where the relative percentages of the compounds are known or can be determined, and the FID responses to the compounds are known; (4) where a consistent mixture of the compounds exists before and after emission control and *only* the relative concentrations are to be assessed; or (5) where the FID can be calibrated against mass standards of the compounds emitted (solvent emissions, for example).

Another example of the use of a direct FID is as a screening method. If there is enough information available to provide a rough estimate of the analyzer accuracy, the FID analyzer can be used to determine the VOC content of an uncharacterized gas stream. With a sufficient buffer to account for possible inaccuracies, the direct FID can be a useful tool to obtain the desired results without costly exact determination.

In situations where a qualitative/quantitative analysis of an effluent stream is desired or required, a gas chromatographic FID system may apply. However, for sources emitting numerous organics, the time and expense of this approach will be formidable.

1.2 Principle. An emission sample is withdrawn from the stack at a constant rate through a heated filter and a chilled condensate trap by means of an evacuated sample tank. After sampling is completed, the TGNMO are determined by independently analyzing the condensate trap and sample tank fractions and combining the analytical results. The organic content of the condensate trap fraction is determined by oxidizing the NMO to CO_2 and quantitatively collecting the effluent in an evacuated vessel; then a portion of the CO_2 is reduced to CH_4 and measured by an FID. The organic content of the sample tank fraction is measured by injecting a portion of the sample into a gas chromatographic column to separate the NMO from carbon monoxide (CO), CO_2, and CH_4; the NMO are oxidized to CO_2, reduced to CH_4, and measured by an FID. In this manner, the variable response of the FID associated with different types of organics is eliminated.

2. Apparatus

2.1 Sampling. The sampling system consists of a heated probe, heated filter, condensate trap, flow control system, and sample tank (Figure 25–1). The TGNMO sampling equipment can be constructed from commercially available components and components fabricated in a machine shop. The following equipment is required:

2.1.1 Heated Probe. 6.4-mm (¼-in.) OD stainless steel tubing with a heating system capable of maintaining a gas temperature at the exit end of at least 129 °C (265 °F). The probe shall be equipped with a thermocouple at the exit end to monitor the gas temperature.

A suitable probe is shown in Figure 25–1. The nozzle is an elbow fitting attached to the front end of the probe while the thermocouple is inserted in the side arm of a tee fitting attached to the rear of the probe. The probe is wrapped with a suitable length of high temperature heating tape, and then covered with two layers of glass cloth insulation and one layer of aluminum foil.

Note.—If it is not possible to use a heating system for safety reasons, an unheated system with an in-stack filter is a suitable alternative.

2.1.2 Filter Holder. 25-mm [1 5/16-in.] ID Gelman filter holder with stainless steel body and stainless steel support screen with the Viton O-ring replaced by a Teflon O-ring.

Note.—Mention of trade names or specific products does not constitute endorsement by the Environmental Protection Agency.

2.1.3 Filter Heating System. A metal box consisting of an inner and an outer shell separated by insulating material with a heating element in the inner shell capable of maintaining a gas temperature at the filter of 121±3 °C (250±5 °F).

A suitable heating box is shown in Figure 25–2. The outer shell is a metal box that measures 102 mm×280 mm×292 mm (4 in.×11 in.×11½ in.), while the inner shell is a metal box measuring 76 mm×229 mm×241 mm (3 in.×9 in.×9½ in.). The inner box is supported by 13-mm (½-in.) phenolic rods. The void space between the boxes is filled with fiberfrax insulation which is sealed in place by means of a silicon rubber bead around the upper sides of the box. A removable lid made in a similar manner, with a 25-mm (1-in.) gap between the parts, is used to cover the heating chamber.

The inner box is heated with a 250-watt cartridge heater, shielded by a stainless steel shroud. The heater is regulated by a thermostatic temperature controller which is set to maintain a temperature of 121 °C as measured by a thermocouple in the gas line just before the filter. An additional thermocouple is used to monitor the temperature of the gas behind the filter.

2.1.4 Condensate Trap. 9.5-mm (⅜-in.) OD 316 stainless steel tubing bent into a U-shape. Exact dimensions are shown in Figure 25–3. The tubing shall be packed with coarse quartz wool, to a density of approximately 0.11 g/cc before bending. While the condensate trap is packed with dry ice in the Dewar, an ice bridge may form between the arms of the condensate trap making it difficult to remove the condensate trap. This problem can be prevented by attaching a steel plate between the arms of the condensate trap in the same plane as the arms to completely fill the intervening space.

2.1.5 Valve. Stainless steel shut-off valve for starting and stopping sample flow.

2.1.6 Metering Valve. Stainless steel control valve for regulating the sample flow rate through the sample train.

2.1.7 Rotameter. Glass tube with stainless steel fittings, capable of measuring sample flow in the range of 60 to 100 cc/min.

2.1.8 Sample Tank. Stainless steel or aluminum tank with a minimum volume of 4 liters.

2.1.9 Mercury Manometer or Absolute Pressure Gauge. Capable of measuring pressure to within 1 mm Hg in the range of 0 to 900 mm.

2.1.10 Vacuum Pump. Capable of evacuating to an absolute pressure of 10 mm Hg.

2.2. Condensate Recovery Apparatus. The system for the recovery of the organics captured in the condensate trap consists of a heat source, oxidation catalyst, nondispersive infrared (NDIR) analyzer and an intermediate collection vessel (ICV). Figure 25–4 is a schematic of a typical system. The system shall be capable of proper oxidation and

recovery, as specified in Section 5.1. The following major components are required:

2.2.1. Heat Source. Sufficient to heat the condensate trap (including connecting tubing) to a temperature of 200 °C. A system using both a heat gun and an electric tube furnace is recommended.

2.2.2. Heat Tape. Sufficient to heat the connecting tubing between the water trap and the oxidation catalyst to 100 °C.

2.2.3. Oxidation Catalyst. A suitable length of 9.5-mm (⅜-in.) OD Inconel 600 tubing packed with 15 cm (6 in.) of 3.2-mm (⅛-in.) diameter 19 percent chromia on alumina pellets. The catalyst material is packed in the center of the catalyst tube with quartz wool packed on either end to hold it in place. The catalyst tube shall be mounted vertically in a 650 °C tube furnace.

2.2.4 Water Trap. Leak proof, capable of removing moisture from the gas stream.

2.2.5 Syringe Port. A 6.4-mm (¼-in.) OD stainless steel tee fitting with a rubber septum placed in the side arm.

2.2.6 NDIR Detector. Capable of indicating CO_2 concentration in the range of zero to 5 percent, to monitor the progress of combustion of the organic compounds from the condensate trap.

2.2.7 Flow-Control Valve. Stainless steel, to maintain the trap conditioning system near atmospheric pressure.

2.2.8 Intermediate Collection Vessel. Stainless steel or aluminum, equipped with a female quick connect. Tanks with nominal volumes of at least 6 liters are recommended.

2.2.9 Mercury Manometer or Absolute Pressure Gauge. Capable of measuring pressure to within 1 mm Hg in the range of 0 to 900 mm.

2.2.10 Syringe. 10-ml gas-tight, glass syringe equipped with an appropriate needle.

2.3 NMO Analyzer. The NMO analyzer is a gas chromatograph (GC) with backflush capability for NMO analysis and is equipped with an oxidation catalyst, reduction catalyst, and FID. Figures 25–5 and 25–6 are schematics of a typical NMO analyzer. This semicontinuous GC/FID analyzer shall be capable of: (1) Separating CO, CO_2, and CH_4 from NMO, (2) reducing the CO_2 to CH_4 and quantifying as CH_4, and (3) oxidizing the NMO to CO_2, reducing the CO_2 to CH_4 and quantifying as CH_4, according to Section 5.2. The analyzer consists of the following major components:

2.3.1 Oxidation Catalyst. A suitable length of 9.5-mm (⅜-in.) OD Inconel 600 tubing packed with 5.1 cm (2 in.) of 19 percent chromia on 3.2-mm (⅛-in.) alumina pellets. The catalyst material is packed in the center of the tube supported on either side by quartz wool. The catalyst tube must be mounted vertically in a 650 °C furnace.

2.3.2 Reduction Catalyst. A 7.6-cm (3-in.) length of 6.4-mm (¼-in.) OD Inconel tubing fully packed with 100-mesh pure nickel powder. The catalyst tube must be mounted vertically in a 400 °C furnace.

2.3.3 Separation Column(s). A 30-cm (1-ft) length of 3.2-mm (⅛-in.) OD stainless steel tubing packed with 60/80 mesh Unibeads 1S followed by a 61-cm (2-ft) length of 3.2-mm (⅛-in.) OD stainless steel tubing packed with 60/80 mesh Carbosieve G. The Carbosieve and Unibeads columns must be baked separately at 200 °C with carrier gas flowing through them for 24 hours before initial use.

2.3.4 Sample Injection System. A 10-port GC sample injection valve fitted with a sample loop properly sized to interface with the NMO analyzer (1-cc loop recommended).

2.3.5 FID. An FID meeting the following specifications is required:

2.3.5.1 Linearity. A linear response (±5 percent) over the operating range as demonstrated by the procedures established in Section 5.2.3.

2.3.5.2 Range. A full scale range of 10 to 50,000 ppm CH_4. Signal attenuators shall be available to produce a minimum signal response of 10 percent of full scale.

2.3.6 Data Recording System. Analog strip chart recorder or digital integration system compatible with the FID for permanently recording the analytical results.

2.4 Other Analysis Apparatus.

2.4.1 Barometer. Mercury, aneroid, or other barometer capable of measuring atmospheric pressure to within 1 mm Hg.

2.4.2 Thermometer. Capable of measuring the laboratory temperature to within 1 °C.

2.4.3 Vacuum Pump. Capable of evacuating to an absolute pressure of 10 mm Hg.

2.4.4 Syringes. 10-μl and 50-μl liquid injection syringes.

2.4.5 Liquid Sample Injection Unit. 316 SS U-tube fitted with an injection septum, see Figure 25–7.

3. Reagents

3.1 Sampling. The following are required for sampling:

3.1.1 Crushed Dry Ice.

3.1.2 Coarse Quartz Wool. 8 to 15 μm.

3.1.3 Filters. Glass fiber filters, without organic binder.

3.2 NMO Analysis. The following gases are needed:

3.2.1 Carrier Gases. Zero grade helium (He) and oxygen (O_2 containing less than 1 ppm CO_2 and less than 0.1 ppm C as hydrocarbon.

3.2.2 Fuel Gas. Zero grade hydrogen (H_2), 99.999 percent pure.

3.2.3 Combustion Gas. Zero grade air or O_2 as required by the detector.

3.3 Condensate Analysis. The following gases are needed:

3.3.1 Carrier Gas. Zero grade air, containing less than 1 ppm C.

3.3.2 Auxiliary O_2. Zero grade O_2, containing less than 1 ppm C.

3.3.3 Hexane. ACS grade, for liquid injection.

3.3.4 Decane. ACS grade, for liquid injection.

3.4 Calibration. For all calibration gases, the manufacturer must recommend a maximum shelf life for each cylinder (i.e., the length of time the gas concentration is not expected to change more than ±5 percent from its certified value). The date of gas cylinder preparation, certified organic concentration, and recommended maximum shelf life must be affixed to each cylinder before shipment from the gas manufacturer to the buyer. The following calibration gases are required:

3.4.1 Oxidation Catalyst Efficiency Check Calibration Gas. Gas mixture standard with nominal concentration of 1 percent methane in air.

3.4.2 FID Linearity and NMO Calibration Gases. Three gas mixture standards with nominal propane concentrations of 20 ppm, 200 ppm, and 3000 ppm, in air.

3.4.3 CO_2 Calibration Gases. Three gas mixture standards with nominal CO_2 concentrations of 50 ppm, 500 ppm, and 1 percent, in air.

Note.—Total NMO of less than 1 ppm required for 1 percent mixture.

3.4.4 NMO Analyzer System Check Calibration Gases. Four calibration gases are needed as follows:

3.4.4.1 Propane Mixture. Gas mixture standard containing (nominal) 50 ppm CO, 50 ppm CH_4, 2 percent CO_2, and 20 ppm C_3H_8, prepared in air.

3.4.4.2 Hexane. Gas mixture standard containing (nominal) 50 ppm hexane in air.

3.4.4.3 Toluene. Gas mixture standard containing (nominal) 20 ppm toluene in air.

3.4.4.4 Methanol. Gas mixture standard containing (nominal) 100 ppm methanol in air.

4. Procedure

4.1 Sampling.

4.1.1 Cleaning Sampling Equipment. Before its initial use and after each subsequent use, a condensate trap should be thoroughly cleaned and checked to ensure that it is not contaminated. Both cleaning and checking can be accomplished by installing the trap in the condensate recovery system and treating it as if it were a sample. The trap should be heated as described in the final paragraph of Section 4.3.3. A trap may be considered clean when the CO_2 concentration in its effluent gas drops below 10 ppm. This check is optional for traps that have been used to collect samples which were then recovered according to the procedure in Section 4.3.3.

4.1.2 Sample Tank Evacuation and Leak Check. Evacuate the sample tank to 10 mm Hg absolute pressure or less. Then close the sample tank valve, and allow the tank to sit for 60 minutes. The tank is acceptable if no change in tank vacuum is noted. The evacuation and leak check may be conducted either in the laboratory or the field. The results of the leak check should be included in the test report.

4.1.3 Sample Train Assembly. Just before assembly, measure the tank vacuum using a mercury U-tube manometer or absolute pressure gauge. Record this vacuum, the ambient temperature, and the barometric pressure at this time. Close the sample tank valve and assemble the sampling system as shown in Figure 25–1. Immerse the condensate trap body in dry ice. The point where the inlet tube joins the trap body should be 2.5 to 5 cm above the top of the dry ice.

4.1.4 Pretest Leak Check. A pretest leak check is required. Calculate or measure the approximate volume of the sampling train from the probe trip to the sample tank valve. After assembling the sampling train, plug the probe tip, and make certain that the sample tank valve is closed. Turn on the vacuum pump, and evacuate the sampling system from the probe tip to the sample tank valve to

an absolute pressure of 10 ppm Hg or less. Close the purge valve, turn off the pump, wait a minimum period of 5 minutes, and recheck the indicated vacuum. Calculate the maximum allowable pressure change based on a leak rate of 1 percent of the sampling rate using Equation 25–1, Section 6.2. If the measured pressure change exceeds the calculated limit, correct the problem before beginning sampling. The results of the leak check should be included in the test report.

4.1.5 Sample Train Operation. Unplug the probe tip, and place the probe into the stack such that the probe is perpendicular to the duct or stack axis; locate the probe tip at a single preselected point of average velocity facing away from the direction of gas flow. For stacks having a negative static pressure, seal the sample port sufficiently to prevent air in-leakage around the probe. Set the probe temperature controller to 129 °C (265 °F) and the filter temperature controller to 121 °C (250 °F). Allow the probe and filter to heat for about 30 minutes before purging the sample train.

Close the sample valve, open the purge valve, and start the vacuum pump. Set the flow rate between 60 and 100 cc/min, and purge the train with stack gas for at least 10 minutes. When the temperatures at the exit ends of the probe and filter are within their specified range, sampling may begin.

Check the dry ice level around the condensate trap, and add dry ice if necessary. Record the clock time. To begin sampling, close the purge valve and stop the pump. Open the sample valve and the sample tank valve. Using the flow control valve, set the flow through the sample train to the proper rate. Adjust the flow rate as necessary to maintain a constant rate (±10 percent) throughout the duration of the sampling period. Record the sample tank vacuum and flowmeter setting at 5-minute intervals. (See Figure 25–8.) Select a total sample time greater than or equal to the minimum sampling time specified in the applicable subpart of the regulation; end the sampling when this time period is reached or when a constant flow rate can no longer be maintained because of reduced sample tank vacuum.

Note.—If sampling had to be stopped before obtaining the minimum sampling time (specified in the applicable subpart) because a constant flow rate could not be maintained, proceed as follows: After closing the sample tank valve, remove the used sample tank from the sampling train (without disconnecting other portions of the sampling train). Take another evacuated and leak-checked sample tank, measure and record the tank vacuum, and attach the new tank to the sampling train. After the new tank is attached to the sample train, proceed with the sampling until the required minimum sampling time has been exceeded.

4.2 Sample Recovery. After sampling is completed, close the flow control valve, and record the final tank vacuum; then record the tank temperature and barometric pressure. Close the sample tank valve, and disconnect the sample tank from the sample system. Disconnect the condensate trap at the flowmetering system, and tightly seal both ends of the condensate trap. Do not include the probe from the stack to the filter as part of the condensate sample. Keep the trap packed in dry ice until the samples are returned to the laboratory for analysis. Ensure that the test run number is properly identified on the condensate trap and the sample tank(s).

4.3 Condensate Recovery. See Figure 25–9. Set the carrier gas flow rate, and heat the catalyst to its operating temperature to condition the apparatus.

4.3.1 Daily Performance Checks. Each day before analyzing any samples, perform the following tests:

4.3.1.1 Leak Check. With the carrier gas inlets and the flow control valve closed, install a clean condensate trap in the system, and evacuate the system to 10 mm Hg absolute pressure or less. Close the vacuum pump valve and turn off the vacuum pump. Monitor the system pressure for 10 minutes. The system is acceptable if the pressure change is less than 2 mm Hg.

4.3.1.2 System Background Test. Adjust the carrier gas and auxiliary oxygen flow rate to their normal values of 100 cc/min and 150 cc/min, respectively, with the sample recovery valve in vent position. Using a 10-ml syringe withdraw a sample from the system effluent through the syringe port. Inject this sample into the NMO analyzer, and measure the CO_2 content. The system background is acceptable if the CO_2 concentration is less than 10 ppm.

4.3.1.3 Oxidation Catalyst Efficiency Check. Conduct a catalyst efficiency test as specified in Section 5.1.2 of this method. If the criterion of this test cannot be met, make the necessary repairs to the system before proceeding.

4.3.2 Condensate Trap CO_2 Purge and Sample Tank Pressurization. After sampling is completed, the condensate trap will contain condensed water and organics and a small volume of sampled gas. This gas from the stack may contain a significant amount of CO_2 which must be removed from the condensate trap before the sample is recovered. This is accomplished by purging the condensate trap with zero air and collecting the purged gas in the original sample tank.

Begin with the sample tank and condensate trap from the test run to be analyzed. Set the four-port valve of the condensate recovery system in the CO_2 purge position as shown in Figure 25–9. With the sample tank valve closed, attach the sample tank to the sample recovery system. With the sample recovery valve in the vent position and the flow control valve fully open, evacuate the manometer or pressure gauge to the vacuum of the sample tank. Next, close the vacuum pump valve, open the sample tank valve, and record the tank pressure.

Attach the dry-ice-cooled condensate trap to the recovery system, and initiate the purge by switching the sample recovery valve from vent to collect position. Adjust the flow control valve to maintain atmospheric pressure in the recovery system. Continue the purge until the CO_2 concentration of the trap effluent is less than 5 ppm. CO_2 concentration in the trap effluent should be measured by extracting syringe samples from the recovery system and analyzing the samples with the NMO analyzer. This procedure should be used only after the NDIR response has reached a minimum level. Using a 10-ml syringe, extract a sample from the syringe port prior to the NDIR, and inject this sample into the NMO analyzer.

After the completion of the CO_2 purge, use the carrier gas bypass valve to pressurize the sample tank to approximately 1060 mm Hg absolute pressure with zero air.

4.3.3 Recovery of the Condensate Trap Sample. See Figure 25–10. Attach the ICV to the sample recovery system. With the sample recovery valve in a closed position, between vent and collect, and the flow control and ICV valves fully open, evacuate the manometer or gauge, the connecting tubing, and the ICV to 10 mm Hg absolute pressure. Close the flow-control and vacuum pump valves.

Begin auxiliary oxygen flow to the oxidation catalyst at a rate of 150 cc/min, then switch the four-way valve to the trap recovery position and the sample recovery valve to collect position. The system should now be set up to operate as indicated in Figure 25–10. After the manometer or pressure gauge begins to register a slight positive pressure, open the flow control valve. Adjust the flow-control valve to maintain atmospheric pressure in the system within 10 percent.

Now, remove the condensate trap from the dry ice, and allow it to warm to ambient temperature while monitoring the NDIR response. If after 5 minutes, the CO_2 concentration of the catalyst effluent is below 10,000 ppm, discontinue the auxiliary oxygen flow to the oxidation catalyst. Begin heating the trap by placing it in a furnace preheated to 200 °C. Once heating has begun, carefully monitor the NDIR response to ensure that the catalyst effluent concentration does not exceed 50,000 ppm. Whenever the CO_2 concentration exceeds 50,000 ppm, supply auxiliary oxygen to the catalyst at the rate of 150 cc/min. Begin heating the tubing that connected the heated sample box to the condensate trap only after the CO_2 concentration falls below 10,000 ppm. This tubing may be heated in the same oven as the condensate trap or with an auxiliary heat source such as a heat gun. Heating temperature must not exceed 200 °C. If a heat gun is used, heat the tubing slowly along its entire length from the upstream end to the downstream end, and repeat the pattern for a total of three times. Continue the recovery until the CO_2 concentration drops to less than 10 ppm as determined by syringe injection as described under the condensate trap CO_2 purge Procedure, Section 4.3.2.

After the sample recovery is completed, use the carrier gas bypass valve to pressurize the ICV to approximately 1060 mm Hg absolute pressure with zero air.

4.4 Analysis. Before putting the NMO analyzer into routine operation, conduct an initial performance test. Start the analyzer, and perform all the necessary functions in order to put the analyzer into proper working order; then conduct the performance test according to the procedures established in Section 5.2. Once the performance test has been successfully completed and the CO_2 and

NMO calibration response factors have been determined, proceed with sample analysis as follows:

4.4.1 Daily Operations and Calibration Checks. Before and immediately after the analysis of each set of samples or on a daily basis (whichever occurs first), conduct a calibration test according to the procedures established in Section 5.3. If the criteria of the daily calibration test cannot be met, repeat the NMO analyzer performance test (Section 5.2) before proceeding.

4.4.2 Operating Conditions. The carrier gas flow rate is 29.5 cc/min He and 2.2 cc/min O_2. The column oven is heated to 85 °C. The order of elution for the sample from the column is CO, CH_4, CO_2, and NMO.

4.4.3 Analysis of Recovered Condensate Sample. Purge the sample loop with sample, and then inject the sample. Under the specified operating conditions, the CO_2 in the sample will elute in approximately 100 seconds. As soon as the detector response returns to baseline following the CO_2 peak, switch the carrier gas flow to backflush, and raise the column oven temperature to 195 °C as rapidly as possible. A rate of 30 °C/min has been shown to be adequate. Record the value obtained for the condensible organic material (C_{cm}) measured as CO_2 and any measured NMO. Return the column oven temperature to 85 °C in preparation for the next analysis. Analyze each sample in triplicate, and report the average C_{cm}.

4.4.4 Analysis of Sample Tank. Perform the analysis as described in Section 4.4.3, but record only the value measured for NMO (C_{tm}).

4.5 Audit Samples. Analyze a set of two audit samples concurrently with any compliance samples and in exactly the same manner to evaluate the analyst's technique and the instrument calibration. The same analysts, analytical reagents, and analytical system shall be used for the compliance samples and the EPA audit samples; if this condition is met, auditing of subsequent compliance analyses for the same enforcement agency within 30 days is not required. An audit sample set may not be used to validate different sets of compliance samples under the jurisdiction of different enforcement agencies, unless prior arrangements are made with both enforcement agencies.

Calculate the concentrations of the audit samples in ppm using the specified sample volume in the audit instructions. (Note.—Indication of acceptable results may be obtained immediately by reporting the audit results in ppm and compliance results in ppm by telephone to the responsible enforcement agency.) Include the results of both audit samples, their identification numbers, and the analyst's name with the results of the compliance determination samples in appropriate reports to the EPA regional office or the appropriate enforcement agency during the 30-day period.

The concentration of the audit samples obtained by the analyst shall agree within 20 percent of the actual concentrations. Failure to meet the 20-percent specification may require retests until the audit problems are resolved. However, if the audit results do not affect the compliance or noncompliance status of the affected facility, the Administrator may waive the reanalysis requirement, further audits, or retests and accept the results of the compliance test. While steps are being taken to resolve audit analysis problems, the Administrator may also choose to use the data to determine the compliance or noncompliance of the affected facility.

5. Calibration and Operational Checks

Maintain a record of performance of each item.

5.1 Initial Performance Check of Condensate Recovery Apparatus. Perform these tests before the system is first placed in operation, after any shutdown of 6 months or more, and after any major modification of the system, or at the specified frequency.

5.1.1 Carrier Gas and Auxiliary O_2 Blank Check. Analyze each new tank of carrier gas or auxiliary O_2 with the NMO analyzer to check for contamination. Treat the gas cylinders as noncondensible gas samples, and analyze according to the procedure in Section 4.4.3. Add together any measured CH_4, CO, CO_2, or NMO. The total concentration must be less than 5 ppm.

5.1.2 Catalyst Efficiency Check. With a clean condensate trap installed in the recovery system, replace the carrier gas cylinder with the high level methane standard gas cylinder (Section 3.4.1). Set the four-port valve to the recovery position, and attach an ICV to the recovery system. With the sample recovery valve in vent position and the flow-control and ICV valves fully open, evacuate the manometer or gauge, the connecting tubing, and the ICV to 10 mm Hg absolute pressure. Close the flow-control and vacuum pump valves.

After the NDIR response has stabilized, switch the sample recovery valve from vent to collect. When the manometer or pressure gauge begins to register a slight positive pressure, open the flow-control valve. Keep the flow adjusted so that atmospheric pressure is maintained in the system within 10 percent. Continue collecting the sample in a normal manner until the ICV is filled to a nominal gauge pressure of 300 mm Hg. Close the ICV valve, and remove the ICV from the system. Place the sample recovery valve in the vent position, and return the recovery system to its normal carrier gas and normal operating conditions. Analyze the ICV for CO_2 using the NMO analyzer; the catalyst efficiency is acceptable if the CO_2 concentration is within 2 percent of the methane standard concentration.

5.1.3 System Performance Check. Construct a liquid sample injection unit similar in design to the unit shown in Figure 25-7. Insert this unit into the condensate recovery and conditioning system in place of a condensate trap, and set the carrier gas and auxiliary O_2 flow rates to normal operating levels. Attach an evacuated ICV to the system, and switch from system vent to collect. With the carrier gas routed through the injection unit and the oxidation catalyst, inject a liquid sample (See Sections 5.1.3.1 to 5.1.3.4) into the injection port. Operate the trap recovery system as described in Section 4.3.3. Measure the final ICV pressure, and then analyze the vessel to determine the CO_2 concentration. For each injection, calculate the percent recovery using the equation in Section 6.6.

The performance test is acceptable if the average percent recovery is 100±10 percent with a relative standard deviation (Section 6.9) of less than 5 percent for each set of triplicate injections as follows:

5.1.3.1 50 μl Hexane.

5.1.3.2 10 μl Hexane.

5.1.3.3 50 μl Decane.

5.1.3.4 10 μl Decane.

5.2 Initial NMO Analyzer Performance Test. Perform these tests before the system is first placed in operation, after any shutdown longer than 6 months, and after any major modification of the system.

5.2.1 Oxidation Catalyst Efficiency Check. Turn off or bypass the NMO analyzer reduction catalyst. Make triplicate injections of the high level methane standard (Section 3.4.1). The oxidation catalyst operation is acceptable if the FID response is less than 1 percent of the injected methane concentration.

5.2.2 Reduction Catalyst Efficiency Check. With the oxidation catalyst unheated or bypassed and the heated reduction catalyst bypassed, make triplicate injections of the high level methane standard (Section 3.4.1). Repeat this procedure with both catalysts operative. The reduction catalyst operation is acceptable if the response under both conditions agree within 5 percent.

5.2.3 Analyzer Linearity Check and NMO Calibration. While operating both the oxidation and reduction catalysts, conduct a linearity check of the analyzer using the propane standards specified in Section 3.4.2. Make triplicate injections of each calibration gas, and then calculate the average response factor (area/ppm C) for each gas, as well as the overall mean of the response factor values. The instrument linearity is acceptable if the average response factor of each calibration gas is within 2.5 percent of the overall mean value and if the relative standard deviation (Section 6.9) for each set of triplicate injections is less than 2 percent. Record the overall mean of the propane response factor values as the NMO calibration response factor (RF_{NMO}).

Repeat the linearity check using the CO_2 standards specified in Section 3.4.3. Make triplicate injections of each gas, and then calculate the average response factor (area/ppm C) for each gas, as well as the overall mean of the response factor values. Record the overall mean of the response factor values as the CO_2 calibration response factor (RF_{CO2}). Linearity is acceptable if the average response factor of each calibration gas is within 2.5 percent of the overall mean value and if the relative standard deviation for each set of triplicate injections is less than 2 percent. The RF_{CO2} must be witnin 10 percent of the RF_{NMO}.

5.2.4 System Peformance Check. Check the column separation and overall performance of the analyzer by making triplicate injections of the calibration gases listed in Section 3.4.4. The analyzer performance is acceptable if the measured NMO value for each gas (average of triplicate

injections) is within 5 percent of the expected value.

5.3 NMO Analyzer Daily Calibration.

5.3.1 CO_2 Response Factor. Inject triplicate samples of the high level CO_2 calibration gas (Section 3.4.3), and calculate the average response factor. The system operation is adequate if the calculated response factor is within 5 percent of the RF_{CO2} calculated during the initial performance test (Section 5.2.3). Use the daily response factor (DRF_{CO2}) for analyzer calibration and the calculation of measured CO_2 concentrations in the ICV samples.

5.3.2 NMO Response Factors. Inject triplicate samples of the mixed propane calibration cylinder (Section 3.4.4.1), and calculate the average NMO response factor. The system operation is adequate if the calculated response factor is within 5 percent of the RF_{NMO} calculated during the initial performance test (Section 5.2.4). Use the daily response factor (DRF_{NMO}) for analyzer calibration and calculation of NMO concentrations in the sample tanks.

5.4 Sample Tank and ICV Volume. The volume of the gas sampling tanks used must be determined. Determine the tank and ICV volumes by weighing them empty and then filled with deionized distilled water; weigh to the nearest 5 g, and record the results. Alternatively, measure the volume of water used to fill them to the nearest 5 ml.

6. Calculations

All equations are written using absolute pressure; absolute pressures are determined by adding the measured barometric pressure to the measured gauge or manometer pressure.

6.1 Nomenclature.

C = TGNMO concentration of the effluent, ppm C equivalent.
C_c = Calculated condensible organic (condensate trap) concentration of the effluent, ppm C equivalent.
C_{cm} = Measured concentration (NMO analyzer) for the condensate trap ICV, ppm CO_2.
C_t = Calculated noncondensible organic concentration (sample tank) of the effluent, ppm C equivalent.
C_{tm} = Measured concentration (NMO analyzer) for the sample tank, ppm NMO.
F = Sampling flow rate, cc/min.
L = Volume of liquid injected, µl.
M = Molecular weight of the liquid injected, g/g-mole.
m_c = TGNMO mass concentration of the effluent, mg C/dsm³.
N = Carbon number of the liquid compound injected ($N=12$ for decane, $N=6$ for hexane).
P_f = Final pressure of the intermediate collection vessel, mm Hg absolute.
P_b = Barometric pressure, cm Hg.
P_{ti} = Gas sample tank pressure before sampling, mm Hg absolute.
P_t = Gas sample tank pressure after sampling, but before pressurizing, mm Hg absolute.
P_{tf} = Final gas sample tank pressure after pressurizing, mm Hg absolute.
T_f = Final temperature of intermediate collection vessel, °K.
T_{ti} = Sample tank temperature before sampling, °K.
T_t = Sample tank temperature at completion of sampling, °K.
T_{tf} = Sample tank temperature after pressurizing, °K.
V = Sample tank volume, m³.
V_t = Sample train volume, cc.
V_v = Intermediate collection vessel volume, m³.
V_s = Gas volume sampled, dsm³.
n = Number of data points.
q = Total number of analyzer injections of intermediate collection vessel during analysis (where k = injection number, 1 . . . q).
r = Total number of analyzer injections of sample tank during analysis (where j = injection number, 1 . . . r).
x_i = Individual measurements.
$\bar{x}$ = Mean value.
P = Density of liquid injected, g/cc.
Θ = Leak check period, min.
ΔP = Allowable pressure change, cm Hg.

6.2 Allowable Pressure Change. For the pretest leak check, calculate the allowable pressure change:

$$\Delta P = 0.01 \frac{FP_b\theta}{V_t}$$

Eq. 25-1

6.3 Sample Volume. For each test run, calculate the gas volume sampled:

$$V_s = 0.3857\ V \left[\frac{P_t}{T_t} - \frac{P_{ti}}{T_{ti}} \right]$$

Eq. 25-2

6.4 Noncondensible Organics. For each sample tank, determine the concentration of nonmethane organics (ppm C):

$$C_t = \left[\frac{P_{tf}}{T_{tf}} \right] \left[\frac{P_t}{T_t} - \frac{P_{ti}}{T_{ti}} \right] \left[\frac{1}{r} \sum_{j=1}^{r} C_{tm_j} \right]$$

Eq. 25-3

6.5 Condensible Organics. For each condensate trap determine the concentration of organics (ppm C):

$$C_C = 0.3857 \frac{V_v P_f}{V_s T_f} \left[\frac{1}{q} \sum_{k=1}^{q} C_{cm_k} \right]$$

Eq. 25-4

6.6 TGNMO. To determine the TGNMO concentration for each test run, use the following equation:

$C = C_t + C_c$

Eq. 25-5

6.7 TGNMO Mass Concentration. To determine the TGNMO mass concentration as carbon for each test run, use the following equation:

$m_c = 0.4993\ C$

Eq. 25-6

6.8 Percent Recovery. To calculate the percent recovery for the liquid injections to the condensate recovery and conditioning system use the following equation.

$$\text{Percent recovery} = 1.604 \frac{M}{L} \frac{V_v}{P} \frac{P_t}{T_f} \frac{C_{cm}}{N}$$

Eq. 25-7

6.9 Relative Standard Deviation.

$$RSD = \frac{100}{\bar{x}} \sqrt{\frac{\Sigma (x_i - \bar{x})^2}{n - 1}}$$

Eq. 25-8

7. Bibliography

1. Salo, Albert E., Samuel Witz, and Robert D. MacPhee. Determination of Solvent Vapor Concentrations by Total Combustion Analysis: A Comparison of Infrared with Flame Ionization Detectors. Paper No. 75-33.2. (Presented at the 68th Annual Meeting of the Air Pollution Control Association, Boston, Massachusetts, June 15-20, 1975.) 14 p.

2. Salo, Albert E., William L. Oaks, and Robert D. MacPhee. Measuring the Organic Carbon Content of Source Emissions for Air Pollution Control. Paper No. 74-190. (Presented at the 67th Annual Meeting of the Air Pollution Control Association, Denver, Colorado, June 9-13, 1974.) 25 p.

* * * * *

BILLING CODE 6560-50-M

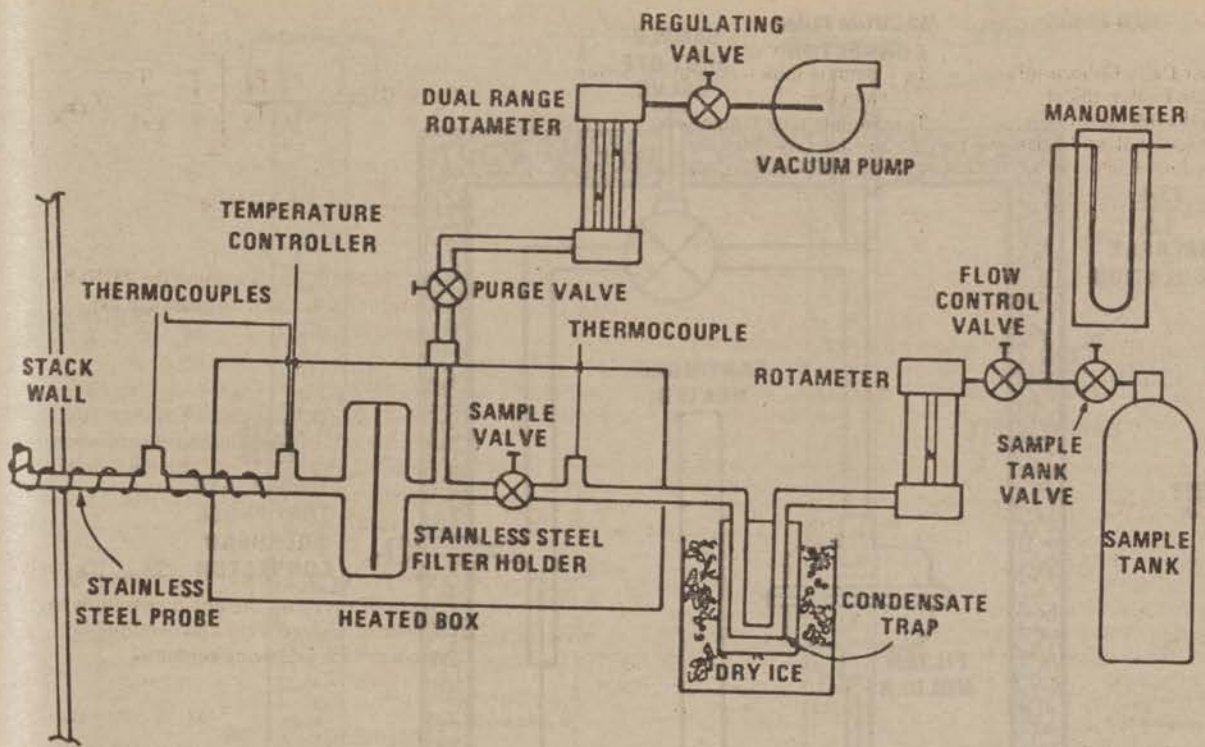

Figure 25-1. Sampling train.

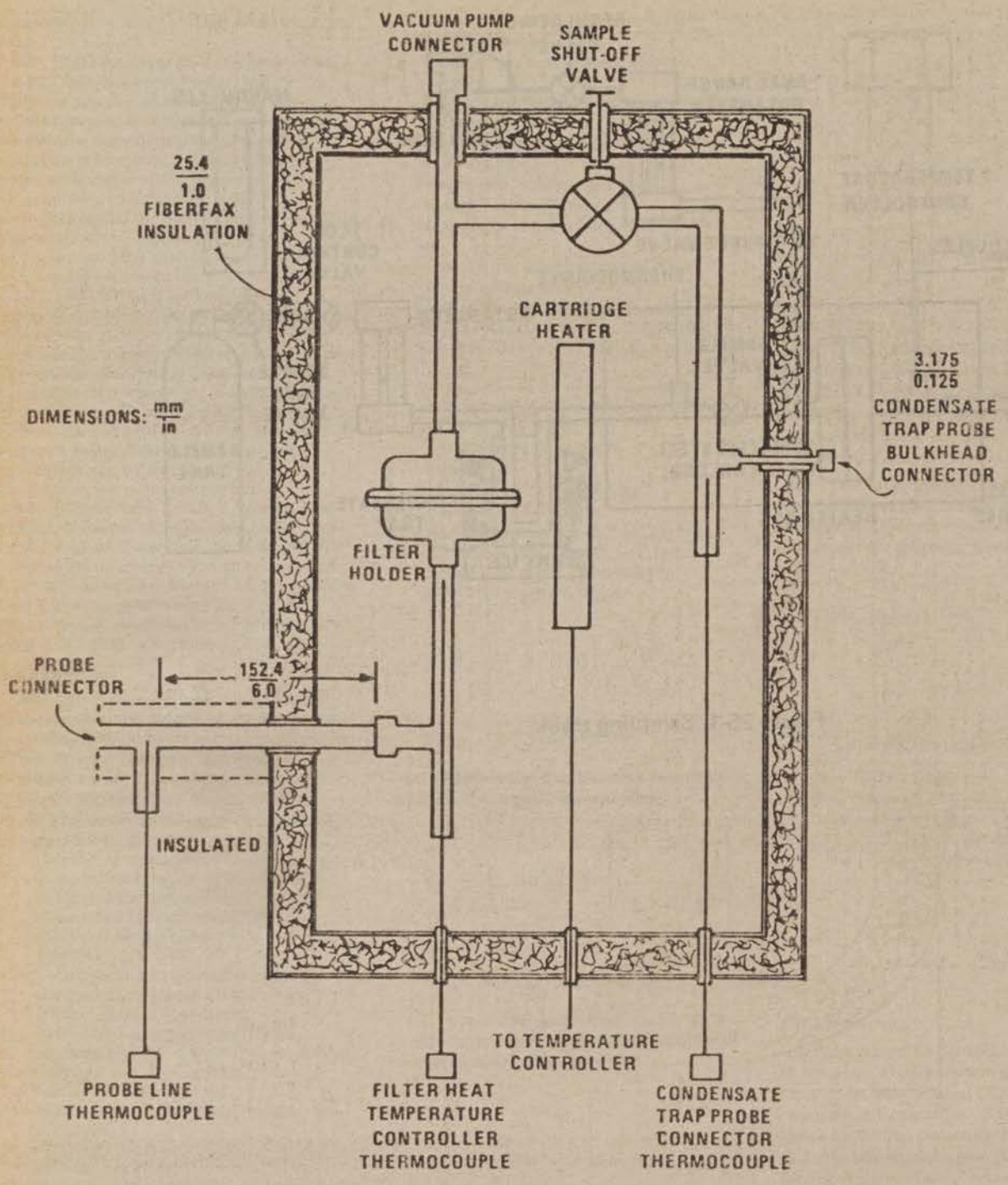

Figure 25-2. Out-of-stack filter box.

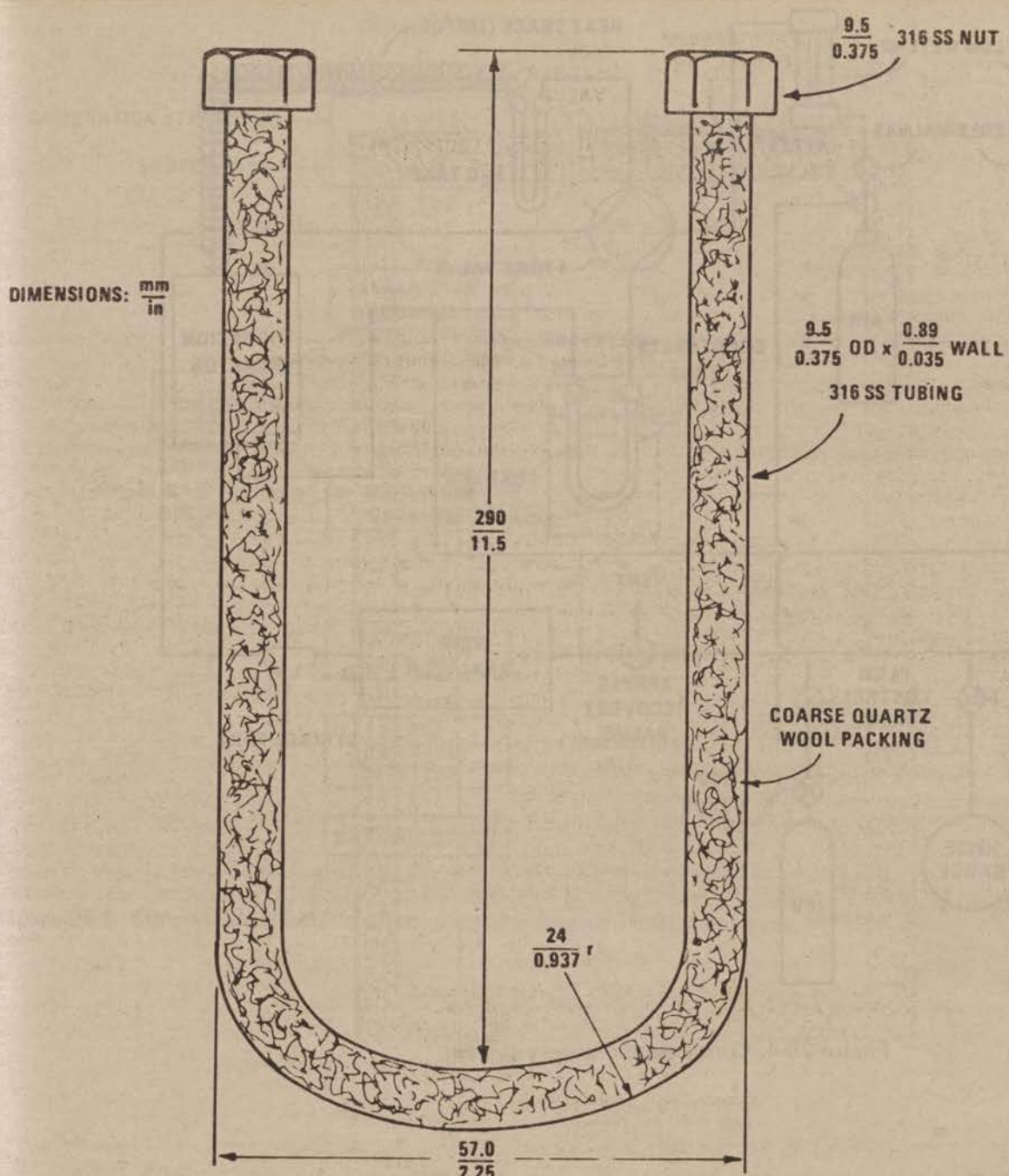

Figure 25-3. Condensate trap.

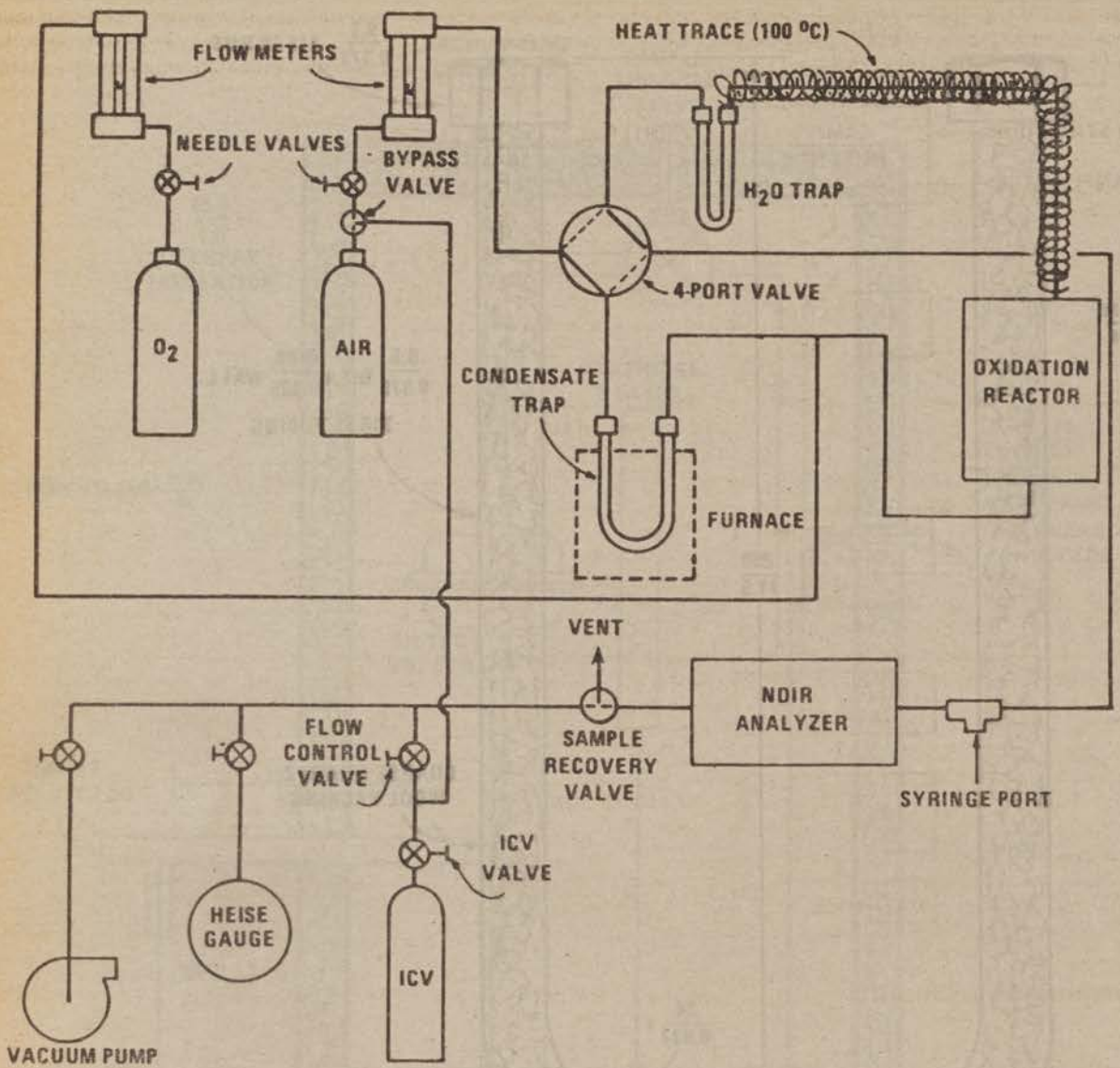

Figure 25-4. Condensate recovery system.

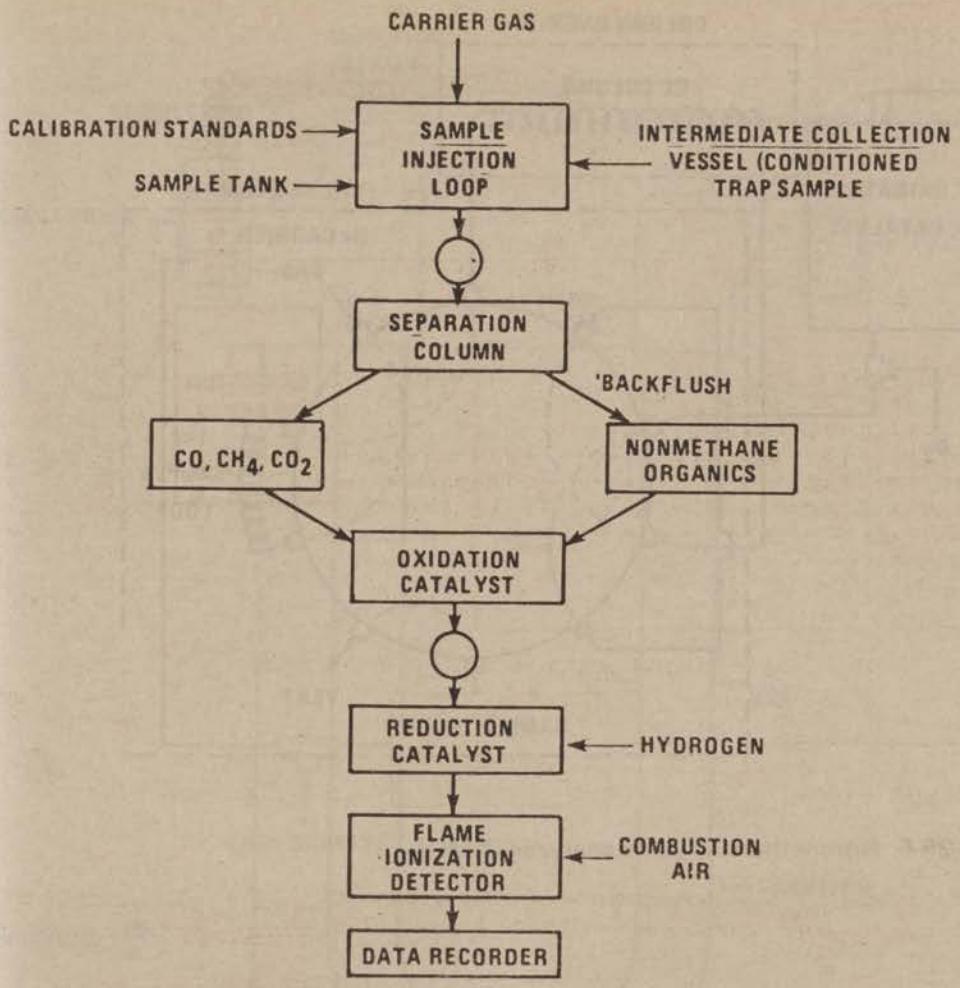

Figure 25-5. Simplified schematic of nonmethane organic (NMO) analyzer.

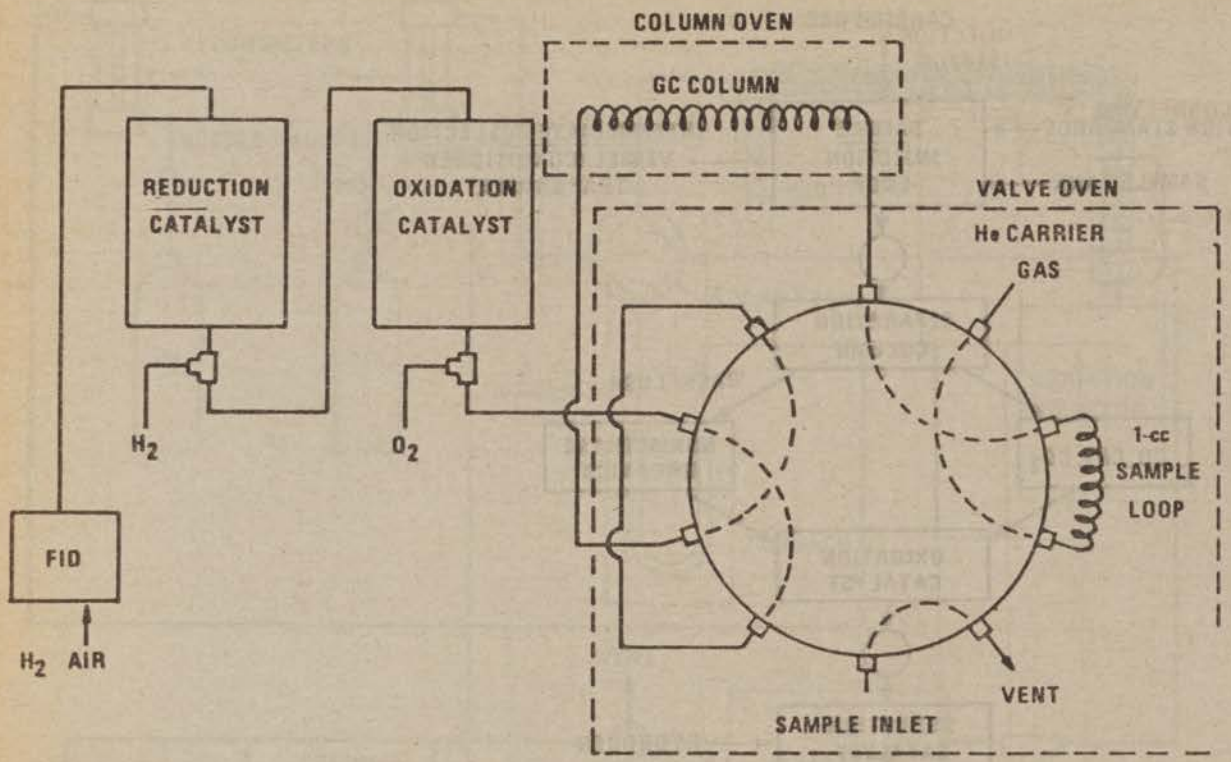

Figure 25-6. Nonmethane organic analyzer (NMO).

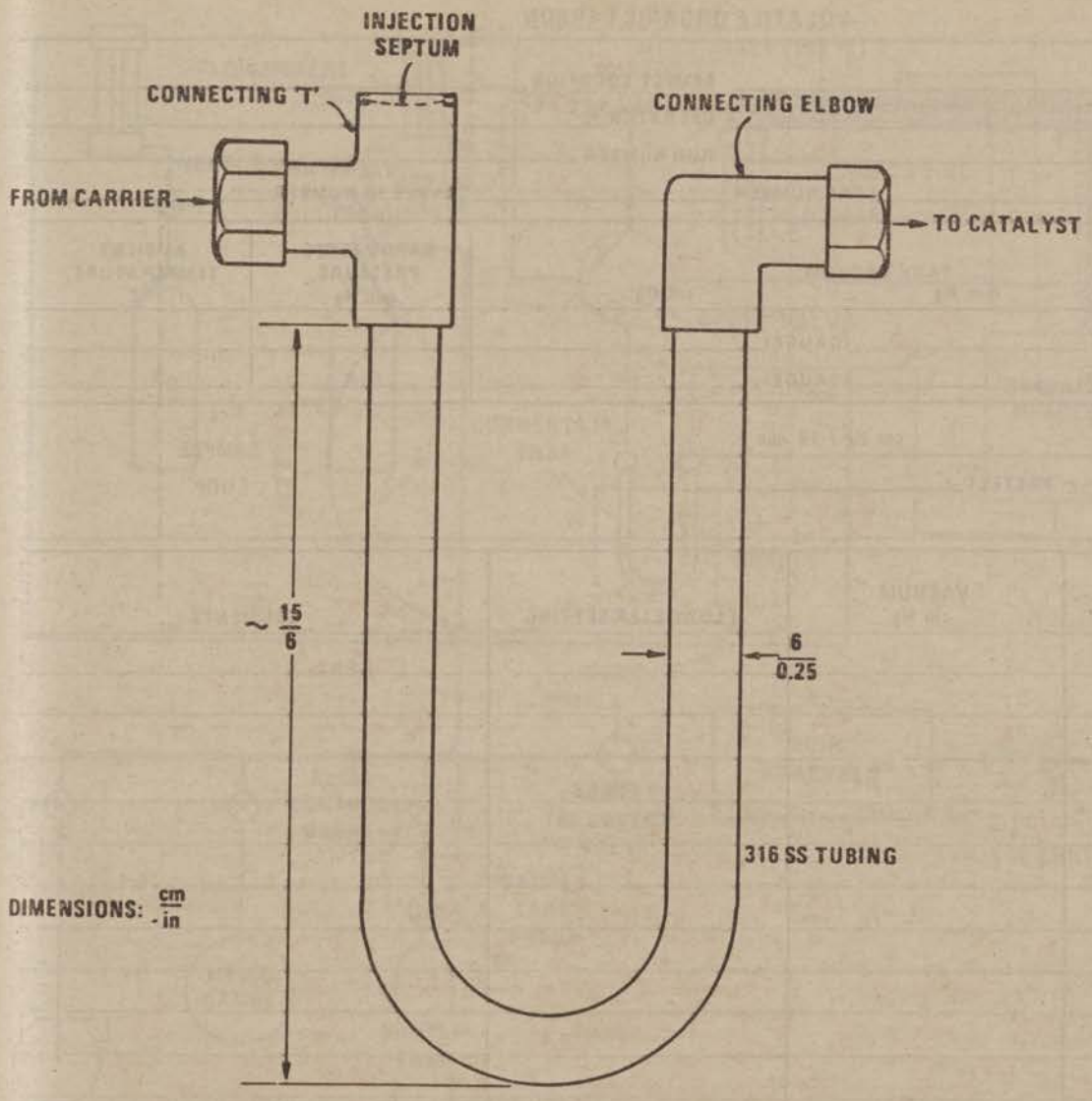

Figure 25-7. Liquid sample injection unit.

VOLATILE ORGANIC CARBON

FACILITY _____ SAMPLE LOCATION _____

LOCATION _____ OPERATOR _____

DATE _____ RUN NUMBER _____

TANK NUMBER _____ TRAP NUMBER _____ SAMPLE ID NUMBER _____

	TANK VACUUM, mm Hg	cm Hg	BAROMETRIC PRESSURE, mm Hg	AMBIENT TEMPERATURE, °C
PRETEST (MANOMETER)		(GAUGE)		
POST TEST (MANOMETER)		(GAUGE)		

LEAK RATE _____ cm Hg / 10 min

PRETEST _____

TIME CLOCK/SAMPLE	VACUUM cm Hg	FLOWMETER SETTING	COMMENTS

Figure 25-8. Example field data form.

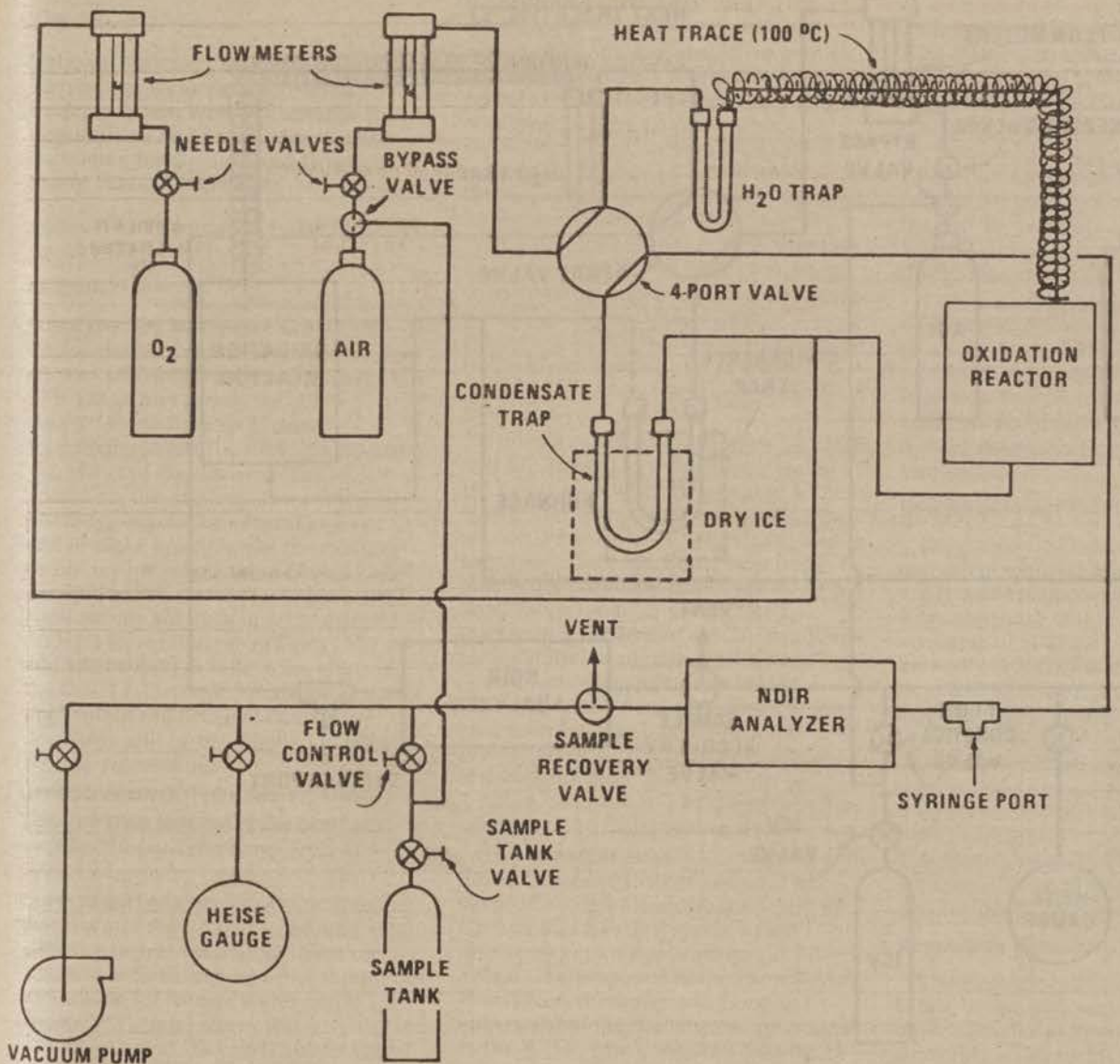

Figure 25-9. Condensate recovery system, CO_2 purge.

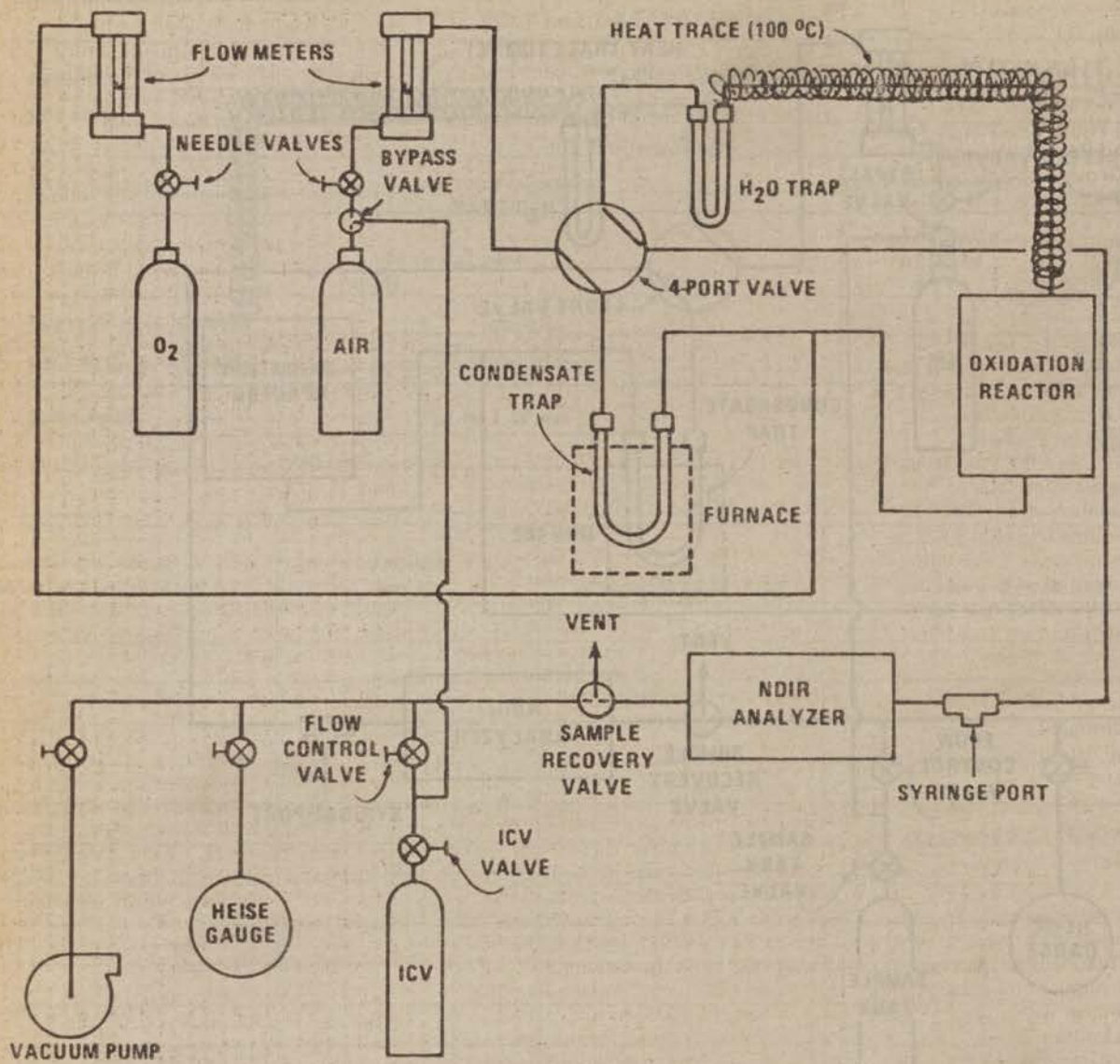

Figure 25-10. Condensate recovery system, collection of trap organics.

[FR Doc. 88-2804 Filed 2-11-88; 8:45 am]
BILLING CODE 6560-50-C

40 CFR Part 122

[OW-FRL-3327-6]

National Pollutant Discharge Elimination System; Deletion of Existing Storm Water Discharge Permit Regulations and Permit Application Deadlines for Group I and Group II Storm Water Discharges

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On December 4, 1987, the United States Court of Appeals for the District of Columbia Circuit vacated 40 CFR 122.26 and remanded the regulations to EPA for further rulemaking (*NRDC v. EPA*, No. 80-1607). The effect of the decision was to invalidate the existing storm water discharge regulations found at § 122.26 and to make meaningless the existing deadlines for submittal of Group I and Group II storm water discharge permit applications set forth in § 122.21(c)(2). Today's rulemaking removes §§ 122.26 and 122.21(c)(2) to reflect the effect of the Court's decision. Substantive permit application requirements and new deadlines will be established in later Agency rulemakings.

EFFECTIVE DATE: February 12, 1988.

FOR FURTHER INFORMATION CONTACT: Dell Perelman, Telephone: (202) 475-9528.

SUPPLEMENTARY INFORMATION: Existing storm water regulations are found at 40 CFR 122.26 and 122.21(c)(2). Section 122.26 sets forth, among other things, the definitions for "storm water point source", "Group I storm water discharge", and "Group II storm water discharge" and criteria for designating a conveyance or system of conveyances as a storm water point source on a case-by-case basis. Section 122.21(c)(2) provides that permit applications must be submitted by December 31, 1987, for Group I storm water discharges and June 30, 1989, for Group II storm water discharges. The section also requires that any discharge that is designated on a case-by-case basis pursuant to § 122.26 must submit a storm water discharge permit application within 6 months of notification.

On December 4, 1987, the Court of Appeals for the District of Columbia Circuit issued an order disposing of two of the issues raised by litigants in *NRDC v. EPA* (No. 80-1607). (Five additional issues were resolved by the Court in an order issued on June 30, 1987; twelve issues remain to be decided in the litigation.) The first issue, involving a challenge to EPA's exclusion of non-point-source agricultural and silvicultural runoff from the NPDES permit requirements, was dismissed as moot. (See 40 CFR 122.3(e).) With respect to the second issue, involving a challenge to EPA's storm water regulations, the Court vacated EPA's regulations found at § 122.26 and remanded the provisions to the Agency for further rulemaking. The Court's action was in response to EPA's motion to remand § 122.26 so that the Agency can review and, to the extent necessary, amend the regulations in light of enactment of the storm water provisions in the Water Quality Act of 1987 (WQA). (See sections 401, 405 and 503 of the WQA.)

Today's rulemaking removes §§ 122.26 and 122.21(c)(2) to reflect the effect of the Court's decision. Removal of § 122.26 is required since the Court vacated the section. Removal of § 122.21(c)(2) also is necessary since the Court's decision makes the provision meaningless. EPA's regulations found at § 122.21(c)(2) reference § 122.26 and specify deadlines for submittal of permit applications for Group I and Group II storm water discharges, and discharges designated on a case-by-case basis. Since the provisions of § 122.21(c)(2) reference and depend upon the provisions of § 122.26, removal of § 122.26 entails the removal of § 122.21(c)(2) as well.

Today's amendment is consistent with EPA's October 21, 1987, proposal to suspend the deadlines for submittal of Group I and Group II storm water discharge permit applications (52 FR 39240). The proposed suspension, which was issued in response to Congress' enactment of the storm water provisions in the WQA, was commented on by 35 commenters. The group included companies, trade associations, three NPDES State agencies, a publicly owned treatment works (POTW), and two environmental groups. All but one commenter supported the proposal. The one exception, a POTW, expressed reservations about the proposal but did not oppose it.

Today's rulemaking only removes existing storm water regulations and the existing regulatory deadlines for submittal of storm water discharge permit applications. Storm water discharges which have been issued an NPDES permit prior to February 4, 1987, are not affected by the Court remand or by today's rule. (See section 405 of the WQA.)

Similarly, today's rulemaking does not affect the authority of EPA or an NPDES State to require a permit for any storm water discharges designated under section 405 of the WQA as contributing to a violation of a water quality standard or as a significant contributor of pollutants to waters of the United States. (See new CWA section 402(p)(2)(E).) Such designated discharges meet the regulatory definition of point source found at 40 CFR 122.2. EPA or an NPDES State can rely on the statutory authority and require the filing of an application for an NPDES permit with respect to such discharges, on a case-by-case basis.

EPA intends to issue new regulations codifying storm water provisions found in sections 401, 405 and 503 of the WQA into 40 CFR Part 122 in the near future. Additional storm water requirements and new deadlines will be established in later Agency rulemakings pursuant to section 405.

Executive Order 12291

Executive Order 12291 requires EPA and other agencies to perform regulatory analyses of major regulations. Major rules are those that impose a cost on the economy of $100 million or more annually or have certain other economic impacts. This regulation is not a major rule because it merely removes existing storm water regulations and application deadlines for storm water discharges and imposes no new requirements. Thus, it meets none of the criteria of a major rule as set forth in section 1(b) of the Executive Order. This rule was submitted to the Office of Management and Budget for review.

Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, requires EPA and other agencies to prepare a regulatory flexibility analysis for all regulations that have a significant impact on a substantial number of small entities. No regulatory flexibility analysis is required, however, where the head of an agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Based on the reasons discussed in the preceding paragraph, I hereby certify, pursuant to 5 U.S.C. 605(b), that this regulation will not have a significant impact on a substantial number of small entities.

Final Agency Action and Effective Date

Today's rulemaking constitutes final Agency action. EPA has determined that the action does not necessitate notice and comment under the Administrative Procedure Act (APA), 5 U.S.C. 551 et seq., because it is being taken in response to the Court's decision in NRDC v. EPA. Delay in compliance with

the Court's ruling would not be in the public interest. Therefore, good cause exists for taking this final action without providing for notice and comment as prescribed by the APA. For the same reason, the Agency has determined that good cause exists for the final action taken today to become effective immediately.

List of Subjects in 40 CFR Part 122

Administrative practice and procedure, Reporting and recordkeeping requirements, Water pollution control.

Authority: Clean Water Act, 33 U.S.C. 1251 et seq.

Date: February 4, 1988.

A. James Barnes,

Acting Administrator.

For the reasons set forth in the preamble, Part 122 of Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 122—EPA ADMINISTERED PERMIT PROGRAMS: THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Subpart B—Permit Application and Special NPDES Program Requirements

1. The authority citation for Part 122 continues to read as follows:

Authority: The Clean Water Act, 33 U.S.C. 1251 et seq.

§ 122.21 [Amended]

2. Section 122.21 is amended by removing paragraph (c)(2) and redesignating paragraph (c)(1) as (c).

§ 122.26 [Removed and Reserved]

3. Section 122.26 is removed and reserved.

[FR Doc. 88-3043 Filed 2-11-88; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 401, 405, and 408

[BERC-402-CN]

Medicare Program; Supplementary Medical Insurance Premiums

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Correction notice.

SUMMARY: **Federal Register** document 87-29062, beginning on page 48112 of the issue of December 18, 1987 updated and redesignated 42 CFR Part 405, Subpart I, and corrected references to the redesignated sections. This document corrects errors in the December 18 document.

FOR FURTHER INFORMATION CONTACT: Luisa V. Iglesias, (202) 245-0383.

Corrections

1. The redesignation table that begins on page 48114 is revised to correct omissions and duplications, to read as follows:

REDESIGNATION TABLE—42 CFR PART 405, SUBPART I

Old section	New section
405.901	408.2.
405.902(a)	Deleted as unnecessary.
405.902 (a)(1) and (a)(2)	408.20(b).
405.902(b)	408.22.
405.902(b)(1)	408.24.
Examples	408.26.
405.902(c)	408.27.
405.903 (a)	408.4(a).
405.903(b), first sentence.	408.100.
405.903(b), rest of the paragraph.	408.4(b).
405.904, uncoded introduction.	408.6(a)(1) and 408.8(c).
405.904(a)	408.42 and 408.43.
405.904(b)	408.44.
405.904(c)	408.42.
405.904(d)	408.6(c).
405.904(e)	408.6(b)(3) and 408.60(a).
405.906	408.4(c).
405.908 uncoded introduction.	408.60(a).
405.908 (a)-(c)	408.60(d).
405.911(a), first & third sentences.	408.40(a).
405.911(a), second sentence.	408.40(c).
405.911(b)	408.40(b).
405.911(c)	Deleted as duplicative and unnecessary.
405.912(a), except second parenthetical statement.	408.46(a).
405.912(a), parenthetical statement.	408.3.
405.912(b)	408.46(b).
405.913(a), first sentence.	408.46(a)(2).
405.913(a), second sentence.	408.47(a)(1).
405.913(a), third sentence.	408.47(b)(2).
405.913 (b) & (c)	408.3 and 408.47(a).
Example	408.47(c).
405.913(d)	408.47 (a)(2) & (b)(2).
405.914(a)	408.50(b)(1).
Examples	Deleted as duplicative of examples in 405.956(a).
405.914(b)	408.50(b)(2).
405.914(c)	408.50(b)(3).
405.9 (a), first sentence	408.10(a).
405.915(a), second sentence.	Deleted as duplicative of 405.912.
405.915 (b)(1) & (2)	408.10 (b) and (b)(1).
405.915(b)(3)	408.10(b)(2).
405.916	408.45
405.920, uncoded introduction.	408.6(b)(3).
405.920(a), first and second sentences.	408.62
405.920(a), third and fourth sentences.	408.6(a)(1).
405.920 (b) & (c)	408.62.
405.920(d)	408.65.
405.920(e)	408.71
405.921(a)	408.60(b).
405.921(b)	Deleted as inconsistent with current practice.
405.927	408.8(a).
405.928	408.8(b).
405.929	408.8(d).
405.936, text	408.70.
405.936, Example	Deleted as unnecessary.
405.940(a)	408.80 (a) & (b).
405.940 (b) & (c)	408.80(c).
405.941(a)	408.82(a).
405.941(b)	408.82(b).
405.941(c), first sentence.	408.82(e).
405.941(c), rest of paragraph.	408.80(b).
405.941(d), first & second sentences.	408.82(c).
405.941(d), rest of paragraph except last sentence.	408.82(d.)
405.941(d), sentence	Deleted as inappropriate in the context of group billing.
405.941(e)	408.84(c).
405.941(f), first sentence	408.84(d).
405.941(f), rest of paragraph.	408.88(a).
Example	408.88(b).
405.942 (revised per change practice).	408.84(b).
405.946(a)	408.84(a).
405.946(a), last sentence, and (b).	Deleted as duplicative of 405.841(d).
405.947(a)	408.92.
405.947(b)	408.92(b)(2).
405.948(a)	408.86(a).
405.948(b)	408.86(b).
405.948(c)	408.86(c).
405.949	408.90.
405.956(a)	408.50(a).
405.956(a), Examples	408.50(c).
405.956(b) (revised to reflect simplified practice).	408.68(b).
405.957(a)	408.68(b).
405.957(b)	408.100(b).
405.958(a)	Deleted as inconsistent with 405.958(b).
405.958(b)	408.68(a).
405.959(a)	408.102(a).
405.959(b)(1)	408.102(b).
405.959(b)(2)	408.102(c).
405.959(c)	408.104.
405.960(a)	408.71.
405.960(b)	408.52.
405.962	408.110.
405.964	408.112.

§ 408.1 [Corrected]

2. On page 48116, column 1, the sentence beginning on line 19 is revised to read:

Section 1881(d) provides that Medicare payment, for the reasonable charges incurred in connection with a kidney donation, shall be made (without regard to deductible, premium, or

coinsurance provisions of title XVIII) as prescribed in regulations.

3. On page 48116, column 1, in line 13 of paragraph (b), "we" is changed to "were".

§ 408.2 [Corrected]

4. On page 48116, column 1, the second line of paragraph (b) is revised to read "that certain individuals must pay in".

§ 408.4 [Corrected]

5. On page 48116, column 2, the last word of paragraph (b)(1) is changed from "state" to "estate".

§ 408.26 [Corrected]

6. On page 48118, column 3, line 8, a close parenthesis ")" is inserted after "period".

§ 408.27 [Corrected]

7. On page 48119, column 1, at the end of the first line, the word "a" is inserted.

§ 408.50 [Corrected]

8. On page 48120, column 2, paragraph (c)(2), the following changes in verb tense are made:

a. In line 8, "is" is change to "was".

b. In line 11, "will" is changed to "would".

(Catalog of Federal Domestic Assistance Program No. 13.773 Medicare—Hospital Insurance, and No. 13.774—Supplementary Medical Insurance)

Dated: February 8, 1988.

James F. Trickett,

Deputy Assistant Secretary for Administrative and Management Services.

[FR Doc. 88-3033 Filed 2-11-88; 8:45 am]

BILLING CODE 4120-01-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 35

Implementation of the Program Fraud Civil Remedies Act

AGENCY: Department of the Interior.

ACTION: Final rule.

SUMMARY: This final rule implements the Program Fraud Civil Remedies Act of 1986, Pub. L. 99-509 enacted on October 21, 1986, codified at 31 U.S.C. 3801 through 3812. The Act generally provides that any person who knowingly submits a false claim in an amount less than $150,000 or a false statement to the Federal government may be liable for an administrative civil penalty of not more than $5,000 for each false claim or statement and, in cases where claims have been paid, for an assessment of up to double the amount falsely claimed. This final rule establishes administrative procedures for imposing the statutorily authorized civil penalties and assessments against any person who makes, submits, or presents a false, fictitious, or fraudulent claim or written statement to the Department of the Interior.

EFFECTIVE DATE: March 14, 1988.

FOR FURTHER INFORMATION CONTACT: Barbara Abate or Deborah Ryan Howard, Office of the Solicitor, (202) 343-5216.

SUPPLEMENTARY INFORMATION: The Congress has expressed that regulations implementing the Program Fraud Civil Remedies Act of 1986 should be substantially uniform throughout the government. On June 29, 1987, the Department of the Interior published for comment in the **Federal Register**, a proposed rule implementing the Program Fraud Civil Remedies Act of 1986 (52 FR 24186). In keeping with the Congress' expression for uniformity, the proposed rule adopted model regulations recommended by the President's Council on Integrity and Efficiency (PCIE).

By the end of the comment period, July 29, 1987, the Department of the Interior had received no public comments.

The Department of the Interior has adopted in this final rule those changes to the model regulations recommended by the PCIE in response to comments received by other federal agencies that published proposed rules implementing the Act. The following changes have been made to the Department of the Interior's proposed rule:

1. In the interest of clarity, the definition of "benefit" in Section 2 is amended to restrict it to application within the context of "statement".

2. We have deleted the final sentence in proposed Section 35.5(b)(6). This change results from the determination that the sufficiency of the basis for the reviewing official's statement concerning the financial condition of possible defendants is a matter best left to the Department of the Interior and the Department of Justice.

3. Section 8(b) has been modified to clarify that service under Section 8 is complete upon receipt, either through the mail as evidenced by an acknowledged return receipt card or by delivery as attested to by the person who made delivery or who received the complaint.

4. Section 9(c) has been added to provide that a defendant may file within 30 days of receipt of the complaint, a request for hearing and a request for an extension of time for up to an additional 30 days to file a complete answer in accordance with Section 9(b).

5. Section 18(c) has been revised slightly to state that "the ALJ does not have the authority to find Federal statutes or regulations invalid."

6. Section 39(b) has been amended to provide that a defendant may file a notice of appeal at any time within 30 days after the ALJ issues a decision, but that if another party files a request for reconsideration in accordance with Section 38, action on the appeal will be stayed automatically pending disposition of the motion for reconsideration.

7. The definition of "person" in Section 2 has been amended so that it now reiterates the statutory definition.

8. Editorial changes have been made in response to comments received from Department of the Interior personnel.

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 because it will not have an effect on the economy of $100 million or more or otherwise meet the threshold criteria. Therefore, the preparation of a regulatory impact analysis is not required.

The Department of the Interior certifies that this document is not expected to have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*). While some of the penalties and assessments the Department of the Interior could impose as a result of this rule might have an impact on small entities, we do not anticipate that a substantial number of these small entities would be significantly affected by this rulemaking.

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

This rule is excluded from the National Environmental Protection Act (NEPA) process because it is administrative, financial, legal and procedural in nature, and therefore neither an environmental assessment nor an environmental impact statement is required. 516 DM 2, Appendix 1, 1.10.

The author of this rule is Barbara Abate, Office of the Solicitor.

List of Subjects in 43 CFR Part 35

Administrative practice and procedure, Fraud, Investigations, Penalties.

For the reasons set forth in the preamble, Title 43, Subtitle A of the Code of Federal Regulations is amended to add a new Part 35 as set forth below.

PART 35—ADMINISTRATIVE REMEDIES FOR FRAUDULENT CLAIMS AND STATEMENTS

Sec.

Authority: 5 U.S.C. 301; 31 U.S.C. 3801–3812.

§ 35.1 Basis and purpose.

(a) *Basis.* This part implements the Program Fraud Civil Remedies Act of 1986, Pub. L. No. 99–509, sections 6101–6104, 100 Stat. 1874 (October 21, 1986), to be codified at 31 U.S.C. 3801–3812. 31 U.S.C. 3809 of the statute requires each authority head to promulgate regulations necessary to implement the provisions of the statute.

(b) *Purpose.* This part:

(1) Establishes administrative procedures for imposing civil penalties and assessments against persons who make, submit, or present, or cause to be made, submitted, or presented, false, fictitious, or fraudulent claims or written statements to authorities or to their agents, and

(2) Specifies the hearing and appeal rights of persons subject to allegations of liability for such penalties and assessments.

§ 35.2 Definitions.

As used in this part:

(a) *ALJ* means an administrative law judge in the Department of the Interior appointed pursuant to 5 U.S.C. 3105 or detailed to the Department of the Interior pursuant to 5 U.S.C. 3344.

(b) *Benefit* means, in the context of "statement", anything of value, including but not limited to any advantage, preference, privilege, license, permit, favorable decision, ruling, status, or loan guarantee.

(c) *Claim* means any request, demand, or submission—

(1) Made to the Department of the Interior for property, services, or money (including money representing grants, loans, insurance, or benefits);

(2) Made to a recipient of property, services, or money from the Department of the Interior or to a party to a contract with the Department of the Interior—

(i) For property or services if the United States—

(A) Provided such property or services;

(B) Provided any portion of the funds for the purchase of such property or services; or

(C) Will reimburse such recipient or party for the purchase of such property or services; or

(ii) For the payment of money (including money representing grants, loans, insurance, or benefits) if the United States—

(A) Provided any portion of the money requested or demanded; or

(B) Will reimburse such recipient or party for any portion of the money paid on such request or demand; or

(3) Made to the Department of the Interior which has the effect of decreasing an obligation to pay or account for property, services, or money.

(d) *Complaint* means the administrative complaint served by the reviewing official on the defendant under § 35.7 of this part.

(e) *Defendant* means any person alleged in a complaint under § 35.7 to be liable for a civil penalty or assessment under § 35.3 of this part.

(f) *Department* means the Department of the Interior.

(g) *Director* means the Director of the Office of Hearings and Appeals, Office of the Secretary, who is the designee of the Secretary of the Interior authorized to consider and decide finally for the Department appeals under this part. The authority delegated to the Director includes the authority to redelegate appellate review authority to an *ad hoc* board of appeals appointed in accordance with 43 CFR 4.1(b)(4). Appeals to the Secretary under this part should be mailed or delivered to the Director, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Documents will be considered filed when received in the office of the Director.

(h) *Government* means the United States Government.

(i) *Individual* means a natural person.

(j) *Initial decision* means the written decision of the ALJ required by § 35.10 or § 35.37 of this part, and includes a revised initial decision issued following a remand or a motion for reconsideration.

(k) *Investigating official* means the Inspector General of the Department of the Interior or an officer or employee of the Office of Inspector General designated by the Inspector General and serving in a position for which the rate of basic pay is not less than the minimum rate of basic pay for grade GS–16 under the General Schedule.

(l) *Knows or has reason to know*, means that a person, with respect to a claim or statement—

(1) Has actual knowledge that the claim or statement is false, fictitious, or fraudulent;

(2) Acts in deliberate ignorance of the truth or falsity of the claim or statement; or

(3) Acts in reckless disregard of the truth or falsity of the claim or statement.

(m) *Makes*, wherever it appears, shall include the terms "presents," "submits," and "causes to be made, presented, or submitted." As the context requires, "making" or "made", shall likewise include the corresponding forms of such terms.

(n) *Person* means any individual, partnership, corporation, association, or private oganization, and includes the plural of that term.

(o) *Representative* means an attorney who is a member in good standing of the bar of any State, Territory, or possession of the United States or of the District of Columbia or the Commonwealth of Puerto Rico, or other representative meeting the qualifications of a non-attorney representative found at 43 CFR 1.3 and designated in writing.

(p) *Reviewing official* means the Solicitor of the Department of the Interior or his designated representative, who is:

(1) Not subject to supervision by, or required to report to, the investigating official; and

(2) Serving in a position for which the rate of basic pay is not less than the minimum rate of basic pay for grade GS-16 under the General Schedule.

(q) *Secretary* means the Secretary of the Interior or his designated representative.

(r) *Statement* means any representation, certification, affirmation, document, record, or accounting or bookkeeping entry made—

(1) With respect to a claim or to obtain the approval or payment of a claim (including relating to eligibility to make a claim); or

(2) With respect to (including relating to eligibility for)—

(i) A contract with, or a bid or proposal for a contract with; or

(ii) A grant, loan, or benefit from, the Department of the Interior, or any State, political subdivision of a State, or other party, if the United States Government provides any portion of the money or property under such contract or for such grant, loan, or benefit, or if the Government will reimburse such State, political subdivision, or party for any portion of the money or property under such contract or for such grant, loan, or benefit.

§ 35.3 Basis for civil penalties and assessments.

(a) *Claims.* (1) Except as provided in paragraph (c) of this section, any person who makes a claim that the person knows or has reason to know—

(i) Is false, fictitious, or fraudulent;

(ii) Includes or is supported by any written statement which asserts a material fact which is false, fictitious, or fraudulent,

(iii) Includes or is supported by any written statement that—

(A) Omits a material fact;

(B) Is false, fictitious, or fraudulent as a result of such omission; and

(C) Is a statement in which the person making such statement has a duty to include such material fact; or

(iv) Is for payment for the provision of property or services which the person has not provided as claimed, shall be subject, in addition to any other remedy that may be prescribed by law, to a civil penalty of not more than $5,000 for each such claim.

(2) Each voucher, invoice, claim form, or other individual request or demand for property, services, or money constitutes a separate claim.

(3) A claim shall be considered made to the Department, a recipient, or party when such claim is actually made to an agent, fiscal intermediary, or other entity, including any State or Territory, or political subdivision thereof, acting for or on behalf of the Department, recipient, or party.

(4) Each claim for property, services or money is subject to a civil penalty regardless of whether such property, services, or money is actually delivered or paid.

(5) If the Government has made any payment (including transferred property or provided services) on a claim, a person subject to a civil penalty under paragraph (a)(1) of this section shall also be subject to an assessment of not more than twice the amount of such claim or that portion thereof that is determined to be in violation of paragraph (a)(1) of this section. Such assessment shall be in lieu of damages sustained by the Government because of such claim.

(b) *Statements.* (1) Except as provided in paragraph (c) of this section, any person who makes a written statement that—

(i) The person knows or has reason to know—

(A) Asserts a material fact which is false, fictitious, or fraudulent; or

(B) Is false, fictitious, or fraudulent because it omits a material fact that the person making the statement has a duty to include in such statement; and

(ii) Contains or is accompanied by an express certification or affirmation of the truthfulness and accuracy of the contents of the statement, shall be subject, in addition to any other remedy that may be prescribed by law, to a civil penalty of not more than $5,000 for each such statement.

(2) Each written representation, certification, or affirmation constitutes a separate statement.

(3) A statement shall be considered made to the Department when such statement is actually made to an agent, fiscal intermediary, or other entity, including any State or Territory, or political subdivision thereof, acting for or on behalf of the Department.

(c) No proof of specific intent to defraud is required to establish liability under this section.

(d) In any case in which it is determined that more than one person is liable for making a claim or statement, each such person may be held liable for a civil penalty under this section.

(e) In any case in which it is determined that more than one person is liable for making a claim under this section on which the Government has made payment (including transferred property or provided services), an assessment may be imposed against any such person or jointly and severally against any combination of such persons.

§ 35.4 Investigation.

(a) If the investigating official concludes that a subpoena pursuant to the authority conferred by 31 U.S.C. 3804(a) is warranted—

(1) The subpoena so issued shall notify the person to whom it is addressed of the authority under which the subpoena is issued and shall identify the records or documents sought;

(2) The investigating official may designate a person to act on his or her behalf to receive the documents sought; and

(3) The person receiving such subpoena shall be required to tender to the investigating official or the person designated to receive the documents a certification that the documents sought have been produced, or that such documents are not available and the reasons therefor, or that such documents, suitably identified, have been withheld based upon the assertion of an identified privilege.

(b) If the investigating official concludes that an action under the Program Fraud Civil Remedies Act may be warranted, the investigating official shall submit a report containing the findings and conclusions of such investigation to the reviewing official.

(c) Nothing in this section shall preclude or limit the investigating official's discretion to refer allegations directly to the Department of Justice for suit under the False Claims Act or other civil relief, or to defer or postpone a report or referral to the reviewing official to avoid interference with a criminal investigation or prosecution.

(d) Nothing in this section modifies any responsibility of the investigating official to report violations of criminal law to the Attorney General.

§ 35.5 Review by reviewing official.

(a) If, based on the report of the investigating official under § 35.4(b), the reviewing official determines that there is adequate evidence to believe that a person is liable under § 35.3, the reviewing official shall transmit to the Attorney General a written notice of the reviewing official's intention to issue a complaint under § 35.7 of this part.

(b) Such notice shall include—

(1) A statement of the reviewing official's reasons for issuing a complaint;

(2) A statement specifying the evidence that supports the allegations of liability;

(3) A description of the claims or statements upon which the allegations of liability are based;

(4) An estimate of the amount of money, or the value of property, services, or other benefits, requested or demanded in violation of § 35.3 of this part;

(5) A statement of any exculpatory or mitigating circumstances that may relate to the claims or statements known by the reviewing official or the investigating official; and

(6) A statement that there is a reasonable prospect of collecting an appropriate amount of penalties and assessments.

§ 35.6 Prerequisites for issuing a complaint.

(a) The reviewing official may issue a complaint under § 35.7 of this part only if—

(1) The Department of Justice approves the issuance of a complaint in a written statement described in 31 U.S.C. 3803(b)(1), and

(2) In the case of allegations of liability under § 35.3(a) with respect to a claim, the reviewing official determines that, with respect to such claim or a group of related claims submitted at the same time such claim is submitted (as defined in paragraph (b) of this section), the amount of money, or the value of property or services, demanded or requested in violation of § 35.3(a) of this part does not exceed $150,000.

(b) For the purposes of this section, a related group of claims submitted at the same time shall include only those claims arising from the same transaction (e.g., grant, loan, application, or contract) that are submitted simultaneously as part of a single request, demand, or submission.

(c) Nothing in this section shall be construed to limit the reviewing official's authority to join in a single complaint against a person claims that are unrelated or were not submitted simultaneously, regardless of the amount of money, or the value of property or services, demanded or requested.

§ 35.7 Complaint.

(a) On or after the date the Department of Justice approves the issuance of a complaint in accordance with 31 U.S.C. 3803(b)(1), the reviewing official may serve a complaint on the defendant, as provided in § 35.8 of this part.

(b) The complaint shall state—

(1) The allegations of liability against the defendant, including the statutory basis for liability, an identification of the claims or statements that are the basis for the alleged liability, and the reasons why liability allegedly arises from such claims or statements;

(2) The maximum amount of penalties and assessments for which the defendant may be held liable;

(3) Instructions for filing an answer to request a hearing, including a specific statement of the defendant's right to request a hearing by filing an answer and to be represented by a representative; and

(4) That failure to file an answer within 30 days of service of the complaint will result in the imposition of the maximum amount of penalties and assessments without right to appeal, as provided in § 35.10.

(c) At the same time the reviewing official serves the complaint, he or she shall serve the defendant with a copy of these regulations.

§ 35.8 Service of complaint.

(a) Service of a complaint must be made by certified or registered mail or by delivery in any manner authorized by Rule 4(d) of the Federal Rules of Civil Procedure. *Service is complete upon receipt.*

(b) Proof of service, stating the name and address of the person on whom the complaint was served, and the manner and date of service, may be made by—

(1) Affidavit of the individual serving the complaint by delivery;

(2) A United States Postal Service return receipt card acknowledging receipt; or

(3) Written acknowledgement of receipt by the defendant or his or her representative.

§ 35.9 Answer.

(a) The defendant may request a hearing by filing an answer with the reviewing official within 30 days of service of the complaint. An answer shall be deemed to be a request for hearing.

(b) In the answer, the defendant—

(1) Shall admit or deny each of the allegations of liability made in the complaint;

(2) Shall state any defense on which the defendant intends to rely;

(3) May state any reasons why the defendant contends that the penalties and assessments should be less than the statutory maximum; and

(4) Shall state the name, address, and telephone number of the person authorized by the defendant to act as defendant's representative, if any.

(c) If the defendant is unable to file an answer meeting the requirements of paragraph (b) of this section within the time provided, the defendant may, before the expiration of 30 days from service of the complaint, file with the reviewing official a general answer denying liability and requesting a hearing, and a request for an extension of time within which to file an answer meeting the requirements of paragraph (b) of this section. The reviewing official shall file promptly with the ALJ the complaint, the general answer denying liability, and the request for an extension of time as provided in § 35.11. For good cause shown, the ALJ may grant the defendant up to 30 additional days within which to file an answer meeting the requirements of paragraph (b) of this section.

§ 35.10 Default upon failure to file an answer.

(a) If the defendant does not file an answer within the time prescribed in § 35.9(a) of this part, the reviewing official may refer the complaint to the Office of Hearings and Appeals, Hearings Division, Department of the Interior, for assignment to an ALJ.

(b) Upon the referral of the complaint, the ALJ shall promptly serve on defendant in the manner prescribed in § 35.8 of this part, a notice that an initial decision will be issued under this section.

(c) The ALJ shall assume the facts alleged in the complaint to be true and, if such facts establish liability under § 35.3 of this part, the ALJ shall issue an initial decision imposing the maximum amount of penalties and assessments allowed under the statute.

(d) Except as otherwise provided in this section, by failing to file a timely answer the defendant waives any right to further review of the penalties and assessments imposed under paragraph (c) of this section, and the initial decision shall become final and binding upon the parties 30 days after it is issued.

(e) If, before such an initial decision becomes final, the defendant files a motion with the ALJ seeking to reopen on the grounds that extraordinary circumstances prevented the defendant from filing an answer, the initial decision shall be stayed pending the ALJ's decision on the motion.

(f) If, on such motion, the defendant can demonstrate extraordinary circumstances excusing the failure to file a timely answer, the ALJ shall withdraw the initial decision in paragraph (c) of this section, if such a decision has been issued, and shall grant the defendant an opportunity to answer the complaint.

(g) A decision of the ALJ denying a defendant's motion under paragraph (e) of this section is not subject to

reconsideration under § 35.38 of this part.

(h) The defendant may appeal the decision denying a motion to reopen by filing a notice of appeal with the Director within 15 days after the ALJ denies the motion. The timely filing of a notice of appeal shall stay the initial decision until the appeal is decided.

(i) If the defendant files a timely notice of appeal with the Director, the ALJ shall forward the record of the proceeding to the Director.

(j) The Director shall decide expeditiously whether extraordinary circumstances excuse the defendant's failure to file a timely answer based solely on the record before the ALJ.

(k) If the Director decides that extraordinary circumstances excused the defendant's failure to file a timely answer, the Director shall remand the case to the ALJ with instructions to grant the defendant an opportunity to answer.

(l) If the Director decides that the defendant's failure to file a timely answer is not excused, the Director shall reinstate the initial decision of the ALJ, which shall become final and binding upon the parties 30 days after the Director issues such decision.

§ 35.11 Referral of complaint and answer to the ALJ.

Upon receipt of an answer, the reviewing offical shall file the complaint and answer with the Office of Hearings and Appeals, Hearings Division, Department of the Interior, for assignment to an ALJ. The reviewing official shall include the name, address, and telephone number of a representative for the Government.

§ 35.12 Notice of hearing.

(a) When the ALJ receives the complaint and answer, the ALJ shall promptly serve a notice of hearing upon the defendant in the manner prescribed by § 35.8 of this part. At the same time, the ALJ shall send a copy of such notice to the representative for the Government.

(b) Such notice shall include—

(1) The time and place, and the nature of the hearing;

(2) The legal authority and jurisdiction under which the hearing is to be held;

(3) The matters of fact and law to be asserted;

(4) A description of the procedures for the conduct of the hearing;

(5) The name, address, and telephone number of the representative of the Government and of the defendant, if any; and

(6) Such other matters as the ALJ deems appropriate.

§ 35.13 Parties to the hearing.

(a) The parties to the hearing shall be the defendant and the Department of the Interior.

(b) Pursuant to 31 U.S.C. 3730(c)(5), a private plaintiff under the False Claims Act may participate in these proceedings to the extent authorized by the provisions of that Act.

§ 35.14 Separation of functions.

(a) The investigating official, the reviewing official, and any employee or agent of the Department who takes part in investigating, preparing, or presenting a particular case may not, in such case or a factually related case—

(1) Participate in the hearing as the ALJ;

(2) Participate or advise in the initial decision or the review of the initial decision, except as a witness or a representative in public proceedings; or

(3) Make the collection of penalties and assessments under 31 U.S.C. 3806.

(b) The ALJ shall not be responsible to, or subject to the supervision or direction of, the investigating official or the reviewing official.

(c) Except as provided in paragraph (a) of this section, the representative for the Government may be employed anywhere in the Department, including in the offices of either the investigating official or the reviewing official.

§ 35.15 Ex parte contacts.

No party or person (except employees of the ALJ's office) shall communicate in any way with the ALJ on any matter at issue in a case, unless on notice and opportunity for all parties to participate. This provision does not prohibit a person or party from inquiring about the status of a case or asking routine questions concerning administrative functions or procedures.

§ 35.16 Disqualification of reviewing official or ALJ.

(a) A reviewing offical or ALJ in a particular case may disqualify himself or herself at any time.

(b) A party may file with the ALJ a motion for disqualification of a reviewing official or an ALJ. Such motion shall be accompanied by an affidavit alleging personal bias or other reason for disqualification.

(c) Such motion and affidavit shall be filed promptly upon the party's discovery of reasons requiring disqualification, or such objections shall be deemed waived.

(d) Such affidavit shall state specific facts that support the party's belief that personal bias or other reason for disqualification exists and the time and circumstances of the party's discovery of such facts. It shall be accompanied by a certificate of the representative of record that it is made in good faith.

(e) Upon the filing of such a motion and affidavit, the ALJ shall proceed no further in the case until he or she resolves the matter of disqualification in accordance with paragraph (f) of this section.

(f)(1) If the ALJ determines that a reviewing official is disqualified, the ALJ shall dismiss the complaint without prejudice.

(2) If the ALJ disqualifies himself or herself, the case shall be reassigned promptly to another ALJ.

(3) If the ALJ denies a motion to disqualify, the Director may determine the matter only as part of the review of the initial decision upon appeal, if any.

§ 35.17 Rights of parties.

Except as otherwise limited by this part, all parties may—

(a) Be accompanied, represented, and advised by a representative;

(b) Participate in any conference held by the ALJ;

(c) Conduct discovery;

(d) Agree to stipulations of fact or law, which shall be made part of the record;

(e) Present evidence relevant to the issues at the hearing;

(f) Present and cross-examine witnesses;

(g) Present oral arguments at the hearing as permitted by the ALJ; and

(h) Submit written briefs and proposed findings of fact and conclusions of law after the hearing.

§ 35.18 Authority of the ALJ.

(a) The ALJ shall conduct a fair and impartial hearing, avoid delay, maintain order, and assure that a record of the proceeding is made.

(b) The ALJ has the authority to—

(1) Set and change the date, time, and place of the hearing upon reasonable notice to the parties;

(2) Continue or recess the hearing in whole or in part for a reasonable period of time;

(3) Hold conferences to identify or simplify the issues, or to consider other matters that may aid in the expeditious disposition of the proceeding;

(4) Administer oaths and affirmations;

(5) Issue subpoenas requiring the attendance of witnesses and the production of documents at depositions or at hearings;

(6) Rule on motions and other procedural matters;

(7) Regulate the scope and timing of discovery;

(8) Regulate the course of the hearing and the conduct of representatives and parties;

(9) Examine witnesses;

(10) Receive, rule on, exclude, or limit evidence;

(11) Take official notice of facts;

(12) Upon motion of a party, decide cases, in whole or in part, by summary judgment where there is no disputed issue of material fact;

(13) Conduct any conference, argument, or hearing on motions in person or by telephone; and

(14) Exercise such other authority as is necessary to carry out the responsibilities of the ALJ under this part.

(c) The ALJ does not have the authority to find Federal statutes or regulations invalid.

§ 35.19 Pre-hearing conferences.

(a) The ALJ may schedule pre-hearing conferences as appropriate.

(b) Upon the motion of any party, the ALJ shall schedule at least one pre-hearing conference at a reasonable time in advance of the hearing.

(c) The ALJ may use pre-hearing conferences to discuss the following:

(1) Simplification of the issues;

(2) The necessity or desirability of amendments to the pleadings, including the need for a more definite statement;

(3) Stipulations and admissions of fact or as to the contents and authenticity of documents;

(4) Whether the parties can agree to submission of the case on a stipulated record;

(5) Whether a party chooses to waive appearance at an oral hearing and to submit only documentary evidence (subject to the objection of other parties) and written argument;

(6) Limitation of the number of witnesses;

(7) Scheduling dates for the exchange of witness lists and of proposed exhibits;

(8) Discovery;

(9) The time and place for the hearing; and

(10) Such other matters as may tend to expedite the fair and just disposition of the proceedings.

(d) The ALJ may issue an order containing all matters agreed upon by the parties or ordered by the ALJ at a pre-hearing conference.

§ 35.20 Disclosure of documents.

(a) Upon written request to the reviewing official, the defendant may review any relevant and material documents, transcripts, records, and other materials that relate to the allegations set out in the complaint and upon which the findings and conclusions of the investigating official under § 35.4(b) of this part are based, unless such documents are subject to a privilege under Federal law. Upon payment of fees for duplication, the defendant may obtain copies of such documents.

(b) Upon written request to the reviewing official, the defendant also may obtain a copy of all exculpatory information in the possession of the reviewing official or investigating official relating to the allegations in the complaint, even if it is contained in a document that would otherwise be privileged. If the document would otherwise be privileged, only that portion containing exculpatory information must be disclosed.

(c) The notice sent to the Attorney General from the reviewing official as described in § 35.5 of this part is not discoverable under any circumstances.

(d) The defendant may file a motion to compel disclosure of the documents subject to the provisions of this section. Such a motion may only be filed with the ALJ following the filing of an answer pursuant to § 35.9 of this part.

§ 35.21 Discovery.

(a) The following types of discovery are authorized:

(1) Requests for production of documents for inspection and copying;

(2) Requests for admissions of the authenticity of any relevant document or of the truth of any relevant fact;

(3) Written interrogatories; and

(4) Depositions.

(b) For the purposes of this section and §§ 35.22 and 23 of this part, the term "documents" includes information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence. Nothing contained herein shall be interpreted to require the creation of a document.

(c) Unless mutually agreed to by the parties, discovery is available only as ordered by the ALJ. The ALJ shall regulate the timing of discovery.

(d) *Motions for discovery.* (1) A party seeking discovery may file a motion with the ALJ. Such a motion shall be accompanied by a copy of the requested discovery, or in the case of depositions, a summary of the scope of the proposed deposition.

(2) Within ten days of service, a party may file an opposition to the motion and/or a motion for protective order as provided in § 35.24 of this part.

(3) The ALJ may grant a motion for discovery only if he or she finds that the discovery sought—

(i) Is necessary for the expeditious, fair, and reasonable consideration of the issues;

(ii) Is not unduly costly or burdensome;

(iii) Will not unduly delay the proceeding; and

(iv) Does not seek privileged information.

(4) The burden of showing that discovery should be allowed is on the party seeking discovery.

(5) The ALJ may grant discovery subject to a protective order under § 35.24 of this part.

(e) *Depositions.* (1) If a motion for deposition is granted, the ALJ shall issue a subpoena for the deponent, which may require the deponent to produce documents. The subpoena shall specify the time and place at which the deposition will be held.

(2) The party seeking to depose shall serve the subpoena in the manner prescribed in § 35.8 of this part.

(3) The deponent may file with the ALJ a motion to quash the subpoena or a motion for a protective order within ten days of service.

(4) The party seeking to depose shall provide for the taking of a verbatim transcript of the deposition, which it shall make available to all other parties for inspection and copying.

(f) Each party shall bear its own costs of discovery.

§ 35.22 Exchange of witness lists, statements and exhibits.

(a) At least 15 days before the hearing or at such other time as may be ordered by the ALJ, the parties shall exchange witness lists, copies of prior statements of proposed witnesses, and copies of proposed hearing exhibits, including copies of any written statements that the party intends to offer in lieu of live testimony in accordance with § 35.33(b) of this part. At the time the above documents are exchanged, any party that intends to rely on the transcript of deposition testimony in lieu of live testimony at the hearing, if permitted by the ALJ, shall provide each party with a copy of the specific pages of the transcript it intends to introduce into evidence.

(b) If a party objects, the ALJ shall not admit into evidence the testimony of any witness whose name does not appear on the witness list or any exhibit not provided to the opposing party as provided above unless the ALJ finds good cause for the failure or that there is no prejudice to the objecting party.

(c) Unless another party objects within the time set by the ALJ, documents exchanged in accordance

with paragraph (a) of this section shall be deemed to be authentic for the purpose of admissibility at the hearing.

§ 35.23 Subpoenas for attendance at hearing.

(a) A party wishing to procure the appearance and testimony of any individual at the hearing may request that the ALJ issue a subpoena.

(b) A subpoena requiring the attendance and testimony of an individual may also require the individual to produce documents at the hearing.

(c) A party seeking a subpoena shall file a written request therefor not less than 15 days before the date fixed for the hearing unless otherwise allowed by the ALJ for good cause shown. Such request shall specify any documents to be produced and shall designate the witnesses and describe the address and location thereof with sufficient particularity to permit such witnesses to be found.

(d) The subpoena shall specify the time and place at which the witness is to appear and any documents the witness is to produce.

(e) The party seeking the subpoena shall serve it in the manner prescribed in § 35.8 of this part. A subpoena on a party or upon an individual under the control of a party may be served by first class mail.

(f) A party or the individual to whom the subpoena is directed may file with the ALJ a motion to quash the subpoena within ten days after service or on or before the time specified in the subpoena for compliance if it is less than ten days after service.

§ 35.24 Protective order.

(a) A party or a prospective witness or deponent may file a motion for a protective order with respect to discovery sought by an opposing party or with respect to the hearing, seeking to limit the availability or disclosure of evidence.

(b) In issuing a protective order, the ALJ may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following:

(1) That the discovery not be had;

(2) That the discovery may be had only on specified terms and conditions, including a designation of the time or place;

(3) That the discovery may be had only through a method of discovery other than that requested;

(4) That certain matters not be inquired into, or that the scope of discovery be limited to certain matters;

(5) That discovery be conducted with no one present except persons designated by the ALJ;

(6) That the contents of discovery or evidence be sealed;

(7) That a deposition after being sealed be opened only by order of the ALJ;

(8) That a trade secret or other confidential research, development, or commercial information, or facts pertaining to any criminal investigation, proceeding, or other administrative investigation not be disclosed or be disclosed only in a designated way; or

(9) That the parties simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the ALJ.

§ 35.25 Fees.

The party requesting a subpoena shall pay the cost of the fees and mileage of any witness subpoenaed in the amounts that would be payable to a witness in a proceeding in United States District Court. A check for witness fees and mileage shall accompany the subpoena when served, except that when a subpoena is issued on behalf of the Department, a check for witness fees and mileage need not accompany the subpoena.

§ 35.26 Form, filing and service of papers.

(a) *Form.* (1) Every pleading and paper filed in the proceeding shall contain a caption setting forth the title of the action, the case number assigned by the ALJ, and a designation of the paper (e.g., motion to quash subpoena).

(2) Every pleading and paper shall be signed by, and shall contain the address and telephone number of the party or the person on whose behalf the paper was filed, or his or her representative.

(3) Papers are considered filed when they are mailed. Date of mailing may be established by a certificate from the party or its representative or by proof that the document was sent by certified or registered mail.

(b) *Service.* A party filing a document with the ALJ shall, at the time of filing, serve a copy of such document on every other party. Service upon any party of any document other than those required to be served as prescribed in § 35.8 shall be made by delivering a copy, or by placing a copy of the document in the United States mail, postage prepaid and addressed, to the party's last known address. When a party is represented by a representative, service shall be made upon such representative in lieu of the actual party.

(c) *Proof of service.* A certificate of the individual serving the document by personal delivery or by mail, setting forth the manner of service, shall be proof of service.

§ 35.27 Computation of time.

(a) In computing any period of time under this part or in an order issued thereunder, the time begins with the day following the act, event, or default, and includes the last day of the period, unless it is a Saturday, Sunday, or legal holiday observed by the Federal government, in which event it includes the next business day.

(b) When the period of time allowed is less than seven days, intermediate Saturdays, Sundays, and legal holidays observed by the Federal government shall be excluded from the computation.

(c) Where a document has been served or issued by placing it in the mail, an additional five days will be added to the time permitted for any response.

§ 35.28 Motions.

(a) Any application to the ALJ for an order or ruling shall be by motion. Motions shall state the relief sought, the authority relied upon, and the facts alleged, and shall be filed with the ALJ and served on all other parties.

(b) Except for motions made during a pre-hearing conference or at the hearing, all motions shall be in writing. The ALJ may require that oral motions be reduced to writing.

(c) Within 15 days after a written motion is served, or such other time as may be fixed by the ALJ, any party may file a response to such motion.

(d) The ALJ may not grant a written motion before the time for filing responses thereto has expired, except upon consent of the parties or following a hearing on the motion, but may overrule or deny such motion without awaiting a response.

(e) The ALJ shall make a reasonable effort to dispose of all outstanding motions prior to the beginnings of the hearing.

§ 35.29 Sanctions.

(a) The ALJ may sanction a person, including any party or representative, for—

(1) Failing to comply with an order, rule, or procedure governing the proceeding;

(2) Failing to prosecute or defend an action; or

(3) Engaging in other misconduct that interferes with the speedy, orderly, or fair conduct of the hearing.

(b) Any such sanction, including but not limited to those listed in paragraphs (c), (d), and (e) of this section, shall

reasonably relate to the severity and nature of the failure or misconduct.

(c) When a party fails to comply with an order, including an order for taking a deposition, the production of evidence within the party's control, or a request for admission, the ALJ may—

(1) Draw an inference in favor of the requesting party with regard to the information sought;

(2) In the case of requests for admission, deem each matter of which an admission is requested to be admitted;

(3) Prohibit the party failing to comply with such order from introducing evidence concerning, or otherwise relying upon, testimony relating to the information sought; and

(4) Strike any part of the pleadings or other submissions of the party failing to comply with such request.

(d) If a party fails to prosecute or defend an action under this part commenced by service of a notice of hearing, the ALJ may dismiss the action or may issue an initial decision imposing penalties and assessments.

(e) The ALJ may refuse to consider any motion, request, response, brief or other document which is not filed in a timely fashion.

§ 35.30 The hearing and burden of proof.

(a) The ALJ shall conduct a hearing on the record in order to determine whether the defendant is liable for a civil penalty or assessment under § 35.3 of this part and, if so, the appropriate amount of any such civil penalty or assessment considering any aggravating or mitigating factors.

(b) The authority shall prove defendant's liability and any aggravating factors by a preponderance of the evidence.

(c) The defendant shall prove any affirmative defenses and any mitigating factors by a preponderance of the evidence.

(d) The hearing shall be open to the public unless otherwise ordered by the ALJ for food cause shown.

§ 35.31 Determining the amount of penalties and assessments.

(a) In determining an appropriate amount of civil penalties and assessments, the ALJ and the Director, upon appeal, should evaluate any circumstances that mitigate or aggravate the violation and should articulate in their opinions the reasons that support the penalties and assessments they impose. Because of the intangible costs of fraud, the expense of investigating such conduct, and the need to deter others who might be similarly tempted, ordinarily double damages and a significant civil penalty should be imposed.

(b) Although not exhaustive, the following factors are among those that may influence the ALJ and the Director in determining the amount of penalties and assessments to impose with respect to the misconduct (i.e., the false, fictitious, or fraudulent claims or statements) charged in the complaint:

(1) The number of false, fictitious, or fraudulent claims or statements;

(2) The time period over which such claims or statements were made;

(3) The degree of the defendant's culpability with respect to the misconduct;

(4) The amount of money or the value of the property, services, or benefit falsely claimed;

(5) The value of the Government's actual loss as a result of the misconduct, including foreseeable consequential damages and the costs of investigation.

(6) The relationship of the amount imposed as civil penalties to the amount of the Government's loss;

(7) The potential or actual impact of the misconduct upon national defense, public health or safety, or public confidence in the management of Government programs and operations, including particularly the impact on the intended beneficiaries of such programs;

(8) Whether the defendant has engaged in a pattern of the same or similar misconduct;

(9) Whether the defendant attempted to conceal the misconduct;

(10) The degree to which the defendant has involved others in the misconduct or in concealing it;

(11) Where the misconduct of employees or agents is imputed to the defendant, the extent to which the defendant's practices fostered or attempted to preclude such misconduct;

(12) Whether the defendant cooperated in or obstructed an investigation of the misconduct;

(13) Whether the defendant assisted in identifying and prosecuting other wrongdoers;

(14) The complexity of the program or transaction, and the degree of the defendant's sophistication with respect to it, including the extent of the defendant's prior participation in the program or in similar transactions;

(15) Whether the defendant has been found, in any criminal, civil, or administrative proceeding to have engaged in similar misconduct or to have dealt dishonestly with the government of the United States or of a State, directly or indirectly; and

(16) The need to deter the defendant and others from engaging in the same or similar misconduct.

(c) Nothing in this section shall be construed to limit the ALJ or the Director from considering any other factors that in any given case may mitigate or aggravate the offense for which penalties and assessments are imposed.

§ 35.32 Location of hearing.

(a) The hearing may be held—

(1) In any judicial district of the United States in which the defendant resides or transacts business;

(2) In any judicial district of the United States in which the claim or statement in issue was made; or

(3) In such other place as may be agreed upon by the defendant and the ALJ.

(b) Each party shall have the opportunity to present argument with respect to the location of the hearing.

(c) The hearing shall be held at the place and at the time ordered by the ALJ.

§ 35.33 Witnesses.

(a) Except as provided in paragraph (b) of this section, testimony at the hearing shall be given orally by witnesses under oath or affirmation.

(b) At the discretion of the ALJ, testimony may be admitted in the form of a written statement or deposition. Any such written statement must be provided to all other parties along with the last known address of such witness, in a manner which allows sufficient time for other parties to subpoena such witness for cross-examination at the hearing. Prior written statements of witnesses proposed to testify at the hearing and deposition transcripts shall be exchanged as provided in § 35.22(a) of this part.

(c) The ALJ shall exercise reasonable control over the mode and order of interrogating witnesses and presenting evidence so as to

(1) Make the interrogation and presentation effective for the ascertainment of the truth,

(2) Avoid needless consumption of time, and

(3) Protect witnesses from harassment or undue embarrassment.

(d) The ALJ shall permit the parties to conduct such cross-examination as may be required for a full and true disclosure of the facts.

(e) At the discretion of the ALJ, a witness may be cross-examined on matters relevant to the proceeding without regard to the scope of his or her direct examination. To the extent permitted by the ALJ, cross-examination on matters outside the scope of direct examination shall be conducted in the

manner of direct examination and may proceed by leading questions only if the witness is a hostile witness, an adverse party, or a witness identified with an adverse party.

(f) Upon motion of any party, the ALJ shall order witnesses excluded so that they cannot hear the testimony of other witnesses. The rule does not authorize exclusion of—

(1) A party who is an individual;

(2) In the case of a party that is not an individual, an officer or employee of the party appearing for the entity pro se or designated by the party's representative; or

(3) An individual whose presence is shown by a party to be essential to the presentation of its case, including an individual employed by the Government engaged in assisting the representative for the Government.

§ 35.34 Evidence.

(a) The ALJ shall determine the admissibility of evidence.

(b) Except as provided in this part, the ALJ shall not be bound by the Federal Rules of Evidence. However, the ALJ may apply the Federal Rules of Evidence where appropriate, e.g., to exclude unreliable evidence.

(c) The ALJ shall exclude irrelevant and immaterial evidence.

(d) Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or by considerations of undue delay or needless presentation of cumulative evidence.

(e) Although relevant, evidence may be excluded if it is privileged under Federal law.

(f) Evidence concerning offers of compromise or settlement shall be inadmissible to the extent provided in Rule 408 of the Federal Rules of Evidence.

(g) The ALJ shall permit the parties to introduce rebuttal witnesses and evidence.

(h) All documents and other evidence offered or taken for the record shall be open to examination by all parties, unless otherwise ordered by the ALJ pursuant to § 35.24.

§ 35.35 The record.

(a) The hearing will be recorded and transcribed. Transcripts may be obtained following the hearing from the ALJ at a cost not to exceed the actual cost of duplication.

(b) The transcript of testimony, exhibits and other evidence admitted at the hearing, and all papers and requests filed in the proceeding constitute the record for the decision by the ALJ and the Director.

(c) The record may be inspected and copied (upon payment of a reasonable fee) by anyone, unless otherwise ordered by the ALJ pursuant to § 35.24 of this part.

§ 35.36 Post-hearing briefs.

The ALJ may require the parties to file post-hearing briefs. In any event, any party may file a post-hearing brief. The ALJ shall fix the time for filing such briefs, not to exceed 60 days from the date the parties receive the transcript of the hearing or, if applicable, the stipulated record. Such briefs may be accompanied by proposed findings of fact and conclusions of law. The ALJ may permit the parties to file reply briefs.

§ 35.37 Initial decision.

(a) The ALJ shall issue an initial decision based only on the record, which shall contain findings of fact, conclusions of law, and the amount of any penalties and assessments imposed.

(b) The findings of fact shall include a finding on each of the following issues:

(1) Whether the claims or statements identified in the complaint, or any portions thereof, violate § 35.3 of this part;

(2) If the person is liable for penalties or assessments, the appropriate amount of any such penalties or assessments considering any mitigating or aggravating factors that he or she finds in the case, such as those described in § 35.31 of this part.

(c) The ALJ shall promptly serve the initial decision on all parties within 90 days after the time for submission of post-hearing briefs and reply briefs (if permitted) has expired. The ALJ shall at the same time serve all parties with a statement describing the right of any defendant determined to be liable for a civil penalty or assessment to file a motion for reconsideration with the ALJ or a notice of appeal with the Director. If the ALJ fails to meet the deadline contained in this paragraph, he or she shall notify the parties of the reason for the delay and shall set a new deadline.

(d) Unless the initial decision of the ALJ is timely appealed to the Secretary, or a motion for reconsideration of the initial decision is timely filed, the initial decision shall constitute the final decision of the Department and shall be final and binding on the parties 30 days after it is issued by the ALJ.

§ 35.38 Reconsideration of initial decision.

(a) Except as provided in paragraph (d) of this section, any party may file a motion for reconsideration of the initial decision within 20 days of receipt of the initial decision. If service was made by mail, receipt will be presumed to be five days from the date of mailing in the absence of contrary proof.

(b) Every such motion must set forth the matters claimed to have been erroneously decided and the nature of the alleged errors. Such motion shall be accompanied by a supporting brief.

(c) Responses to such motions shall be allowed only upon request of the ALJ.

(d) No party may file a motion for reconsideration of an initial decision that has been revised in response to a previous motion for reconsideration.

(e) The ALJ may dispose of a motion for reconsideration by denying it or by issuing a revised initial decision.

(f) If the ALJ denies a motion for reconsideration, the initial decision shall constitute the final decision of the Department and shall be final and binding on the parties 30 days after the ALJ denies the motion, unless the initial decision is timely appealed to the Secretary in accordance with § 35.39 of this part.

(g) If the ALJ issues a revised initial decision, that decision shall constitute the final decision of the Department and shall be final and binding on the parties 30 days after it is issued, unless it is timely appealed to the Secretary in accordance with § 35.39 of this part.

§ 35.39 Appeal to the Secretary of the Interior.

(a) Any defendant who as filed a timely answer and who is determined in an initial decision to be liable for a civil penalty or assessment may appeal such decision to the Secretary by filing a notice of appeal with the Director in accordance with this section.

(b) (1) A notice of appeal may be filed at any time within 30 days after the ALJ issues an initial decision. However, if another party files a motion for reconsideration under § 35.38 of this part, consideration of the appeal shall be stayed automatically pending resolution of the motion for reconsideration.

(2) If a motion for reconsideration is timely filed, a notice of appeal may be filed within 30 days after the ALJ denies the motion or issues a revised initial decision, whichever applies.

(3) The Director may extend the initial 30 day period for an additional 30 days if the defendant files with the Director a request for an extension within the initial 30 day period and shows good cause.

(c) If the defendant files a timely notice of appeal with the Director and the time for filing motions for

reconsideration under § 35.38 of this part has expired, the ALJ shall forward the record of the proceeding to the Director.

(d) A notice of appeal shall be accompanied by a written brief specifying exceptions to the initial decision and reasons supporting the exceptions.

(e) The representative for the Government may file a brief in opposition to exceptions within 30 days of receiving the notice of appeal and accompanying brief.

(f) There is no right to appear personally before the Director.

(g) There is no right to appeal any interlocutory ruling by the ALJ.

(h) In reviewing the initial decision, the Director shall not consider any objection that was not raised before the ALJ unless a demonstration is made of extraordinary circumstances causing the failure to raise the objection.

(i) If any party demonstrates to the satisfaction of the Director that additional evidence not presented at such hearing is material and that there were reasonable grounds for the failure to present such evidence at such hearing, the Director shall remand the matter to the ALJ for consideration of such additional evidence.

(j) The Director may affirm, reduce, reverse, compromise, remand, or settle any penalty or assessment determined by the ALJ in any initial decision.

(k) The Director shall promptly serve each party to the appeal with a copy of the Department's decision and a statement describing the right of any person determined to be liable for a civil penalty or assessment to seek judicial review.

(l) Unless a petition for review is filed as provided in 31 U.S.C. 3805 after a defendant has exhausted all administrative remedies under this part and within 60 days after the date on which the Director serves the defendant with a copy of the Department's decision, a determination that a defendant is liable under § 35.33 of this part is final and is not subject to judicial review.

§ 35.40 Stays ordered by the Department of Justice.

If at any time the Attorney General or an Assistant Attorney General designated by the Attorney General transmits to the Secretary a written finding that continuation of the administrative process described in this part with respect to a claim or statement may adversely affect any pending or potential criminal or civil action related to such claim or statement, the Secretary shall stay the process immediately. The Secretary may order the process resumed only upon receipt of the written authorization of the Attorney General.

§ 35.41 Stay pending appeal.

(a) An initial decision is stayed automatically pending disposition of a motion for reconsideration or of an appeal to the Secretary.

(b) No administrative stay is available following a final decision of the Secretary.

§ 35.42 Judicial review.

Section 3805 of Title 31, United States Code, authorizes judicial review by an appropriate United States District Court of a final decision of the Secretary imposing penalties or assessment under this part and specifies the procedures for such review.

§ 35.43 Collection of civil penalties and assessments.

Sections 3806 and 3808(b) of Title 31, United States Code, authorize actions for collection of civil penalties and assessments imposed under this part and specify the procedures for such actions.

§ 35.44 Right to administrative offset.

The amount of any penalty or assessment which has become final, or for which a judgment has been entered under § 35.42 or § 35.43, or any amount agreed upon in a compromise or settlement under § 35.46 of this part, may be collected by administrative offset under 31 U.S.C. 3716, except that an administrative offset may not be made under this section against a refund of an overpayment of Federal taxes, then or later owing by the United States to the defendant.

§ 35.45 Deposit in Treasury of United States.

All amounts collected pursuant to this part shall be deposited as miscellaneous receipts in the Treasury of the United States, except as provided in 31 U.S.C. 3806(g).

§ 35.46 Compromise or settlement.

(a) Parties may make offers of compromise or settlement at any time.

(b) The reviewing official has the exclusive authority to compromise or settle a case under this part at any time after the date on which the reviewing official is permitted to issue a complaint and before the date on which the ALJ issues an initial decision.

(c) The Secretary has exclusive authority to compromise or settle a case under this part at any time after the date on which the ALJ issues an initial decision, except during the pendency of any review under § 35.42 or during the pendency of any action to collect penalties and assessments under § 35.43 of this part.

(d) The Attorney General has exclusive authority to compromise or settle a case under this part during the pendency of any review under § 35.42 of this part or of any action to recover penalties and assessments under 31 U.S.C. 3806.

(e) The investigating official may recommend settlement terms to the reviewing official, the Secretary, or the Attorney General, as appropriate. The reviewing official may recommend settlement terms to the Secretary, or the Attorney General, as appropriate.

(f) Any compromise or settlement must be in writing.

§ 35.47 Limitations.

(a) The notice of hearing with respect to a claim or statement must be served in the manner specified in § 35.8 of this part within 6 years after the date on which such claim or statement is made.

(b) If the defendant fails to file a timely answer, service of a notice under § 35.10(b) of this part shall be deemed a notice of hearing for purposes of this section.

(c) The statute of limitations may be extended by agreement of the parties.

Joseph W. Gorrell,

Principal Deputy Assistant Secretary, Policy, Budget and Administration.

Date: December 31, 1987.

[FR Doc. 88-3083 Filed 2-11-88; 8:45 am]

BILLING CODE 4310-RK-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 74

[MM Docket No. 87-13]

FM and TV Booster Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Actions taken herein corrects incorrect text in § 74.501 of the *Report and Order* in MM Docket No. 87-13. The order also clarifies the Commission's intent to ensure that TV boosters do not cause interference to the signal of their primary station within the boundaries of the principal community served by that full service station and modifies Section 74.703 of the rules to reflect this policy. The final action adds omitted language indicating that short spaced adjacent channel FM stations will be permitted to serve areas within their predicted service areas provided that the ratio of

the signal of the adjacent channel station to the signal of the booster station is at least 6 dB.

EFFECTIVE DATE: March 3, 1988.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Order* in MM Docket No. 87-13, adopted December 15, 1987, and released January 28, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete test of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, (202) 857-3800, 1919 M Street, NW., Room 246, Washington, DC 20554.

Summary of Order

1. The order inserts the designation of paragraph (a)(2) previously omitted from the *Report and Order*, as released by the Commission, but appearing correctly in the summary of that decision published in the **Federal Register** (52 FR 31398, August 20, 1987). It corrects the decision to indicate that it is paragraph (b)(5) that is revised, and not paragraph (a)(5) as stated in Appendix B of the *Report and Order*. The order also amends the decision in MM Docket No. 87-13 as described below.

2. These amendments are implemented by authority delegated by the Commission to the Chief, Mass Media Bureau. Inasmuch as these amendments impose no additional burdens and raise no issue upon which comments would serve any useful purpose, prior notice of rule making, effective date provisions, and public procedure thereon are unnecessary pursuant to the Administrative Procedure and Judicial Review Act provisions 5 U.S.C. 553(b)(3)(B).

3. Since a general notice of proposed rule making is not required, the Regulatory Flexibility Act does not apply.

4. Therefore, it is ordered that pursuant to section 4(i), 303(r), and 5(c)(1) of the Communications Act of 1934, as amended, and §§ 0.61 and 0.238 of the Commission's rules, Parts 73 and 74 of the FCC Rules and Regulations are amended as set forth below, effective March 3, 1988.

List of Subjects in 47 Part 74

Radio broadcasting, Television broadcasting.

PART 74—[AMENDED]

Part 74 of Title 47 of the Code of Federal Regulations are amended as follows:

1. The authority citations for Part 74 continue to read as follows:

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

2. Section 74.501 is amended by revising paragraphs (a) and (b) to read as follows:

§ 74.501 Classes of aural broadcast auxiliary stations.

(a) *Aural broadcast STL station.* A fixed station for the transmission of aural program material between the studio and the transmitter of a broadcasting station other than an international broadcasting station.

(b) *Aural broadcast intercity relay (ICR) station.* A fixed station for the transmission of aural program material between broadcasting stations other than international broadcasting stations, and between FM radio broadcast stations and their co-owned FM booster stations, or other purposes as authorized in § 74.531.

* * * * *

3. Section 74.703 is amended by revising paragraph (b) and adding paragraph (g) to read as follows:

§ 74.703 Interference.

* * * * *

(b) It shall be the responsibility of the licensee of a low power TV, TV translator, or TV booster station to correct at its expense any condition of interference to the direct reception of the signal of any other TV broadcast station operating on the same channel as that used by the low power TV, TV translator, or TV booster station or an adjacent channel which occurs as a result of the operation of the low power TV, TV translator, or TV booster station. Interference will be considered to occur whenever reception of a regularly used signal is impaired by the signals radiated by the low power TV, TV translator, or TV booster station, regardless of the quality of the reception or the strength of the signal so used. If the interference cannot be promptly eliminated by the application of suitable techniques, operation of the offending low power TV, TV translator, or TV booster station shall be suspended and shall not be resumed until the interference has been eliminated. If the complainant refuses to permit the low Power TV, TV translator, or TV booster station to apply remedial techniques that demonstrably will eliminate the interference without impairment of the original reception, the licensee of the low power TV, TV translator, or TV booster station is absolved of further responsibility. TV booster stations will be exempt from the provisions of this paragraph to the extent that they may cause limited interference to their primary stations' signal subject to the conditions of paragraph (g) of this section.

* * * * *

(g) A TV booster station may not disrupt the existing service of its primary station nor may it cause interference to the signal provided by the primary station within the principal community to be served.

4. Section 74.1235 is amended by revising paragraph (c) to read as follows:

§ 74.1235 Power limitations.

* * * * *

(c) The output power of FM booster stations shall be limited such that the predicted service contour of such stations, computed in accordance with § 73.313(a)-(d), may not extend beyond the area covered by the predicted service contour of the primary station that they rebroadcast and that such output power may not exceed 20 percent of the maximum allowable effective radiated power for the primary station's class. Further, FM booster stations shall be subject to the requirement that the signal of any first adjacent channel station must exeed the signal of the booster station by 6 dB at all points within the protected contour of any first adjacent channel station, except that in the case of FM stations on adjacent channels at spacings that do not meet the minimums specified in § 73.207, the signal of any first adjacent channel station must exceed the signal of the booster by 6 dB at any point within the predicted interference free contour of the adjacent channel station.

Federal Communications Commission.

Alex D. Felker,

Chief, Mass Media Bureau.

[FR Doc. 88-2654 Filed 2-11-88; 8:45 am]

BILLING CODE 6712-01-M

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 525 and 553

[APD 2800.12 CHGE 52]

General Services Administration Acquisition Regulation; Trade Agreements Act Threshold

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR), Chapter 5, is amended to revise Section 525.402 to reflect the new threshold for procurements subject to the Trade Agreements Act and to reflect current organization titles; section 553.370–3503 is revised to illustrate the December 1987 edition of the GSA Form 3503, Representations and Certifications and section 553.370–3521 is revised to illustrate the December 1987 edition of the GSA Form 3521, Blanket Purchase Agreement. The intended effect is to improve regulatory coverage by having it conform to applicable Federal regulations and to provide uniform procedures for contracting under the regulatory system.

EFFECTIVE DATE: Solicitations issued on or after February 14, 1988.

FOR FURTHER INFORMATION CONTACT: Ms. Ida M. Ustad, Office of GSA Acquisition Policy and Regulations on (202) 566–1224.

SUPPLEMENTARY INFORMATION: This rule was not published for public comment because it merely implements higher level issuances and does not result in an additional cost or administrative impact on contractors or offerors. The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. The exemption applies to this rule. The General Services Administration (GSA) 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 reflects the new dollar threshold established by the U.S. Trade Representative for applicability of the Trade Agreements Act of 1979. Accordingly, no regulatory flexibility analysis has been prepared. This rule does not contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501 et seq.

List of Subjects in 48 CFR Parts 525 and 553.

Government procurement.

1. The authority citation for 48 CFR Parts 525 and 553 continues to read as follows:

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

PART 525—FOREIGN ACQUISITION

2. Section 525.402 is amended by revising paragraphs (a) and (c) to read as follows:

525.402 Policy.

(a) Pursuant to FAR 25.402(a), contracting officers shall evaluate offers of $156,000 or more for an eligible product without regard to the restrictions of the Buy American Act or the Balance of Payments Program. The $156,000 threshold must be inserted in paragraph (b) of the FAR clause at 52.225–9.

* * * * *

(c) Acquisitions of eligible products without full and open competition (i.e., all otherwise responsible sources are not permitted to submit offers) shall be made under the authorities in FAR Subparts 6.2 or 6.3 and comply with the respective requirements of these FAR subparts for Determinations and Findings or approved justifications. When acquiring eligible products without full and open competition using the authorities in FAR 6.302–3(a)(2)(i) or 6.302–7, a copy of the approved justification shall be furnished to the Associate Administrator for Acquisition Policy for subsequent transmittal to the U.S. Trade Representative.

Editorial Note.—The forms listed in the summary are illustrated and made part of the regulation. However, the forms are not illustrated in the **Federal Register** or the Code of Federal Regulations. Individual copies may be obtained from any GSA contracting activity or the Director of the Office of GSA Acquisition Policy and Regulations, (VP), 18th and F Streets, NW, Washington, DC 20405.

Dated: February 8, 1988.

Richard H. Hopf III,

Deputy Associate Administrator for Acquisition Policy.

[FR Doc. 88–2993 Filed 2–11–88; 8:45 am]

BILLING CODE 6820–61–M

DEPARTMENT OF TRANSPORTATION

49 CFR Part 92

[OST Docket No. 45432; Notice No. 88–3]

Recovery of Debts to the United States by Salary Offset

AGENCY: Department of Transportation, Office of the Secretary.

ACTION: Final rule; request for comments.

SUMMARY: This rules sets forth procedures to enable the Department of Transportation (DOT) to offset a debt against the Federal pay of a current or former Federal employee who is indebted to the United States under a program administered by DOT. These regulations implement debt collection procedures authorized by the Debt Collection Act of 1982.

DATES: This rule is effective March 14, 1988. Comments must be received by April 12, 1988.

ADDRESS: Send comments to Docket Clerk, Docket No. 45432, Room 4107, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590. Comments are available for public examination at that address Monday through Friday, except Federal holidays, from 9:00 to 5:30 p.m. Commenters wishing the Department to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 45432." The postcard will be date/time stamped and returned to the commenter.

FOR FURTHER INFORMATION CONTACT: Paul B. Larsen, (202) 366–9161, Department of Transportation, Office of the General Counsel, 400 7th Street SW., Room 10102, Washington, DC 20590 or Rolf O. Wold, (202) 366–9874, Department of Transportation, Office of Financial Management, 400 7th Street SW., Room 9114, Washington, DC 20590.

SUPPLEMENTARY INFORMATION: Prior to the enactment of the Debt Collection Act of 1982, Pub. L. 97–365, 5 U.S.C. 5514 addressed only the deduction from the current pay account of an individual for collection of indebtedness arising as a result of an erroneous payment made by a Federal agency to or on behalf of an individual. Section 5 of the Debt Collection Act of 1982 amended 5 U.S.C. 5514 to permit Federal agencies to collect debts owed by current or former Federal employees to the United States through the use of a salary offset. Separate rules are being prepared for the more general collection of claims owed the United States under 31 U.S.C. 3711, 3716–18, 4 CFR Chapter II.

Under the Act, when the head of a Federal agency determines that one of the agency's current or former employees is indebted to the United States, or is notified by the head of another Federal agency that one of the agency's current or former employees is indebted to the United States, the employee's debt may be recovered by offsetting the debt against that employee's pay. The amount of the offset may not exceed 15 percent of the employee's disposable pay except that a greater percentage may be deducted with the written consent of the individual involved. Disposable pay is defined in the Act as gross Federal pay minus deductions required by law to be withheld. These deductions include amounts withheld for Federal, State, and

local income taxes, Social Security taxes, and Federal retirement programs. Whenever possible, subject to the limitations of the Act, deductions shall be sufficient in size to liquidate the debt in three years or less.

The Act also includes safeguards to protect the rights of employees. At least 30 days before an offset may be initiated, the head of the agency holding the debt must notify the debtor that he or she (1) is indebted to the United States indicating the nature and amount of the indebtedness, which the Government intends to collect through deductions from amounts payable, (2) may inspect and copy Government records relating to the debt, (3) may enter into an agreement with the head of the agency concerning a repayment schedule, and (4) may request a hearing contesting the existence or amount of the debt, or the proposed offset schedule where that schedule is not the result of a written agreement between the agency and the employee. In that notification the agency must also explain the employee's rights.

As required by 5 U.S.C. 5514(b) and in conformity with 5 CFR Part 550, Subpart K, DOT is promulgating regulations to implement the offset provisions of the Debt Collection Act of 1982 with regard to Federal employees who are indebted to the United States.

The procedures established here are designed to formalize a strong debt collection effort by DOT. Salary offset would be used as one tool to achieve the goal of effective and efficient debt collection, while providing appropriate safeguards for the due process rights of the individuals.

Regulatory Process Matters

This regulation is classified as a "non-major" regulation under Executive Order 12291. This regulation has also been evaluated under the Department of Transportation's Regulatory Policies and Procedures; the regulation is not significant under those procedures and its economic impact is expected to be so minimal that a full economic evaluation is not warranted. This regulation does not require an environmental impact statement under the National Environmental Policy Act (42 U.S.C. 4321, *et seq.*) because it is not a major Federal action significantly affecting the quality of the human environment.

This rule is being promulgated as a final rule. The Department has not previously published a notice of proposed rulemaking on this matter. Under the Administrative Procedure Act, notice and an opportunity for public comment are not required with respect to rules of agency organization, practice or procedure (5 U.S.C. 553(b)(3)(A)). This is a procedural rule that falls within this exception to the notice and comment requirement.

In any case, the Administrative Procedure Act excepts rules from the notice and comment requirement where the agency finds for good cause that notice and public procedure are unnecessary, impracticable, or contrary to the public interest, 5 U.S.C. 555(b)(3)(B). The Department makes this finding in this case. The Department has been informed by the Treasury Department that there are several hundred claims against DOT employees which may be subject to collection by means of salary offset. Collection of these debts owed the United States would clearly be in the public interest. However, case law (*see American Bankers Association* v. *Bennett*, 618 F. Supp. 1528 (D.C.D.C., 1985)) (subsequently vacated for reasons not relevant to the point for which the case is cited, 802 F.2d 1478 (D.C. Cir., 1986)) suggests that the Department may lack authority to use Debt Collection Act offset procedures in the absence of a rule like this one. To resolve this legal uncertainty and ensure that the Department can begin to use the offset mechanism authorized by the statute, the Department needs to promulgate a final rule at this time.

The Department does, however, solicit public comment on the provisions of this rule. A 60-day comment period is being provided. The Department will review the comments, amend the rule if appropriate, and publish a notice indicating the Department's responses to the comments.

List of Subjects in 49 CFR Part 92

Administrative practice and procedure, Debt collection, Government employees.

For the reasons set forth in the preamble, the Department of Transportation adopts a new Part 92 to Title 49, Code of Federal Regulations, to read as follows:

PART 92—RECOVERING DEBTS TO THE UNITED STATES BY SALARY OFFSET

Sec.

Authority: 5 U.S.C. 5514, as amended; 5 CFR Part 550, Subpart K; 4 CFR Parts 101–105.

§ 92.1 Purpose.

This part implements 5 U.S.C. 5514 (Installment Deduction for Indebtedness to the United States), as amended by the Debt Collection Act of 1982 (Pub. L. 97–365, 96 Stat. 1749, 1751). It supplements 5 CFR Part 550, Subpart K, and the Federal Claims Collections Standards (4 CFR Parts 101–105) issued jointly by the Comptroller General of the United States and the Attorney General of the United States under 31 U.S.C. 3711(e)(2). It sets forth the procedures by which the Department of Transportation (DOT), including its operating elements (see 49 CFR 1.3):

(a) Collects debts owed to the United States by current and former DOT employees;

(b) Determines and collects interest and other charges on that indebtedness.

(c) Offsets the salary of DOT employees to collect debts owed to the United States by those employees; and,

(d) Obtains salary offset to collect debts owed to the United States by employees of other agencies under programs administered by DOT.

§ 92.3 Scope.

The provisions of this Part are applicable to the indebtedness of a current or former employee of DOT incurred under any program administered by DOT. The provisions of this Part do not apply to the collection of indebtedness by authority other than 5 U.S.C. 5514.

§ 92.5 Definitions.

As used in this part:

(a) "Agency" means an Executive Agency as defined by Section 105 of Title 5, United States Code, the U.S. Postal Service, the U.S. Postal Rate Commission, a Military Department as

defined by section 102 of Title 5, United States Code, an agency or court in the judicial branch, an agency of the legislative branch, and any other independent establishments which are entities of the Federal Government. In DOT each operating element will act for the agency in collecting debts under this rule.

(b) "Creditor agency" means the agency to which the debt is owed.

(c) "Debt" means an amount owed to the United States from sources which include, but are not necessarily limited to, erronerous payments made to employees, overpayments of benefits, salary or other allowances, loans insured or guaranteed by the United States and all other amounts due the United States from fees, leases, rents, royalties, services, sales of real or personal property, overpayments, penalties, damages, interest, fines and forfeitures (except those arising under the Uniform Code of Military Justice) and all other similar sources. This term does not include a Government claim arising under the Internal Revenue Code of 1954 (26 U.S.C. 1–9602) as amended; the Social Security Act (42 U.S.C. 301–1397f); the tariff laws of the United States; or any case where collection of a debt by salary offset is explicitly provided for or prohibited by another statute (e.g., emergency and travel advances under 5 U.S.C. 5522, 5705 or 5724 and employee training expenses under 5 U.S.C. 4108).

(d) "Debt Claim Form" means the form used by DOT when requesting that an agency, other than DOT, assist in the recovery of funds.

(e) "Delinquent debt" means a debt which has not been paid by the date specified in the agency's initial written notification or applicable contractual agreement, unless other satisfactory payment arrangements have been made by that date, or if, at any time thereafter, the debtor fails to satisfy obligations under a payment agreement with the creditor agency.

(f) "Disposable pay" means that part of current basic pay, special pay, incentive pay, retired pay, retainer pay, or in the case of an employee not entitled to basic pay, other authorized pay remaining after the deduction of any amount required by law to be withheld. (See 5 CFR 581.105 (b) through (f) for items required by law to be withheld, and therefore excluded from disposable pay for the purposes of this regulation).

(g) "DOT operating element" (see 49 CFR 1.3) means a DOT Operating Administration including—

(1) U.S. Coast Guard.

(2) Federal Aviation Administration.

(3) Federal Highway Administration.

(4) Federal Railroad Administration.

(5) National Highway Traffic Safety Administration.

(6) Urban Mass Transportation Administration.

(7) St. Lawrence Seaway Development Corporation.

(8) Maritime Administration.

(9) Research and Special Program Administration.

(10) The Office of the Secretary.

(h) "Employee" means a current or former employee of a Federal agency, including a member of the Armed Forces (including retired members) or a Reserve of the Armed Forces (Reserves). However, employees paid from non-appropriated funds are not included.

(i) "FCCS" means the Federal Claims Collection Standards, 4 CFR Ch. II, jointly published by the Department of Justice and the General Accounting Office.

(j) "Hearing" means an informal conference before a hearing official in which the employee and the DOT operating element are given an opportunity to present evidence, witnesses, and argument. The hearing official shall be either an administrative law judge or an individual not under the supervision or control of the Department.

(k) "Paying agency" means the agency authorizing the payment of the employee's current pay.

(l) "Salary offset" means an administrative offset to collect a debt under 5 U.S.C. 5514 by deduction(s) at one or more officially established pay intervals from the current pay account of a present or former employee with or without his or her consent. It includes a single offset from the final salary of an employee whose employment ends.

(m) "Waiver" means the cancellation, remission, forgiveness or non-recovery of a debt allegedly owed by an employee to an agency as permitted or required by 5 U.S.C. 5584, 5 U.S.C. 8346(b), 10 U.S.C. 2774, or 32 U.S.C. 716, or any other law.

§ 92.7 Notice, hearing, written response and decision.

(a) Except as provided in § 92.9 of this part, each employee from whom the department proposes to offset a debt against the Federal pay of an employee who is indebted to the United States under a program administrated by DOT under these regulations is entitled to receive a minimum of 30 days written notice as described in § 92.11 of this part (see also § 92.21(a)).

(b) Each employee owing a debt to the United States which will be collected by salary offset is entitled to petition for a hearing before collection starts. This petition shall be filed directly with the accounting or finance office of the DOT creditor operating element which shall make appropriate hearing arrangements consistent with law and regulations. The DOT creditor operating element shall provide an explanation of the rights of the employee. If a hearing is provided, the following issues shall be heard:

(1) The determination of the DOT creditor operating element concerning the existence and amount of the debt; and

(2) The terms of the repayment schedule, if not previously established by written agreement between the employee and the DOT creditor operating element. (See § 92.21(c) regarding copy of written decision by hearing officer describing method and amount of salary offset).

§ 92.9 Exceptions to notice, hearing, written response, and final decision.

(a) *Exceptions.* The procedural requirements of 5 U.S.C. 5514 do not apply to recovery by way of retroactive deductions of amounts which are not considered debts, such as inadequacies in deductions resulting from normal processing delays in implementing increases in deduction for Federal benefits programs, or other administrative adjustments in pay rates or allowances subject to normal processing delays. In such cases the content of the notification to employees is stated in § 92.9(b).

(b) *Simplified procedures to be followed.* In the event that a retroactive deduction from pay or allowances is required to recover an insufficiency of deductions arising through normal processing delays, and those insufficient deductions did not occur in more than four pay periods, rather than following the specific procedures required by 5 U.S.C. 5514(a)(2), and set forth in § 92.11 through § 92.17 of this part, the DOT creditor operating element shall issue in advance of the collection a simplified notice to the employee that:

(1) Because of the employee's election for changes in voluntary payroll deduction, corresponding deductions shall be imposed on the employee's salary to cover the period between the effective date of the election and the first regular withholding. The employee may dispute the amount of the retroactive collection by notifying his or her accounting or finance officer; or

(2) Due to a normal ministerial adjustment in pay or allowances which could not be placed into effect immediately, future pay will be reduced to permit the DOT creditor operating element to recover any excess pay or

allowances received by the employee. The employee may dispute the amount of the retroactive collection by notifying his or her accounting or finance officer.

(c) *Limitation on exceptions.* The exceptions described in paragraph (a) of this section shall not include a recovery required to be made for any reason other than routine processing delays in putting the change into effect, even if the period of time for which the amounts must be retroactively recovered is less than four pay periods. If normal processing delays exceed four pay periods, then the full procedures prescribed under 5 U.S.C. 5514 and §§ 92.11 through 92.17 of this part will be extended to the employee.

§ 92.11 Demand for payment.

(a) The DOT creditor operating element shall send a debtor a total of three progressively stronger written demands at not more than 30-day intervals, unless a response to the first or second demand indicates that a further demand would be futile and the debtor's response does not require rebuttal (see also § 92.21(a)). Other information may also indicate that additional written demands are unnecessary.

(b) The initial written demand for payment shall inform the debtor of:

(1) The basis for the indebtedness;

(2) The amount of the claim;

(3) The date by which payment is to be made;

(4) The debtor's liability for interest, penalties and administrative charges in accordance with 31 U.S.C. 3717 and § 92.35 of this part, if payment is not received within 30 days of the due date (see § 92.35 for details regarding interest, penalties and administrative costs);

(5) The intent of the agency to collect by salary offset, including asking the assistance of other Federal agencies to help in the offset whenever possible, if the debtor:

(i) Has not made payment by the payment due date;

(ii) Has not requested a review of the claim within the agency as set out in paragraph (b)(8) of this section; or

(iii) Has not made an arrangement for payment by the payment due date;

(6) The possible submission of claims to a collection agency or referral to the General Accounting Office or the Department of Justice for litigation in accordance with the procedures in 4 CFR Part 105.

(7) The right of the debtor to inspect and copy the records of the agency related to the claim. Any reasonable costs associated with the inspection and copying of these records shall be borne by the debtor. The debtor shall give reasonable notice in advance to the agency of the date upon which he or she intends to inspect and copy the records involved.

(8) The right of the debtor to a review of the claim within the agency. If the claim is disputed in full or in part, the debtor shall respond to the demand by making a request in writing for a review of the claim within the agency by the payment due date stated in the demand. The debtor's written response shall state the basis for the dispute. If only part of the claim is disputed, the undisputed portion shall be paid by the due date. The DOT creditor operating element shall acknowledge receipt of the request for a review, and upon completion of consideration shall notify the debtor whether its determination has been sustained, amended, or canceled within 15 days of the receipt of the request for a review. If the DOT operating element either sustains or amends its determination, it shall notify the debtor of its intent to collect by salary offset unless payment is received within 15 days of the mailing of the notification of its decision following a review of the claim.

(9) The right of the debtor to offer to make a written agreement to repay the amount of the claim (see § 92.23). The acceptance of such an agreement is discretionary with the agency. If the debtor requests a repayment arrangement because a payment of the amount due would create a financial hardship, the DOT creditor operating element will analyze the debtor's financial condition. Depending on its evaluation of the financial strength of the debtor, the DOT operating element may agree to a written installment repayment schedule with the debtor. The debtor shall execute a confession of judgment note which specifies all of the terms of the arrangement. The size and frequency of installment payments should bear a reasonable relation to the size of the debt and the debtor's ability to pay. Interest, penalties and administrative charges shall be provided in the note (see § 92.35). The debtor shall be provided with a written explanation of the consequences of signing a confession of judgment note. The debtor shall sign a statement acknowledging receipt of the written explanation which shall recite that the statement was read and understood before execution of the note and that the note is being signed knowingly and voluntarily. Some form of evidence of these facts shall be maintained in the agency's file on the debtor.

(10) The right to an oral hearing or a hearing based on written submissions conducted by an administrative law judge or by a hearing official not under the control of the head of the Department in accordance with § 92.13 of this part.

(11) The consequences of any knowingly false statements, representations, or evidence provided by the employee, which may include:

(i) Disciplinary procedures under 5 U.S.C. Chapter 75, 5 CFR Part 752, or any other applicable statutes or regulations;

(ii) Criminal penalties under 18 U.S.C. 286, 287, 1001 and 1002, or any other applicable statute; or,

(iii) Penalties under the False Claims Act, 31 U.S.C. 3729, *et seq.*, or any other applicable statute.

(12) Proceedings under any other statutory authority for the collection of claims of the DOT operating element.

(13) The fact that amounts paid on or deducted from the debt which are later waived or found not owed to the United States will be promptly refunded to the employee unless there are applicable contractual or statutory provisions to the contrary.

(14) The name, address, and telephone number of the accounting or finance officer who may be contacted if the employee wishes to review the records or to obtain information.

§ 92.13 Request for hearing.

(a) The employee shall be advised in the notification that a hearing may be requested by filing a written petition within 15 calendar days of receipt of the notification, addressed to the chief of the paying agency's accounting or finance office.

(b) The petition shall state the grounds upon which the employee disputes the proposed collection of the alleged debt. The petition shall identify and explain with reasonable specificity the facts, evidence which, and witnesses who the employee believes support his or her position.

(c) The timely filing of a petition for hearing shall stay any further collection proceedings. A decision by the administrative law judge or other hearing official (see § 92.5(j)) will be issued at the earliest practical date, but no later than 60 days after the filing of a petition for hearing, unless a delay is granted at the request of the employee.

§ 92.15 Request for hearing after time expires.

The Department may accept late requests for a hearing if the employee can show that delay in requesting a hearing beyond the period provided in the notice described in § 92.11 of this part was caused by circumstances

beyond his or her control or because of failure to receive notice of the time limit (unless he or she was otherwise aware of it) or because of new information.

§ 92.17 Form of hearings and written decisions.

(a) Hearings shall consist of informal conferences before an administrative law judge or other hearing official (see § 92.5(j)) in which the employee and the DOT creditor operating element are given full opportunity to present evidence, witnesses, and argument. The DOT operating element will maintain a summary record of a hearing provided under these procedures.

(b) Written decisions provided after a request for hearing shall, at a minimum, summarize the evidence alleged to substantiate the nature and origin of the alleged debt; the administrative law judge's or other hearing official's analysis, findings and conclusions; the amount and validity of the alleged debt; and, where applicable, the repayment schedule.

(c) A copy of the administrative law judge's or other hearing official's final decision shall be provided to the employee as well as the chief of the office authorized to collect debts by deduction from salary.

(d) The decision of the administrative law judge or other hearing official shall be final and binding on the parties.

§ 92.19 Obtaining the services of a hearing official.

(a) Where a DOT operating element is the creditor agency, the chief of the appropriate accounting or finance office shall schedule a hearing before an administrative law judge or other hearing official.

(b) If another (non-DOT) agency is the creditor agency, then it is the responsibility of that agency to arrange for a hearing if one is requested.

(c) Agents for the paying agency are designated in Appendix A to 5 CFR Part 581. (This appendix lists the agents designated to accept legal process for the executive branch, the U.S. Postal Service, the Postal Rate Commission, the District of Columbia, American Samoa, Guam, the Virgin Islands, and the Smithsonian Institution.

§ 92.21 Deduction from pay.

(a) After other, less severe collection actions have failed, the DOT operating element (see § 92.5(g)) may implement steps to obtain collection by salary offset. The method and the amount of the salary offset shall be the method and amount stated in the creditor agency's demand letter (see § 92.11) or notice (see § 92.7), or, if applicable, in the decision of an administrative law judge or other hearing official after an employee-requested hearing on the matter. If a DOT operating element is the creditor, the procedures stated in § 92.11 shall be followed.

(b) Before a collection by salary offset may be made, the chief of the accounting or finance office of the paying DOT operating element shall be furnished with certified documentation by the creditor agency indicating that the creditor agency has sent the employee a demand letter pursuant to § 92.11 of this part stating as a minimum:

(1) The nature and amount of the indebtedness and the intention of the agency to initiate, at the expiration of thirty days, a proceeding to collect the debt by salary offset; and an explanation of the rights of the employee under this subsection;

(2) That the employee has the opportunity to inspect and copy Government records relating to the debt;

(3) That the employee has an opportunity to enter into a written agreement with the agency to establish a schedule for the repayment of the debt;

(4) That the employee has an opportunity for a hearing on the determination of the agency concerning the existence or the amount of the debt, and in the case of an individual whose repayment schedule is established other than by a written agreement as described in paragraph (b)(3) of this section concerning the terms of the repayment schedule; and

(5) That the creditor agency's regulations implementing 5 U.S.C. 5514 have been approved by OPM (see 5 CFR 550.1108(a)).

(c) Where a hearing has been held, a copy of the decision of the administrative law judge or other hearing official must be furnished to the chief of the accounting or finance office of the paying DOT operating element before collection of the indebtedness by salary offset may be initiated. The method and amount of the offset will be as stated in the decision.

§ 92.23 Collection.

(a) A debt shall be collected in a lump sum or by installment deductions at officially established pay intervals from an employee's current pay account, unless the employee and the DOT operating element agree to alternative arrangements for payment (see § 92.11(b)(9) describing such voluntary repayment arrangements). The alternative arrangement shall be in writing, signed by both the employee and the chief of the appropriate accounting or finance office, and shall be documented in the DOT operating element's files.

(b) Under 31 U.S.C. 3716 and 4 CFR 102.3(b)(3), agencies may not initiate offset to collect a debt more than 10 years after the Government's right to collect the debt accrued, unless facts material to the Government's rights to collect the debt were not known by the DOT operating element's official or officials charged with the responsibility to discover and collect the debt.

§ 92.25 Source of deductions.

Except as provided in § 92.31 and § 92.33 of this part (with respect to separated employees), the paying DOT operating element will make deductions only from disposable pay (see § 92.5(f).

§ 92.27 Duration of deductions.

Debts shall be collected in one lump sum where possible. However, if the employee is financially unable to pay in one lump sum or the amount of the debt exceeds 15 percent of disposable pay payable in one pay period, collection will be made in installments. Such installment deductions will be made over a period not greater than the anticipated period of employment or active duty, as the case may be, except as provided in § 92.29, § 92.31, and § 92.33 of this part.

§ 92.29 Limitation on amount of deductions.

The size and frequency of installment deductions shall bear a reasonable relation to the size of the debt and the employee's ability to pay. However, the amount deducted for any period may not exceed 15 percent of the disposable pay from which the deduction is made, unless the employee has agreed in writing to the deduction of a greater amount.

§ 92.31 Liquidation from final payment.

If the employee retires, resigns his or her employment, is terminated, or the employment or period of active duty ends before collection of the debt is completed, there shall be an offset from subsequent payments of any nature (e.g., final salary, lump sum leave, etc.) due the employee from the DOT operating element on the date of separation to the extent necessary to liquidate the debt.

§ 92.33 Recovery from other payments due a separated employee.

If the debt cannot be liquidated by offset from any final payment due the employee as of the date of separation, the DOT operating element shall liquidate the debt by administrative offset pursuant to 31 U.S.C. 3716 from later payments of any kind due the

former employee from the United States, where appropriate (see § 92.41(b)(2)(ii)).

§ 92.35 Interest, penalties and administrative costs.

(a) Where a DOT creditor operating element (see § 92.5(g)) is the creditor, it shall charge interest on an outstanding debt at the rate published by the Secretary of the Treasury in accordance with 31 U.S.C. 3717. The rate of interest assessed shall be the rate of the current value of funds to the United States Treasury (i.e., the Treasury tax and loan account rate), as prescribed and published by the Secretary of the Treasury in the **Federal Register** and the Treasury Financial Manual Bulletins annually or quarterly, in accordance with 31 U.S.C. 3717. The DOT creditor operating element shall charge a penalty of six percent a year, in addition to interest, on any portion of a debt that is more than 90 days past due. It shall assess administrative charges to cover additional costs incurred in processing and handling the debt beyond the payment due date. The imposition of interest, penalties and administrative charges is made in accordance with 31 U.S.C. 3717 and 4 CFR 102.13.

(b) Interest on debt shall begin to accrue on the date on which the debtor is first sent or delivered notice of the debt and of the interest requirements or, in the case of advance billings, on the calendar date following the specified due date of the debt provided the advance billing gives notice of the interest requirements for late payment. Interest on the debt shall continue to accrue until payment is received. Interest shall be calculated only on the principal of the debt (simple interest). The rate of interest charged shall be the rate in effect on the date from which interest begins to accrue, and shall remain fixed for the duration of the indebtedness.

(c) A DOT creditor operating element shall waive the monthly interest on debt that is paid within 30 calendar days after the date on which interest began to accrue.

(d) A DOT creditor operating element may waive interest, penalties and/or administrative charges if it finds that:

(1) The debtor is unable to pay any significant sum toward the claim within a reasonable period of time;

(2) Collection of interest, penalties or administrative charges will jeopardize collection of the principal of the debt; or

(3) It is otherwise in the best interests of the United States, including the situation where an offset or installment payment agreement is in effect.

§ 92.37 Non-waiver of rights by payment.

An employee's payment or agreement to pay, whether voluntary or involuntary, of all or any portion of an alleged debt being collected pursuant to these procedures shall not be construed as a waiver of any rights which the employee may have under this Part to the extent of such payment or agreement.

§ 92.39 Refunds.

(a) Amounts paid or deducted from the account of a current or former employee of the United States Government, pursuant to this part, for a debt which is found not owing to the United States shall be promptly refunded to the employee.

(b) Amounts which are waived shall, after proper application, be promptly returned after approval of the application.

§ 92.41 Requesting recovery when the Department is not the paying agency.

(a) *Format of the request for recovery.* (1) Where the DOT operating element is the creditor agency and another agency is the paying agency, the chief of the accounting of finance office of the appropriate DOT operating element (see § 92.5(g)) shall complete and certify the "Debt Claim Form" (see Attachment 1), and attach a copy of the demand letter sent to the employee pursuant to § 92.11 with a statement of the employee's response thereto, or, if a hearing was held pursuant to § 92.13, attach a copy of the decision of the administrative law judge or other hearing official. The DOT creditor operating element shall certify that the employee owes the debt, the amount and basis of the debt, the date on which payment is due, the date the Government's right to collect the debt accrued, and that the Departmental regulations implementing 5 U.S.C. 5514 have been approved by the Office of Personnel Management.

(2) If the collection is to be made in voluntary or involuntary installments (see Attachment 1), the DOT creditor operating element shall also advise the paying agency of the amount of the installments and, if a date for the beginning of payments other than the next officially established pay period is required, the date of the first installment.

(3) Unless the employee has voluntarily agreed to the salary offset in writing or, in the absence of such agreement, has signed a statement acknowledging receipt of the procedures required by 5 U.S.C. 5514(a)(2) and the writing or statement is attached to the debt claim form, the DOT creditor operating element shall also indicate the action(s) taken under 5 U.S.C. 5514 and give the date(s) the action(s) were taken.

(b) *Submitting the request for recovery*—(1) *Current employees.* The DOT creditor operating element shall submit the "Debt Claim Form" (Attachment 1) to the employee's paying agency.

(2) *Employees who are separating or have separated*—(i) *Employees who are in the processs of separating.* If the employee is in the process of separating, the DOT creditor operating element shall submit its debt claim (Attachment 1) to the employee's paying agency for collection as provided in § 92.31 of this part. The paying agency is required to certify the total amount of its collection made or to be made prior to separation and notify the DOT creditor operating element and the employee as provided in § 92.41 (b)(2)(iii). If the paying agency is aware that the employee is entitled to payments from the Civil Service Retirement and Disability Fund, or other similar payments, it shall advise the DOT operating element and send a copy of the debt claim and certification to the agency responsible for making such payments as notice that a debt is outstanding.

(ii) *Employees who have already separated.* If the employee has already separated and all payments due from his or her former paying agency have been paid, the DOT operating element may request, unless otherwise prohibited for example by court order, that monies which are due and payable to the employee from the Civil Service Retirement and Disability Fund (5 CFR 831.1801 et seq.) or other similar funds, be administratively offset in order to collect the debt (see 31 U.S.C. 3716 and the FCCS).

(iii) *Employees who transfer from one paying agency to another.* If, after the DOT creditor operating element has submitted the debt claim to the employee's paying agency, the employee transfers to a position served by a different paying agency before the debt is collected in full, the paying agency from which the employee separates shall certify the total amount of the collection made on the debt. One copy of the certification shall be furnished to the employee and another to the DOT operating element along with notice of the employee's transfer. The original of the debt claim form shall be inserted in the employee's official personnel folder along with a copy of the certification of the amount which has been collected. Upon receiving the official personnel folder, the new paying agency shall, in accordnce with the DOT operating element's properly certified claim,

resume the collection from the employee's current pay account and notify the employee and the DOT creditor operating element of the resumption. The DOT operating element is not required to repeat the required collection procedures from the beginning in order to resume the collection. However, it shall be the responsibility of the DOT creditor operating element to review the debt upon receiving the former paying agency's notice of the employee's transfer to make sure the collection is resumed by the new paying agency.

§ 92.43 Requests for recovery when the Department is the paying agency.

(a) *Incomplete request for recovery.* If the request for recovery received by the chief of the accounting or finance office of the appropriate DOT operating element is incomplete in any respect (see § 92.21(b)) including, but not limited to, the failure to certify in writing that the employee owes the debt, the amount and basis of the debt, the date on which payment(s) is due, the date the creditor agency's right to collect the debt first accrued, and that the creditor agency's regulations implementing 5 U.S.C. 5514 were approved by OPM, the request shall be returned to the creditor agency with a statement of the deficiency. No action to implement salary offset may be initiated until a complete request has been received.

(b) *Complete request for recovery.* If a complete request for recovery is received by the chief of the accounting or finance office of the appropriate DOT operating element, a copy of the request and any supporting documentation shall be transmitted to the appropriate payroll office, and deductions shall be scheduled to begin at the next officially established pay interval. A copy of the request and any supporting documentation shall be provided to the debtor, along with a notice of the date deductions will begin.

(c) The DOT operating element may not review the merits of the creditor agency's determination with respect to the amount or validity of the debt as stated in the request for recovery.

§ 92.45 Other debt collections.

Separate rules exist for general collection of debts owed the United States under 31 U.S.C. 3711, 3716–18; 4 CFR Ch. II.

BILLING CODE 4910-62-M

Attachment 1

DEBT CLAIM FORM

1. Paying agency identification	2. Employee identification
a. Name	a. Name
b. Address	b. Address
	c. DOB d. SSN

To liquidate a debt to the United States, the named creditor agency asks that the debt be collected as shown from the current pay of the employee identified above. Notices and inquiries concerning the debt should be sent to the address shown below.

3. Debt information

a. Reason for debt:			
b. Date right to collect accrued	c. Debt identification number, if any		
d. Original debt: amount $	e. Number of installments	@	Amount $
f. Interest due (if none, show N/A $			$
g. Penalty due (if none, show N/A $			$
h. Administrative cost (if none, show N/A $			$
i. Total collection to be made $	j. Commence deductions on (date)		

4. Due process: __/__/__ date actions taken: or attach __/__/__ acknowledgement __/__/__ consent

Creditor agency 30-day salary offset notice		Hearing held	
Employee did not respond (consent assumed)		Decision for creditor agency	
Employee requested a hearing		Other -	

I certify the following: (1) the debt identified above is properly due the United States from the named employee in the amount shown; (2) this agency's regulations implementing 5 U.S.C. 5514 have been approved by the Office of Personnel Management, and (3) the information concerning this agency's and the employee's actions is correct as stated.

5. Creditor agency information

a. Name	b. Appropriation/fund (title/symbol #)
c. Address	d. Disbursing officer (name/symbol #)
e. Signature of certifying official	f. Date
g. Title	h. Telephone number

BILLING CODE 4910-62-C

Issued at Washington DC, this 11th day of January, 1988.

Jim Burnley,

Secretary of Transportation.

[FR Doc. 88-2843 Filed 2-11-88; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 675

[Docket No. 71147-8002]

Groundfish of the Bering Sea and Aleutian Islands Area

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

ACTION: Notice of closure.

SUMMARY: NOAA announces the closure of the Bering Sea subarea joint venture processing (JVP) directed fishery on pollock under provisions of the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP). The intent of this action is to assure optimum use of groundfish and promote the orderly conduct of the groundfish fisheries. This closure is effective from 2400 G.m.t. February 9, 1988 to April 16, 1988.

DATES: This closure is effective from 2400 G.m.t. February 9, 1988 to April 16, 1988. Comments will be accepted through February 24, 1988.

ADDRESS: Comments should be mailed to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK. 99802, or be delivered to Room 453, Federal Building, 709 West Ninth Street, Juneau, Alaska.

FOR FURTHER INFORMATION CONTACT: Janet E. Smoker (Resource Management Specialist, NMFS), 907-586-7230.

SUPPLEMENTARY INFORMATION: The FMP governs the groundfish fishery in the exclusive economic zone under the Magnuson Fishery Conservation and Management Act. The FMP was developed by the North Pacific Fishery Management Council (Council) and is implemented by rules appearing at 50 CFR 611.93 and Part 675. Amendment 11 to the FMP established a split season apportionment of pollock for JVP. Under this rule, the JVP amount of pollock is divided into two parts, Part One equal to 40 percent of the sum of the initial JVP for pollock plus 15 percent of the TAC for pollock. Part One is made available to the JVP fishery for pollock during the period January 15 through April 15.

The Bering Sea subarea Part One JVP pollock apportionment in 1988 is 274,335 mt (50 CFR 894, January 14, 1988). Up to ninety U.S. catcher boats have delivered pollock to about seventy foreign processors each day since the January 15 opening, with total daily catches as high as 11,000 mt. NMFS estimates the pollock catch through February 6 to be 228,806 mt.

Notice of Closure Directed Fishing

Under 50 CFR 675.20(b)(3)(i) as described in the final rule of Amendment 11 to the FMP (52 FR 45966, December 3, 1987), when the Regional Director determines that the unharvested amount of Part One is necessary for bycatch in JVP fisheries for other groundfish fisheries during the first period, the Secretary will publish a notice in the **Federal Register** prohibiting directed JVP fishing for pollock for the remainder of the first period. Directed fishing is defined in § 675.2.

The Regional Director estimates that the JVP tonnage of groundfish target species other than pollock (Pacific cod, yellowfin sole, and flatfish) taken during the nine weeks prior to April 16 will require a bycatch amount without exceeding the 274,335 mt Part One quota, directed fishing for pollock by U.S. fishermen delivering catches to foreign processing vessels must cease in the Bering Sea subarea effective 1500, Alaska Standard Time (A.S.T.) February 9, 1988. Subject to further notices, U.S. fishermen delivering catches to foreign processing vessels may resume directed fishing for pollock in the Bering Sea subarea at 0800, A.S.T., April 16, 1988.

Classification

This action is taken under the authority of 50 CFR 675.20(b) and complies with Executive Order 12291.

The Assistant Administrator for Fisheries finds for good cause that it is impractical and contrary to the public interest to provide prior notice and comment. Immediate effectiveness of this notice is necessary to prevent the Part One JVP quota for the Bering Sea subarea from being prematurely exceeded. However, interested persons are invited to submit comments in writing to the address above for 15 days after the effective date of this notice.

List of Subjects in 50 CFR Part 675

Fish, Fisheries, Reporting and recordkeeping requirements.

(16 U.S.C. 1801 *et seq.*)

Dated: February 9, 1988.

Richard H. Schaefer,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Services.

[FR Doc. 88-3049 Filed 2-9-88; 3:18 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 53, No. 29
Friday, February 12, 1988

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 50, 51, 77, 78, and 92

[Docket No. 88-007]

Brucellosis and Tuberculosis Regulations That Require or Allow Hot-Iron Branding of Animals on the Jaw; Petition for Rulemaking

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of petition for rulemaking.

SUMMARY: This document acknowledges receipt of a petition requesting that the Agency initiate rulemaking proceedings with regard to all brucellosis and tuberculosis regulations that require or allow hot-iron branding of animals on the jaw.

ADDRESSES: The petition is available for public inspection at Room 728 of the Federal Building, Animal and Plant Health Inspection Service, United States Department of Agriculture, 6506 Belcrest Road, Hyattsville, MD 20782. Hours for inspection are between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Granville H. Frye, Chief Staff Veterinarian, Program Planning Staff, Veterinary Services, APHIS, USDA, Room 839, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8711.

SUPPLEMENTARY INFORMATION:

Background

In accordance with regulations in 9 CFR Parts 50, 51, 77, 78, and 92, the Animal and Plant Health Inspection Service administers programs designed to control and eradicate brucellosis and tuberculosis in cattle and bison. Brucellosis, also called Bang's disease, is a contagious bacterial disease affecting cattle, bison, and other animals. It can cause sterility, slow-breeding, abortion, and loss of milk production. Bovine tuberculosis is a contagious, infectious, and communicable disease of cattle, bison, and other species, including humans. Tuberculosis in affected animals causes weight loss and general debilitation.

In both the Brucellosis and the Bovine Tuberculosis Eradication programs, hot-iron branding on the jaw is used to identify animals that have been exposed to or contracted the disease. Also, in the brucellosis program hot-iron branding on the jaw is used to identify certain cattle and bison that have been vaccinated against the disease. In addition, as a part of surveillance for bovine tuberculosis, hot-iron branding on the jaw is required as a means of permanently identifying steers imported into the United States from Mexico.

Petition

We have received a petition requesting the Agency to initiate rulemaking proceedings with regard to all regulations that now require or allow animals to be hot-iron branded on the jaw under the Brucellosis and the Bovine Tuberculosis Eradication Programs. The petition was filed on behalf of the American Society for Prevention of Cruelty to Animals, the Animal Protection Institute, the Humane Society of the United States, the Fund for Animals, and the Massachusetts Society for Prevention of Cruelty to Animals. Petitioners suggest that freeze-branding, or a marking method comparable to freeze-branding, be substituted for hot-iron branding as the exclusive method of branding animals under the brucellosis and tuberculosis programs. In the alternative, petitioners suggest that amended regulations allow animal owners the option of having animals marked by freeze-branding or a marking method comparable to freeze-branding.

We have responded to the petitioners in writing and have assured them that their suggestions are under active consideration. As noted in the **"ADDRESS"** section of this notice, the petition is available for public inspection. After we review the petition, we will decide what futher action is necessary. If a decision is made to propose changes in the regulations, public comment will be requested as a part of that rulemaking proceeding.

Dated: February 9, 1988.

James W. Glosser,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 88-3091 Filed 2-11-88; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 87-AGL-30]

Proposed Transition Area Alteration, Grantsburg, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the existing Grantsburg, WI, transition area to accommodate a new VOR-A Standard Instrument Approach Procedure (SIAP) to Grantsburg Municipal Airport, Grantsburg, WI. The intended effect of this action is to ensure segregation of the aircraft using approach procedures in instrument conditions from other aircraft operating under visual weather conditions in controlled airspace.

DATES: Comments must be received on or before March 10, 1988.

ADDRESS: Send comments on the proposal in triplicate to: Federal Aviation Administration, Regional Counsel, AGL-7, Attn: Rules Docket No. 87-AGL-30, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

An informal docket may also be examined during normal business hours at the Air Traffic Division, Airspace Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

FOR FURTHER INFORMATION CONTACT: Roger G. Ferguson, Air Traffic Division, Airspace Branch, AGL-520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 87-AGL-30." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of Regional Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2, which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the designated transition area airspace near Grantsburg, WI.

The present transition area is being modified to accommodate a new VOR-A instrument approach procedure predicated on the Siren, WI VOR/DME. The modification consists of eliminating the existing extension to the transition area and increasing the present radius from 6.5 miles to 7.5 miles.

The development of the procedure requires that the FAA alter the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the defined area which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6C dated January 2, 1987.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

The Proposed Amendment

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

PART 71—[AMENDED]

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

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

§ 71.181 [Amended].

2. Section 71.181 as amended as follows:

Grantsburg, WI [Revised]

That airspace extending upward from 700 feet above the surface within a 7.5 mile radius of the Grantsburg Municipal Airport, Grantsburg, WI (lat. 45°47'55" N, long. 92° 39' 51" W).

Issued in Des Plaines, Illinois, on January 25, 1988.

Teddy W. Burcham,

Manager, Air Traffic Division.

[FR Doc. 88-2984 Filed 2-11-88; 8:45 am]

BILLING CODE 4910-13-M

Office of the Secretary

14 CFR Part 316

49 CFR Part 89

[OST Docket No. 45431; Notice No. 88-2]

Collection of Claims Owed the United States

AGENCY: Department of Transportation, Office of the Secretary.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule supplements 49 CFR Part 89, Implementation of Federal Claims Collection Act of 1966, by adding procedures that would implement the Debt Collection Act of 1982 for the Department of Transportation (DOT). This rule would provide DOT with formal procedures for the collection of claims owed the United States arising from activities under the jurisdiction of the Department. This rule is proposed on DOT's initiative.

DATE: Comments must be received by April 12, 1988.

ADDRESS: Interested persons should submit comments to Docket Clerk, Docket No. 45431, Department of Transportation, 400 Seventh Street SW., Room 4107, Washington, DC 20590. Comments will be available for examination by interested persons from 9:00 a.m. to 5:30 p.m. Monday thru Friday. Commenters wishing the Department to acknowledge receipt of their comments submitted in response to this notice must submit with those comments made: "Comments to Docket No. 45431" the postcard will be date/time stamped and returned to the commenter.

FOR FURTHER INFORMATION CONTACT: Paul B. Larsen, Department of Transportation, Office of the General Counsel, 400 7th Street SW., Room 10102, Washington, DC 20590, (202) 366-9161.

SUPPLEMENTARY INFORMATION: Congress adopted the Debt Collection Act of 1982

to increase the Government-wide efforts to collect debts owed the United States and to provide additional procedures for the collection of debts. The Act applies to debts owed the Department of Transportation. The Department has previously implemented the Debt Collection Act with regard to those functions previously performed by the Civil Aeronautics Board, see 14 CFR Part 316. The Department now proposes to apply the debt collection procedures under 14 CFR Part 316 (50 FR 2428, January 16, 1985) to the entire Department with a new provision that debts over 90 days delinquent may be turned over to professional debt collection contractors. The use of debt collection agencies is specifically provided for under section 13(b) of the Debt Collection Act which added section 3(f) to the Federal Claims Collection Act (see 31 U.S.C. 3718).

The former CAB procedures would cease. They would be moved to Title 49 of the Code of Federal Regulations and consolidated with existing rule to integrate it with the new provisions and to reflect organizational changes since the rule's adoption. The proposed rule is comprehensive in that it applies to all claims under the Federal Claims Collection Act which are owed the Department. DOT operating elements, could, however, use different procedures for the collection of fines and penalties to the extent that such different procedures are allowed by applicable laws and regulations.

The provisions on interest, late payment penalties and collection charges and on collection by administrative offset would not apply to debts which other United States government agencies, or state governments or units of general local government owe the Department (see 31 U.S.C. 3701(c)). Neither would it apply to recovery of debts owed by current or former employees of the United States governed by 5 U.S.C. 5514. However it would apply to the debts of former employees not receiving the types of pay listed in that section.

DOT would, whenever feasible, collect claims by means of administrative offset against obligations of the United States to the debtor. DOT could refer claims to the Internal Revenue Service for collection by a reduction of tax refunds.

Regulatory Evaluation

This proposed regulation is classified as a "non-major" regulation under Executive Order 12291 because it would have an economic impact of less than $100 million. This regulation has also been evaluated under the Department of Transportation's Regulatory Policies and Procedures; the regulation is not significant under those Procedures and its economic impact is expected to be so minimal that a regulatory evaluation is not warranted.

Regulatory Flexibility Act Determination

I certify that this regulation, if adopted, would not have a significant economic impact in a substantial number of small entities. The economic impact of the proposed rule is expected to be minimal. In this regard, measures would be triggered only by a failure to pay debts owed the United States and, therefore, are avoidable. This Department has no reason to believe that small entities, in particular, would be seriously affected by this proposed rule.

Environmental Impact

This proposal does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321, et seq.), because it is not a major Federal action significantly affecting the quality of the human environment.

Paperwork Reduction Act

The collection-of-information requirements in this proposal are subject to the Paperwork Reduction Act, Pub. L. 96-511, 44 U.S.C. Chapter 35. Those requirements have been submitted to the Office of Management and Budget (OMB) for review and comment. Persons may submit comments on the collection-of-information requirements to OMB and to DOT. Comments sent to OMB should be addressed to: Office of Information and Regulatory Affairs, ATTN: Desk Office for Office of the Secretary, DOT, Office of Management and Budget, Washington, DC 20503.

List of Subjects

14 CFR Part 316

Claims, Penalties, Reporting and recordkeeping requirements.

49 CFR Part 89

Administrative practice and procedures, Claims collection.

Accordingly, the Department of Transportation proposes to amend 14 CFR Chapter II and 49 CFR Subtitle A as set forth below:

PART 316—[REMOVED]

1. 14 CFR Part 316 is removed.

2. 49 CFR Part 89 is revised to read as follows:

PART 89—IMPLEMENTATION OF THE FEDERAL CLAIMS COLLECTION ACT

Subpart A—General

Sec.

Subpart B—Collection of Claims

Authority: Pub. L. 89-508, July 19, 1966, 80 Stat. 308 (31 U.S.C. 3701, 3711; Pub. L. 97-365, §§ 3, 10, 11, 13(b), Oct. 25, 1982, 96 Stat. 1749, 1754, 1755, 1757 (31 U.S.C. 3701-3720A); Pub. L. 98-167, Nov. 29, 1983, 97 Stat. 1104 (31 U.S.C. 371.

Subpart A—General

§ 89.1 Purpose.

This part implements the Federal Claims Collection Act of 1966, 31 U.S.C. 3701-3720A, as amended primarily by the Debt Collection Act of 1982 (Pub. L. 97-365, 96 Stat. 1749) and the Debt Collection Amendments of 1986 (Pub. L. 99-578, 100 Sat. 3305). It supplements the Federal Claims Collection Standards (FCCS), 4 CFR Parts 101-105, issued jointly by the Comptroller General of the United States and the Attorney General of the United States under 31 U.S.C. 3711(e)(2). According to the Federal Claims Collection Act, as amended, and the FCCS, this part sets forth procedures by which the Department of Transportation (DOT) and its operating elements (see 49 CFR 1.3):

(a) Collect claims owed to the United States arising from activities under its jurisdiction;

(b) Determine and collect interest and other charges on those claims;

(c) Compromise claims; and

(d) Refer unpaid claims for litigation.

Operating elements may adopt different internal directives to the extent allowed by applicable laws and regulations.

§ 89.3 Applicability.

(a) The part applies to collection of all claims due the United States under the Federal Claims Collection Act of 1966 as amended by the Debt Collection Act of 1982 and the Debt Collection Amendments of 1986 (Pub. L. 99–578), arising from activities under the jurisdiction of DOT including amounts due the United States from fees, overpayments, fines, civil penalties, loans, damages, interest, and other sources.

(b) This part does not apply to collection, settlement or compromise of debts owed the United States pursuant to authority other than Title 31, Chapter 37, Subchapter II, for example this Part does not apply to the enforcement of contracts under 46 U.S.C. 1117, delegated to the DOT Maritime Administration.

(c) § 89.23 (interest, late payment penalties, and collection charges) and § 89.25 (collection by administrative offset) of this part do not apply to debts which other United States government owe the Department (see 31 U.S.C. 3701 (c)). Neither does the proposed rule apply to recovery of debts owed by current or former employees of the United States governed by 5 U.S.C. 5514.

(d) Claims arising out of contracts that contain specific provisions relating to claims are governed by those specific provisions to the extent that those provisions comply with existing law and with 4 CFR Ch. II.

(e) As used in this part, the terms debt and claim are interchangeable and have the meaning defined in 4 CFR 101.2(a). A debtor's liability arising out of a particular incident or adjudication exclusive of interest, administrative costs, and late payment penalties, is a single claim.

(f) The provision of this part shall apply to the collection of all debts and claims owed to any DOT operating element. *Provided*, that with respect to a fine or civil penalty, the provisions of subpart B of this part shall not apply until the existence of the debt or claim has been established by a settlement agreement, a court or judgment, or a final administrative determination has been made under § 89.21 of this part.

§ 89.5 Delegations of authority.

The functions, powers, and duties of the Secretary of Transportation to attempt collection of claims, to compromise claims of the United States not exceeding $20,000 and to suspend and terminate action to collect such claims are delegated to:

(a) The Assistant Secretary for Administration with respect to claims arising out of the activities of, or referred to, the Office of the Secretary; and

(b) The heads of other DOT operating elements with respect to claims arising out of the activities of, or referred to, their organizations.

§ 89.7 Exceptions to delegated authority.

The authority delegated under § 89.5 does not apply to any claim:

(a) As to which there is an indication of (1) fraud; (2) the presentation of a false claim; or (3) misrepresentation on the part of the debtor or any other party having an interest in the claim;

(b) Based on tax statutes; or

(c) Arising from an exception made by the General Accounting Office in the account of an accountable officer.

§ 89.9 Redelegation.

Each officer to whom authority is delegated under § 89.5 may redelegate and authorize successive redelegations of the authority within the organization under his or her jurisdiction.

§ 89.11 Standards for exercise of delegated authority.

The authority delegated under § 89.5 shall be exercised in accordance with the standards for the collection and compromise of claims and for the suspension and termination of action to collect claims promulgated by the United States General Accounting Office and the United States Department of Justice, and published at 4 CFR Ch. II, as those standards may be amended.

§ 89.13 Documentary evidence of compromise.

A compromise of any claims is not final or binding on the United States unless it is in writing, signed by an officer or employee authorized to compromise that claim.

§ 89.15 Regulations, reports, and supporting documentation.

(a) Each officer to whom authority is delegated under § 89.5 may promulgate regulations for the exercise of that authority within his or her organization. These regulations shall be revised, as necessary, to conform to any amendments to this part.

(b) Each officer to whom authority is delegated under § 89.5 shall furnish the following information to the Assistant Secretary for Administration:

(1) A copy of each redelegation of that authority.

(2) A semiannual report listing those claims compromised or with respect to which collection action has been suspended or terminated, specifying the name of the debtors, the amount of the claim, the nature of the claim, the type of action taken, and the general basis for the action taken.

(3) A copy of any implementing regulations governing the exercise of the authority delegated under § 89.5, and any amendments to those regulations.

(c) Each officer or employee to whom the Secretary's authority has been delegated or redelegated, before exercising such authority, shall acquire sufficient documentation to demonstrate that the action taken is in the best interests of the United States. This documentation will be retained with and treated as part of the file concerning the debt.

(d) The failure of any officer or employee to comply with this section does not limit or impair his or her exercise of authority.

Subpart B—Collection of Claims

§ 89.21 Administrative collection.

Except as provided differently in the directives of the DOT operating elements (see § 81.1):

(a) DOT shall send a debtor a total of three progressively stronger written demands at not more than 30-day intervals, unless a response to the first or second demand indicates that a further demand would be futile or the debtor's response does not require rebuttal, or other pertinent information indicates that additional written demands would be unnecessary.

(b) The initial written demand for payment (and the notice of offset under § 89.25) shall inform the debtor of:

(1) The basis for the indebtedness and the debtor's right to obtain review (see § 89.21(f) for details on review).

(2) The amount of the claim;

(3) That payment in excess of ten thousand dollars shall be made by wire transfer through the Federal Reserve communications, commonly known as Fedwire, to the account of the U.S. Treasury in accordance with the instructions provided in the demand letter.

(4) The delinquency date, or the date by which payment is to be made (30 days from the date of mailing or hand delivery of the initial demand letter);

(5) The standards for interest, penalties, and administrative charges in accordance with 31 U.S.C. 3717, if payment is not received by the due date (see § 89.23 for details regarding interest, collection charges, and late payment penalty charges;

6. Where a notice of offset is concerned, the right to make voluntary payment before collection by offset begins (see § 89.25).

(7) The possible reporting of the claim to commercial credit bureaus and consumer reporting agencies, however a notice of offset should not include this warning.

(8) The possibility that DOT will forward the claims to a collection agency, the General Accounting Office, the Department of Justice, or private counsel contracting with the Department of Justice for collection; however a notice of offset should not include this warning.

(c) If the debtor fails to respond to the demands for payment by the due date specified in the notice, the Department may take further action under this part or the FCCS under 4 CFR Parts 101 through 105, pursuant to 31, U.S.C. 3701–3720A. These actions may include reports to commercial credit bureaus, consumer reporting agencies, contracts with commercial collection agencies, revocation of licenses, or the use of administrative offset, as authorized in 31 U.S.C. 3701–3720A.

(d) DOT may collect by administrative offset (see § 89.25, Collection by administrative offset), if the debtor:

(1) Has not made payment by the payment due date;

(2) Has not requested a review of the claim within the agency as set out in paragraph (f) of this section; or

(3) Has not made an arrangement for payment by the payment due date;

(e) Except for information that may properly be withheld under 49 CFR Part 7, the debtor may inspect and copy the records of the agency related to the claim. Any reasonable costs associated with the copying and inspection of the records shall be borne by the debtor. (Payment of cost is governed by 49 CFR Part 7, Subpart I). The debtor shall give reasonable notice in advance to the agency of the date on which it intends to inspect and copy the records involved;

(f)(1) Except for debts established by settlement agreement, court order of judgment, or final administrative decision, the debtor may request review of the validity or amount of a claim. To do so, the debtor shall make a request n writing for review of the claim prior to it becoming delinquent (*See* 4 CFR 101.2 for definition of when a debt is considered delinquent). The debtor's written response shall state the basis for the dispute, and provide all factual information, documents, citation to authority, argument and any other matters to be considered. If only part of the claim is disputed, the undisputed portion shall be paid by the delinquency date stated in the initial demand. During the period that the claim is being reviewed, the amount of the debt is owed, but the accrual of interest and accrual of time to delinquency may be suspended on the disputed portion of the debt.

(2) Review of claims shall be based upon the written record unless an oral hearing is required by 4 CFR 102.3(c). Upon completion of review, within 30 days whenever feasible, the Department shall advise the debtor whether the debt has been found to be valid in any amount, or that collection will be terminated. If the claim is found to be valid in any amount, the accrual of interest and time to delinquency shall commence 15 days after mailing of the notification of the review results. The notification of the review may also include notice of a specific collection action to be undertaken if payment is not received.

(g) The debtor may offer to make a written agreement to pay the amount of the claim. The acceptance of such an agreement is discretionary with DOT. If the debtor requests an installment payment arrangement because a lump sum payment would create a financial hardship, DOT may agree to a written installment payment schedule with the debtor (see 4 CFR 102.11(a)). The debtor shall execute a confess-judgment note which specifies all of the terms of the arrangement and includes a provision accelerating the debt in the event the debtor defaults. The size and frequency of installment payments shall bear a reasonable relation to the size of the debt and the debtor's ability to pay. Interest shall be provided in the note (see § 89.23). The debtor shall be provided with a written explanation of the consequences of signing a confess-judgment note. The debtor shall sign a statement acknowledging receipt of the written explanation, which shall recite that the statement was read and understood before execution of the note and that the note is being signed knowingly and voluntarily. Evidence of these facts shall be maintained in DOT's file on the debtor in accordance with the practice of the DOT operating element.

§ 89.23 Interest, late payment penalties, and collection charges.

(a) DOT shall charge interest on an outstanding debt at the Treasury tax and loan account rate published by the Secretary of the Treasury in accordance with 31 U.S.C. 3717 and 4 CFR 102.13(c), unless DOT determines that a higher rate is necessary to protect the interests of the United States. DOT shall charge a late payment penalty at a rate of six percent a year on any portion of a debt that is more than 90 days past due. DOT shall also assess administrative charges to cover additional cost incurred in processing and handling the debt beyond the payment due date. The imposition of interest, collection charges, and late payment penalty charges shall be made in accordance with 31 U.S.C. 3717, 4 CFR 102.13.

(b) Interest on debt shall begin to accrue on the date on which the debtor is mailed or delivered notice of the debt and the interest requirements or, in the case of advance billings, on the calendar day following the specified due date of advance billings, on the calendar day following the specified due date of the debt, provided the advance billing gives notice of the interest requirements for late payment. Interest on the debt shall continue to accrue until payment is received. Interest shall be calculated only on the principal of the debt (simple interest). The rate of interest assessed shall be the rate in effect on the date from which interest begins to accrue, and will remain fixed for the duration of the indebtedness. The rate of interest assessed will generally be the Treasury Current Value of Funds Rate.

(c) The Department shall waive interest on debt that is paid within 30 calendar days after the date on which interest began to accrue.

(d) Collection charges on debt shall be computed to cover the cost of processing and handling the delinquent debt. It shall be either the actual cost to process the particular delinquent debt to which it is applied, or operating elements may set the amount of such monthly charge by cost analysis establishing the average of actual additional costs incurred by the operating element in processing similar debts. Collection charges may also include the expense of obtaining credit reports and of using a professionl debt collection contractor.

(e) DOT may waive interest, collection charges, or late payment penalty charges if it finds that:

(1) The debtor would be eligible for compromise under standards set forth in 4 CFR 103.2 with regard to the amount of the debt;

(2) Collection of interest, administrative charges, or penalties will jeopardize collection of the principal of the debt; or

(3) It is otherwise in the best interests of the United States, including the situation in which an offset or installment payment agreement is in effect.

§ 89.25 Collection by administrative offset.

(a) Whenever feasible, after a debtor fails to pay a claim, request a review of a claim, or make an arrangement for payment following a demand made in accordance with § 89.21, DOT shall

collect claims under this part by means of administrative offset against obligations of the United States to the debtor, pursuant to the debtor, pursuant to 31 U.S.C. 3716 and 4 CFR 102.3. Salary offset against present or former employees of the United States is not governed by this part (See 49 CFR Part 92).

(b) The Department shall notify the debtor in writing in conformance with 31 U.S.C. 3716 and the FCCS of its intent to collect the debt by offset, unless the debtor pays the debt in full, including all interest, administrative charges, and penalties, or executes an agreement to pay the debt by installment at terms acceptable to DOT.

(c) In making collection by administrative offset under 31 U.S.C. 3716, DOT must do so in accordance with the requirements set forth in § 89.21(b) (1)–(6). (See also procedures for recovery of debts to the U.S. by offset, 49 CFR Part 92).

§ 89.27 Referral for litigation.

Claims that are not settled or for which collection action is not compromised, suspended or terminated under 4 CFR Parts 103 and 104 or collected by collection agencies shall be referred to the General Accounting Office or the Department of Justice for litigation in accordance with the procedures in 4 CFR Part 105.

§ 89.29 Disclosure to commercial credit bureaus and consumer reporting agencies.

(a) Data on all delinquent commercial and consumer debts may be reported to commercial credit bureaus and consumer reporting agencies (see 31 U.S.C. 3701(a)(3)). Sixty days prior to release of information to a commercial credit bureau or consumer credit reporting agency, the debtor shall be notified, in writing, of the intent to disclose the existence of the debt to a credit reporting agency. Such notice of intent may be by separate correspondence or included in correspondence demanding direct payment. The notice shall be in conformance with 31 U.S.C. 3711(f) and the Federal Claims Collection Standards.

(b) The information that may be disclosed is the debtor's name, address, social security number or taxpayer identification number, and any other information to establish the identity and location of the individual, the amount of the claim, status and history of the claim, and the program under which the claim arose.

§ 89.31 Use of professional debt collection agencies.

Debts over 90 days delinquent may be turned over to professional debt collection agencies except for those debts owed by State and units of general local government, other Federal agencies, current employees, and other debts prohibited by statue from being turned over to commercial collection agencies.

§ 89.33 Collection of claims by reduction of tax refunds.

Pursuant to 31 U.S.C. 3720A and regulations issued thereunder, the Department may refer claims to the Internal Revenue Service for collection by reduction of tax refunds owed to the debtor by the United States.

Issued in Washington, DC on January 11, 1988.

Jim Burnley,

Secretary of Transportation.

[FR Doc. 88–2844 Filed 2–11–88; 8:45 am]

BILLING CODE 4910–62–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 182

[Docket No. 81N–0314]

Sulfiting Agents; Proposal To Revoke Gras Status for Use on "Fresh" Potatoes Served or Sold Unpacked and Unlabeled to Consumers; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; extension of comment period.

SUMMARY: Because of requests from the public, the Food and Drug Administration (FDA) is extending for 30 days the period for submitting comments on the agency's proposal to revoke the generally recognized as safe (GRAS) status of sulfiting agents for use on "fresh" potatoes that are served or sold unpackaged and unlabeled to consumers.

DATE: Comments by March 9, 1988.

ADDRESS: Written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Robert L. Martin, Center for Food Safety and Applied Nutrition (HFF–334), Food and Drug Administration, 200 C Street, SW., Washington, DC 20204, 202–426–9463.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 10, 1987 (52 FR 46968), FDA proposed to amend its regulations to exclude from GRAS status the use of sulfur dioxide, sodium sulfite, sodium and potassium bisulfite, and sodium and potassium metabisulfite (collectively known as sulfiting agents or sulfites) on "fresh" potatoes that are intended to be served or sold unpackaged and unlabeled to the consumer and requested information on several related matters. FDA received three requests for an extension of the comment period on this proposal. Two of these requests, on behalf of the National Coalition of Fresh Potato Processors and the Dehydrated Potato Industry Task Force, noted that because the proposal had been published shortly before the Christmas holidays, they have not had enough time to prepare their comments on the proposal. The National Restaurant Association also requested additional time to file supplementary comments based on new information.

Due to the nature of the public health problem involved, and the fact that the comment period has already been open for 60 days, the agency believes that an additional 30 days should provide sufficient time for the preparation of comments.

Because FDA is currently evaluating those comments it has already received, the agency does not believe that an extension for this period of time will significantly or unreasonably delay the development and issuance of a final regulation. Therefore, the agency is extending until March 9, 1988, the period for all interested persons to submit comments on the December 10, 1987, proposal. The agency will not grant any further extension of the comment period.

Interested persons may, on or before March 9, 1988, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 10, 1988.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 87–3181 Filed 2–10–88; 4:11 pm]

BILLING CODE 4160–01–M

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Service

34 CFR Part 327

Handicapped Special Studies Program

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to amend the regulations for the Handicapped Special Studies Program authorized by section 618 of Part B of the Education of the Handicapped Act (EHA). These amendments are needed to implement revisions made to Section 618 of the EHA by section 406 of the Education of the Handicapped Act Amendments of 1986, Pub. L. 99-457.

DATES: Comments must be received on or before May 12, 1988..

ADDRESSES: All comments concerning these proposed regulations should be addressed to Linda Glidewell, Division of Innovation and Development, Office of Special Education Programs, Department of Education, 400 Maryland Avenue SE. (Switzer Building, Room 3094-M/S 2313), Washington, DC, 20202.

A copy of any comments that concern information collection requirements should also be sent to the Office of Management and Budget at the address listed in the Paperwork Reduction Act section of this preamble.

FOR FURTHER INFORMATION CONTACT: Linda Glidewell. Telephone: (202) 732-1099.

SUPPLEMENTARY INFORMATION: The Handicapped special Studies program provides support for the collection of data, as well as studies to evaluate State and local efforts to provide a free appropriate public education and early intervention services to infants, toddlers, children, and youth with handicaps.

Section 618 of the Act requires that this information be included in the annual report submitted to the Congress by the Department. The activities conducted under this program are designed to provide Congress with information relevant to policymaking and to provide Federal, State, and local agencies with information relevant to program management, administration, and effectiveness of special education and early intervention programs.

The amendments make it clear that infants and toddlers with handicaps are to be included within the scope of this program, and expand the eligible agencies for cooperative agreements under section 618(d)(1) to include other State agencies in addition to State educational agencies. In accordance with the legislative history of the Amendments, the proposed regulation would limit eligibility to those State agencies designated by the Governor in each State for the purpose of administering an early intervention program under Part H of the Education of the Handicapped Act.

Executive Order 12291

This amendment to the regulations has been reviewed in accordance with Executive Order 12291. This amendment is not classified as major because it does not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have a significant ecomomic impact on a substantial number of small entities.

The only small entities that would be affected by these regulations are small local educational agencies receiving Federal financial assistance under this program. However, the regulations would not have a significant economic impact on the small local educational agencies affected because the regulations would not impose excessive regulatory burdens or require unnecessary Federal supervision. The regulations would impose minimal requirements to ensure the proper expenditure of program funds.

Paperwork Reduction Act of 1980

Section 327.31 contains an information collection requirement. As required by the Paperwork Reduction Act of 1980, the Department of Education will submit a copy of this section to the Office of Management and Budget (OMB) for its review.

Organizations and individuals desiring to submit comments on the information collection requirement should direct them to the Office of Information and Regulatory Affairs, Room 3002, New Executive Office Building, Washington, DC 20503; Attention: James D. Houser.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 3522, Switzer Building, 330 "C" Street SW., Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, the Secretary invites comment on whether there may be further opportunities to reduce any regulatory burdens found in these proposed regulations.

Assessment of Educational Impact

The Secretary particularly requests comments on whether the proposed regulations in this document would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 327

Education, Education of handicapped, Education—research, Grants program—education, Reporting and recordkeeping requirements, State educational agencies.

Dated: January 22, 1988.

William J. Bennett,

Secretary of Education.

(Catalog of Federal Domestic Assistance Number 84.159; Handicapped Special Studies Program)

The Secretary proposes to amend Part 327 of the Code of Federal Regulations as follows:

PART 327—HANDICAPPED SPECIAL STUDIES PROGRAM

1. The authority citation for Part 327 is revised to read as follows:

Authority: 20 U.S.C. 1418, unless otherwise noted.

2. Section 327.2 is amended by revising paragraph (b) to read as follows:

§ 327.2 Who is eligible to apply for an award under this program?

* * * * *

(b) In order to carry out the projects described in § 327.10(c), the Secretary

may enter into cooperative agreements with—

(1) State educational agencies; and

(2) Other State agencies designated by the Governor in each State for the purpose of administering an early intervention program under Part H of the Education of the Handicapped Act.

(Authority: 20 U.S.C. 1418)

3. Section 327.10 is amended by revising the introductory text and paragraphs (a), (b), (c), (d), and (e) to read as follows:

§ 327.10 What kinds of projects are authorized under this part?

Projects authorized under this part include activities to—

(a) Collect data, and conduct studies, investigations, and evaluations to assess progress in the implemention of the Act, the impact of the Act, and the effectiveness of State and local efforts and efforts by the Secretary of the Interior to provide free appropriate public education to all handicapped children and youth, and early intervention services to handicapped infants and toddlers;

(b) Obtain data, on at least an annual basis, about programs and projects assisted under the Act and under other Federal laws relating to the provision of services to handicapped infants, toddlers, children, and youth, as required under Section 618(b) of the Act;

(c) Assess the impact and effectiveness of programs assisted under the Act, in accordance with sections 618(d) (1) and (2) of the Act, through cooperative agreements with State agencies;

(d) Provide technical assistance to participating State agencies in the implementation of the evaluation studies described under paragraph (c) of this section;

(e) Disseminate information from the studies assisted under paragraph (c) of this section to State agencies, regional resource centers, clearinghouses, and, as appropriate, others involved in or concerned with the education of and early intervention services for handicapped infants, toddlers, children, and youth;

* * * * *

§ 327.31 [Amended]

4. Section 327.31(g) is amended by removing "handicapped children and youth" each place it appears and adding, in its place, "handicapped infants, toddlers, children, and youth".

5. Section 327.40 is amended by revising the introductory text and paragraph (b) to read as follows:

§ 327.40 What are the requirements for conducting projects?

Each State educational agency or other State agency receiving an award for a State Agency/Federal Evaluation Studies project under § 327.10(c) shall—

* * * * *

(b) Develop the study in consultation with the State advisory panel established under the Act, local educational agencies, and others involved in or concerned with the education of handicapped children and youth and the provision of early intervention services to handicapped infants and toddlers.

* * * * *

[FR Doc. 88-3063 Filed 2-11-88; 8:45 am]

BILLING CODE 4000-01-M

VETERANS ADMINISTRATION

DEPARTMENT OF DEFENSE

38 CFR Part 21

Veterans Education; Amendments to VEAP Required by the Veterans' Benefits Improvement and Health-Care Authorization Act of 1986

AGENCY: Veterans Administration and Department of Defense.

ACTION: Proposed regulations.

SUMMARY: The Veterans' Benefits Improvement and Health-Care Authorization Act of 1986 (Pub. L. 99-576) contains several provisions which affect the Post-Vietnam Era Veterans' Educational Assistance Program (VEAP). The most important changes include provision of apprenticeship and other on-job training in this program; extension of the veteran's period of eligibility if he or she is disabled during the eligibility period; and closing of VEAP to new enrollments. This proposal informs the public how the Veterans Administration (VA) intends to administer the new provisions of law.

DATES: Comments must be received on or before February 22, 1988. The comments will be available for public inspection until March 4, 1988. The VA proposes to make these amended regulations, if made final, effective on October 28, 1986. This is the effective date of the provisions of law which the regulations are designed to implement.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, room 132, of the above address between the hours of 8 a.m. to 4:30 p.m., Monday through Friday (except holidays) until March 4, 1988.

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

SUPPLEMENTARY INFORMATION: This proposal contains numerous proposed amendments to regulations. These have been made necessary by the addition of apprenticeship and other on-job training to VEAP; provision for an extended delimiting period for some veterans who are participating in VEAP; a closing of the program to new enrollments; and permission for veterans training under VEAP to sign contracts to provide veteran-student services.

The VA and the Department of Defense find that good cause exists for making these regulations, like the sections of the law they implement, retroactively effective on October 28, 1986. To achieve the maximum benefit of this legislation for the affected individuals, it is necessary to implement these provisions of law as soon as possible. A delayed effective date would be contrary to statutory design; would complicate administration of these provisions of law; and might result in denial of a benefit to a veteran who is entitled by law to it.

The VA has determined that these proposed amended regulations do not contain a major rule as that term is defined by E.O. 12291, entitled Federal Regulation. The regulations will not have a $100 million annual effect on the economy, and will not cause a major increase in costs or prices for anyone. They will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Administrator of Veterans Affairs and the Secretary of Defense have certified that these proposed amended regulations, if promulgated, will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), the amended regulations, therefore, are exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. This certification was made

only after carefully considering several factors.

The proposed amendment to § 21.5200 in effect requires the application of § 21.4203(f)(3) to VEAP. That section requires training establishments to certify monthly to the VA the attendance of those veterans in apprenticeship and other on-job training. The proposed amendment to § 21.5250 requires the application of §§ 21.4261 and 21.4262 to the administration of VEAP. Those sections require training establishments which wish to train veterans to apply for approval of the training program to the appropriate State approving agency.

Apprenticeship and other on-job training have long been a feature of educational assistance provided under 38 U.S.C. Chapter 34 (the Vietnam Era GI Bill). This fact may be used in determining whether the addition of these types of training to VEAP will have a significant economic effect on a substantial number of small entities.

Approximately two percent of chapter 34 trainees in fiscal year 1986 received training in apprenticeship and other on-job training. It is reasonable to assume that apprenticeship and other on-job training will be equally popular with VEAP trainees. The VA estimates that approximately 71,200 people will train under VEAP during fiscal year 1987. That would mean that there would be approximately 1425 VEAP trainees in apprenticeship and other on-job training during this fiscal year. If only 25 percent of these trained at small entities, over 350 small entities per year would be affected by the proposed regulations. This is a substantial number.

However, the VA and the Department of Defense do not think that the proposed regulations will have a significant economic impact on these small entities. Firms providing apprenticeship and other on-job training normally keep records of hours worked by trainees for the purpose of paying them their wages. Writing these figures on a monthly certification form should take but a few moments. The amendment to § 21.5200 would not have a substantial economic impact.

Applying for approval for an apprenticeship and other on-job training will take time. If the average employee responsible for applying for approval is paid $10 per hour, it would not be unreasonable for each application to cost $100. However, it should be remembered that approval is a one-time action. The approvals already in effect for chapter 34 training will be valid for VEAP training as well. Hence, there will not be many new applications for training programs for VEAP recipients per year. The total cost of the amendment to § 21.5250 will be a few thousand dollars per year. When this is averaged over the number of small entities involved, this cost is not substantial.

The remainder of the proposed regulations will have no significant economic impact on small entities, i.e., small businesses, small private and nonprofit organizations and small governmental jurisdictions.

As stated above, both the amendment to § 21.5200 and the amendment to § 21.5250 will require a small information collection burden on training establishments. The information collection requirements in those sections have been submitted to the Office of Management and Budget (OMB) for review under section 3504(h) of the Paperwork Reduction Act of 1980. Comments concerning those information collections should be directed to: Mr. Joseph Lackey, Attention: Desk Officer for the Veterans Administration, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503.

The Catalog of Federal Domestic Assistance number for the program affected by these regulations is 64.120.

List of Subjects in 38 CFR Part 21

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

Approved: November 24, 1987.

Thomas K. Turnage,

Administrator.

Approved: December 15, 1987.

A. Lukeman,

Lieutenant General, USMC, Deputy Assistant Secretary, (Military Manpower & Personnel Policy).

38 CFR Part 21, *Vocational Rehabilitation and Education*, is proposed to be amended as follows:

1. In § 21.5021, paragraphs (e)(5), (j)(4), (p), and (q) are added as follows:

§ 21.5021 Definitions.

* * * * *

(e) * * *

(5) Those individuals who have contributed to the "fund" and–

(i) Have been automatically disenrolled as provided in § 21.5060(b)(3) of this part,

(ii) Whose funds have been transferred to the Treasury Department as provided in § 21.5064(b)(4)(iii) of this part, and

(iii) Who are found to have qualified for an extended period of eligibility as provided in § 21.5042 of this part.

(Authority: 38 U.S.C. 1632, Pub. L. 99-576)

* * * * *

(j) * * *

(4) For apprenticeship and other on-job training that period of time from the beginning date of training or the date late certified on the monthly certification of training to—

(i) The end of the month to be certified;

(ii) The last date of the veteran's delimiting period;

(iii) The date on which the veteran's entitlement is exhausted, whichever occurs first.

(Authority: 38 U.S.C. 1631; Pub. L. 99-576)

* * * * *

(p) *"Training establishment"* –means any establishment providing apprentice or other training on-the-job, including those under the supervision of a college or university or any State department of education, or any State apprenticeship agency, or any State board of vocational education, or any joint apprenticeship committee, or the Bureau of Apprenticeship and Training established in accordance with 29 U.S.C. Chapter 4C, or any agency of the Federal Government authorized to supervise such training.

(Authority: 38 U.S.C. 1602(5), 1652(e); Pub. L. 99-576)

(q) *"Program of education"*—means—

(1) Any curriculum or combination of subjects or unit courses pursued at a school which is generally accepted as necessary to meet requirements for a predetermined and identified educational, professional or vocational objective;

(2) Subjects or unit courses which fulfill requirements for more than one predetermined and identified objective if all objectives pursued are generally recognized as being related to a single career field;

(3) Any unit course or subject or combination of courses or subjects, pursued by an individual at an educational institution, required by the Administrator of the Small Business Administration as a condition to obtaining financial assistance under the provisions of 15 U.S.C. 636; or

(4) A full-time program of apprenticeship or other on-job training approved as provided in §§ 21.4261 or 21.4262 of this part as appropriate.

(Authority: 38 U.S.C. 1602(2), 1652(b); Pub. L. 99-576)

2. In § 21.5022, paragraph (a) is revised to read as follows:

§ 21.5022 Eligibility under more than one program.

(a) *Concurrent benefits under more than one program.* An individual eligible to receive educational assistance under 38 U.S.C. ch. 32 and provisions of the § 21.5000 series of VA Regulations is not eligible to receive educational assistance allowance under 38 U.S.C. ch. 34. An individual may not receive educational assistance under 38 U.S.C. ch. 32 concurrently with benefits under any of the following provisions of law.

(Authority: 38 U.S.C. 1781; Pub. L. 99-576)

* * * * *

3. In § 21.5030, paragraph (c)(3) is revised to read as follows:

§ 21.5030 Applications, claims informal claims and time limits.

* * * * *

(c) * * *

(3) Section 21.1032—Time limits.

(Authority: 38 U.S.C. 1632, 1641, 1671; Pub. L. 94-502, Pub. L. 99-576)

4. In § 21.5040, paragraphs (b)(1)(i) and (f)(1) are revised to read as follows:

§ 21.5040 Basic eligibility.

* * * * *

(b) * * *

(1) * * *

(i) Must have entered the military service after December 31, 1976, and before July 1, 1985;

(Authority: 38 U.S.C. 1602; Pub. L. 99-576)

* * * * *

(f) * * *

(1) Must have entered into military service after December 31, 1976, and before July 1, 1985.

(Authority: 38 U.S.C. 1602; Pub. L. 96-466, Pub. L. 99-576)

* * * * *

5. Section 21.5041 is revised to read as follows:

§ 21.5041 Periods of entitlement.

(a) *Ten-year delimiting period.* Except as provided in § 21.5042 no educational assistance shall be afforded an eligible individual under chapter 32 beyond the date of 10 years after his or her last discharge or release from active duty.

(Authority: 38 U.S.C. 1632; Pub. L. 94-502, Pub. L. 99-576)

(b) *Use of entitlement.* The individual—

(1) May use his or her entitlement at anytime during the 10-year period after the last discharge or release from active duty or other period as provided pursuant to § 21.5042 of this part;

(2) Is not required to use his or her entitlement in consecutive months.

(Authority: 38 U.S.C. 1632; Pub. L. 94-502, Pub. L. 99-576)

6. Section 12.5042 is added to read as follows:

§ 21.5042 Extended period of eligibility.

(a) *General.* A veteran shall be granted an extension of the applicable delimiting period, as otherwise determined by § 21.5041 of this part provided—

(1) The veteran applies for an extension.

(2) The veteran was prevented from initiating or completing the chosen program of education within the otherwise applicable delimiting period because of a physical or mental disability that did not result from the willful misconduct of the veterans.

(b) *Application.* The veteran must apply for the extended period of eligibility in time for the VA to receive the application by the later of the following dates:

(1) One year from the last date of the deliminting period otherwise applicable to the veteran under § 21.5401 of this part, or

(2) One year from the termination date of the period of the veteran's mental or physical disability.

(Authority: 38 U.S.C. 1632; Pub. L. 99-576)

(c) *Qualifying period of disability.* A veteran's extended period of eligibility shall be based on the period of time that the veteran himself or herself was prevented by reason of physical or mental disability, not the result of the veteran's willful misconduct, from initiating or completing his or her chosen program of education.

(1) Evidence must be presented which clearly establishes that the veteran's disability made pursuit of his or her program medically infeasible during the veteran's original period of eligibility as determined by § 21.5041 of this part. A period of disability following the end of the original disability period will not be a basis for extension.

(2) The VA will not consider a veteran who is disabled for a period of 30 days or less as having been prevented from enrolling or reenrolling in the chosen program of education or was forced to discontinue attendance, because of the short disability.

(Authority: 38 U.S.C. 1632; Pub. L. 99-576)

(d) *Commencing date.* The veteran shall elect the commencing date of an extended period of eligibility. The date chosen—

(1) Must be on or after the original date of expiration of eligibility as determined by § 21.5041 of this part, and

(2) Must be on or before the 90th day following the date on which the veteran's application for an extension was approved by the VA, if the veteran is training during the extended period of eligibility in a course not organized on a term, quarter or semester basis, or

(3) Must be on or before the first day of the first ordinary term, quarter or semester following the 90th day after the veteran's application for an extension was approved by the VA if the veteran is training during the extended period of eligibility in a course organized on a term, quarter or semester basis.

(Authority: 38 U.S.C. 1632; Pub. L. 99-576)

(e) *Determining the length of extended periods of eligibility.* A veteran's extended period of eligibility shall be based upon the qualifying period of disability, and determined as follows:

(1) If the veteran is in training in a course organized on a term, quarter or semester basis, his or her extended period of eligibility shall contain the same number of days as the number of days from the date during the veteran's original delimiting period that his or her training became medically infeasible to the earliest of the following dates:

(i) The commencing date of the ordinary term, quarter or semester following the day the veteran's training became medically feasible,

(ii) The veteran's delimiting date as determined by § 21.5041 of this part, or

(iii) The date the veteran resumed training.

(2) If the veteran is training in a course not organized on a term, quarter or semester basis, his or her extended period of eligibility shall contain the same number of days as the number of days from the date during the veteran's original delimiting period that his or her training became medically infeasible to the earlier of the following dates:

(i) The date the veteran's training became medically feasible, or

(ii) The veteran's delimiting date as determined by § 21.5041 of this part.

(Authority: 38 U.S.C. 1632; Pub. L. 99-576)

(f) *Discontinuance.* If the veteran is pursuing a course on the date an extended period of eligibility expires (as determined under this section), the VA will discontinue the educational assistance allowance effective the day before the end of the extended period of eligibility.

(Authority: 38 U.S.C. 1632; Pub. L. 99-576)

7. In § 21.5052, paragraph (f)(3)(i) is revised to read as follows:

§ 21.5052 Contribution requirements.

* * * * *

(f) * * *

(3) * * *

(i) May make a lump-sum contribution to cover any period of his or her active duty. This may entail a retroactive period, including one which—

(A) Begins after December 31, 1976, and before October 1, 1980, or

(B) Although made after October 27, 1986, includes all or part of the period beginning on July 1, 1985, and ending on October 27, 1986.

(Authority: Pub. L. 99–576, sec. 309(c))

* * * * *

8. In § 21.5054, paragraph (b) is revised to read as follows:

§ 21.5054 Dates of participation.

* * * * *

(b) *Termination of right to begin participation.* (1) Except as provided in paragraph (b)(3) of this section, no individual on active duty in the Armed Forces may initially enroll after June 30, 1985.

(2) An initial enrollment occurs when a serviceperson who has never contributed to the fund—

(i) First makes a lump-sum payment to the fund, or

(ii) First authorizes an allotment to the VA for deposit in the fund. See 32 CFR 59.3(b)(10).

(3) Notwithstanding the provisions of paragraph (b)(1) of this section, any individual on active duty in the Armed Forces who was eligible to enroll on June 30, 1985, may enroll at any time during the period beginning on October 28, 1986, and ending on March 31, 1987.

(Authority: 38 U.S.C. 1621(a), Pub. L. 99–576, sec. 309(c); Pub. L. 99–576)

9. In § 21.5064, paragraph(b)(4)(iii) is revised to read as follows:

§ 21.5064 Refunds upon disenrollment.

* * * * *

(b) * * *

(4) * * *

(iii) If the VA does not receive a request within 1 year from the date that the individual is notified of his or her entitlement to a refund, the VA will presume that the individual's whereabouts is unknown. The funds on deposit for that individual will be transferred in accordance with the provisions of section 1322(a), Title 31, United States Code.

(Authority: 38 U.S.C. 101, 1623, 1632; Pub. L. 94–502, Pub. L. 99–576)

10. In § 21.5072, paragraph (d) is added to read as follows:

§ 21.5072 Entitlement charges.

* * * * *

(d) *Apprenticeship or other on-job training.* (1) The VA will determine the entitlement charge for a veteran in apprenticeship or other on-job training as stated in this paragraph.

(2) The entitlement charge will be—

(i) 75 percent of a month for those months for which the veteran's monthly payment is based upon 75 percent of the monthly benefit otherwise payable to him or her;

(ii) 55 percent of a month for those months for which the veteran's monthly payment is based upon 55 percent of the monthly benefit otherwise payable to him or her; and

(iii) 35 percent of a month for those months for which the veteran's monthly payment is based upon 35 percent of the monthly benefit otherwise payable to him or her.

(3) The charge against the veteran's entitlement will be prorated if

(i) The veteran enrollment period ends in the middle of a month,

(ii) The veteran's monthly rate is reduced in the middle of a month, or

(iii) The veteran's monthly payment is reduced because he or she worked less than 120 hours during the month. In this instance the number of hours worked with be rounded to the nearest multiple of eight, and the entitlement charge will be reduced proportionately.

(Authority: 38 U.S.C. 1633(c); Pub. L. 99–576)

11. In § 21.5100, paragraphs (b), (c), and (d) are revised to read as follows:

§ 21.5100 Counseling.

* * * * *

(b) *Availability of counseling.* Counseling assistance is available for—

(1) Identifying and removing reasons for academic difficulties which may result in interruption or discontinuance of training, or

(2) In considering changes in career plans, and making sound decisions about the changes.

(Authority: 38 U.S.C. 1641, 1663; Pub. L. 96–466, Pub. L. 99–576)

(c) *Optional counseling.* The VA shall provide counseling as needed for the purposes identified in paragraphs (a) and (b) of this section upon request of the individual. The VA shall take appropriate steps (including individual notification where feasible) to acquaint all participants with the availability and advantages of counseling services.

(Authority: 38 U.S.C. 1663; Pub. L. 96–466, Pub. L. 99–576)

(d) *Required counseling.* (1) In any case in which the VA has rated the veteran as being incompetent, the VA must provide counseling as described in 38 U.S.C. 1663 prior to selection of a program of education or training. The counseling will follow the veteran's request for counseling, the veteran's initial application for benefits or any communication from the veteran or guardian indicating that the veteran wishes to change his or her program. This requirement that counseling be provided is met when—

(i) The veteran has had one or more personal interviews with the counselor;

(ii) The counselor has jointly developed with the veteran recommendations for selecting a program;

(iii) These recommendations have been reviewed with the veteran.

(2) The veteran may follow the recommendations developed in the course of counseling, but is not required to do so.

(3) The VA will take no further action on a veteran's application for assistance under 38 U.S.C. ch. 32 unless he or she—

(i) Reports for counseling;

(ii) Cooperates in the counseling process; and

(iii) Completes counseling to the extent required under paragraph (d)(1) of this section.

(Authority: 38 U.S.C. 1641; 1663)

12. Section 21.5103 is revised to read as follows:

§ 21.5103 Travel expenses.

(a) *Travel for individuals.* Except as provided in paragraph (a)(2) of this section, the VA shall determine and pay the necessary cost of travel to and from the place of counseling for individuals who are required to receive counseling if—

(1) The VA determines that the individual is unable to defray the cost based upon his or her annual declaration and certification; or

(2) The individual has a compensable service-connected disability.

(Authority: 38 U.S.C. 111)

(b) *Travel for attendants.* (1) The VA will authorize payment of travel expenses for an attendant while the individual is traveling when—

(i) The individual, because of a severe disability, requires the services of an attendant when traveling, and

(ii) The VA is paying the necessary cost of the individual's travel on the basis of the criteria stated in paragraph (a) of this section.

(2) The VA will not pay the attendant a fee for travel expenses if he or she is a relative as defined in § 21.374 of this part.

(Authority: 38 U.S.C. 111)

(c) *Payment of travel expenses prohibited for most veterans.* The VA shall not pay for any costs of travel to and from the place of counseling for any

individual who is not required to receive counseling under chapter 32 prior to selection of a program of education.

(Authority: 38 U.S.C. 111)

Cross-Reference: Section 21.374, Authorization for travel of attendants.

13. In § 21.5131, the introductory text and paragraphs (b) (1) and (2) are revised to read as follows:

§ 21.5131 Educational assistance allowance.

The VA will pay educational assistance allowance at the rate specified in §§ 21.5136 and 21.5138 of this part while the individual is pursuing a program of education. The VA may withhold final payment until it receives proof of the individual's continued enrollment and adjusts the individual's account.

(Authority: 38 U.S.C. 1641; Pub. L. 94–502, 99–576)

* * * * *

(b) * * *

(1) The ending date of the individual's course or period of enrollment as certified by the school or training establishment;

(2) The ending date of the individual's eligibility as determined under § 21.5041 or § 21.5042 of this part;

(Authority: 38 U.S.C. 1641; Pub. L. 99–576)

* * * * *

14. In § 21.5132, paragraph (a) is revised to read as follows:

§ 21.5132 Criteria used in determining benefit payments.

(a) *Training time.* The amount of benefit payment to an individual in all types of training except correspondence training and apprenticeship and other on-job training depends on whether the VA determines that the individual is a full-time student, three-quarter-time, student, half-time student or one-quarter-time student.

(Authority: 38 U.S.C. 1641, 1788; Pub. L. 99–576)

* * * * *

15. In § 21.5138, paragraph (b)(12) is revised and paragraphs (a)(3), (b)(13) and (b)(14) are added to read as follows:

§ 21.5138 Computation of benefit payments and monthly rates.

* * * * *

(a) * * *

(3) For apprenticeship and other on-job training the VA will compute the entitlement factor as follows:

(i) Enter the number of full days in the applicable benefit period. (Enter 30 if the benefit period is a full month.), 1) _____

(ii) Divide line 1 by 30. Enter the quotient, 2) _____

(iii) Multiply line 2 by .75 if the veteran is in the first six months of training; by .55 if the veteran is in the second six months of training; by .35 if the veteran is in a subsequent month of training; and by a pro-rated fraction if one of the veteran's first two six-month periods of training ends during the benefit period. Enter the result, 3) _____

(This is the entitlement factor.)

(Authority: 38 U.S.C. 1631, 1633; Pub. L. 96–466, Pub. L. 96–466, Pub. L. 99–576)

(b) * * *

(12) If the veteran is in an apprenticeship or other on-job training and fails to complete 120 hours of training in a month, reduce the amount on line 14 proportionately.

In this computation round the number of hours worked to the nearest multiple of eight. Enter the result, 15) _____

(13) If the veteran is pursuing certain courses which do not lead to a standard college degree and has excessive absences, reduce the amount on line 14 sufficiently to avoid paying for any excessive absence. Enter the result, 16) _____

(14) The benefit payment is either—

(i) The amount shown on line 14 unless the veteran is in apprenticeship or other on-job training and has failed to complete 120 hours of training in a month during the benefit period in which case the benefit payment is the amount shown on line 15, or the veteran is pursuing certain courses which do not lead to a standrd college degree in which case the benefit payment is the amount shown on line 16, or

(Authority: 38 U.S.C. 1633; Pub. L. 99–576)

(ii) The total amount of the remaining contributions in the fund made by the individual and the VA and the Secretary of Defense on behalf of the individual, whichever is less.

(Authority: 38 U.S.C. 1631; Pub. L. 94–502)

* * * * *

16. Section 21.5145 is added to read as follows:

§ 21.5145 Veteran-student services.

(a) *Eligibility.* Veterans pursuing full-time programs of education or training under chapter 32 are eligible to receive a work-study allowance.

(Authority: 38 U.S.C. 1641, 1685; Pub. L. 99–576)

(b) *Selection criteria.* Whenever feasible the VA will give priority in selection for this allowance to veterans with service-connected disabilities rated at 30 percent or more. The VA shall consider the following additional selection criteria:

(1) Need of the veteran to augment his or her educational assistance allowance;

(2) Availability to the veteran of transportation to the place where his or her services are to be performed;

(3) Motivation of the veteran; and

(4) Compatibility of the work assignment to the veteran's physical condition.

(Authority: 38 U.S.C. 1641, 1685; Pub. L. 99–576)

(c) *Utilization.* Veteran-student services may be utilized in connection with—

(1) Outreach services programs as carried out under the supervision of a VA employee;

(2) Preparation and processing of necessary papers and other documents at educational institutions or regional offices or facilities of the VA;

(3) Hospital and domiciliary care and medical treatment at VA facilities; and

(4) Any other appropriate activity of the VA.

(Authority: 38 U.S.C. 1641, 1685; Pub. L. 99–576)

(d) *Rate of payment.* (1) In return for the veteran's agreement to perform services for the VA totaling 250 hours during an enrollment period, the VA will pay an allowance in an amount equal to the higher of—

(i) The hourly minimum wage in effect under section 6(a) of the Fair Labor Standards Act of 1938 times 250, or

(ii) $625.

(2) The VA will pay proportionately less to veterans who agree to perform a lesser number of hours of services.

(Authority: 38 U.S.C. 1641, 1685; Pub. L. 99–576)

(e) *Payment in advance.* The VA will pay in advance an amount equal to 40 percent of the total amount payable under the contract.

(Authority: 38 U.S.C. 1641, 1685; Pub. L. 99–576)

(f) *Veteran reduces rate of training.* In the event the veteran ceases to be a full-time student before completing an agreement, the veteran, with the approval of the Director of the VA field station, or designee, may be permitted to complete the portions of an agreement in the same or immediately following term, quarter or semester in which the veteran ceases to be a full-time student.

(Authority: 38 U.S.C. 1641, 1685; Pub. L. 99–576)

(g) *Veteran terminates training.* (1) If the veteran terminates all training before completing an agreement, the

Director of the VA field station or designee—

(i) May permit him or her to complete the portion of the agreement represented by the money the VA has advanced the veteran for which he or she has performed no service, but

(ii) Will not pemit him or her to complete that portion of an agreement for which no advance has been made.

(2) The veteran must complete the portion of an agreement in the same or immediately following term, quarter or semester in which the veteran terminates training.

(Authority: 38 U.S.C. 1641, 1685; Pub. L. 99–576)

(h) *Indebtedness for unperformed service.* (1) If the veteran has received an advance for hours of unperformed service, and the VA has evidence that he or she does not intend to perform that service, the advance—

(i) Will be a debt due the United States, and

(ii) Will be subject to recovery the same as any other debt due the United States.

(2) The amount of indebtedness for each hour of unperformed service shall equal the hourly wage that formed the basis for the contract.

(Authority: 38 U.S.C. 1641, 1685; Pub. L. 99–576)

(i) *Survey.* The VA will conduct an annual survey of its regional offices to determine the number of veterans whose services can be utilized effectively.

(Authority: 38 U.S.C. 1641, 1685; Pub. L. 99–576)

17. In § 21.5150, paragraph (a) is revised to read as follows:

§ 21.5150 State approving agencies.

* * * * *

(a) Section 21.4150–Designation.

(Authority: 38 U.S.C. 1641, 1772; Pub. L. 99–576)

* * * * *

18. In § 21.5200, paragraphss (a), (d) and (j) are revised to read as follows:

§ 21.5200 Schools.

* * * * *

(a) Section 21.4200—Definitions.

(Authority: 38 U.S.C. 1641; Pub. L. 94–502, Pub. L. 99–576)

* * * * *

(d) Section 21.4203—Reports by schools—requirements.

(Authority: 38 U.S.C. 1641, 1784; Pub. L. 94–502, Pub. L. 99–576)

* * * * *

(j) Section 21.4209—Examination of records.

(Authority: 38 U.S.C. 1641, 1790; Pub. L. 94–502, Pub. L. 99–576)

19. Section 21.5230 is revised to read as follows:

§ 21.5230 Programs of education.

In the administration of benefits payable under chapter 32, title 38 United States Code, the VA will apply § 21.4230—Requirements (except paragraphs (a)(1), (d)(2), (e) and (f)), in the same manner as it is applied in the administration of chapters 34 and 36.

(Authority: 38 U.S.C. 1641; Pub. L. 94–502, Pub. L. 99–576)

20. In § 21.5250, paragraphs (a), (k), (l), and (m) are revised and paragraph (n) is added to read as follows:

§ 21.5250 Courses.

* * * * *

(a) Section 21.4250 (except paragraph (c)(1))—Approval of courses.

(Authority: 38 U.S.C. 1641, 1772; Pub. L. 94–502, Pub. L. 99–576)

* * * * *

(k) Section 21.4261—Apprentice courses.

(Authority: 38 U.S.C. 1641, 1685; Pub. L. 99–576)

(l) Section 21.4262—Other training on-the-job courses.

(Authority: 38 U.S.C. 1641, 1685; Pub. L. 99–576)

(m) Section 21.4265 (except paragraph (g))—Practical training approved as institutional training.

(Authority: 38 U.S.C. 1641, 1772; Pub. L. 94–502)

(n) Section 21.4266—Courses offered at subsidiary branches or extensions.

(Authority: 38 U.S.C. 1641, 1772, 1789(c); Pub. L. 94–502)

21. In § 21.5270, paragraph (a) is revised to read as follows:

§ 21.5270 Assessment and pursuit of course.

* * * * *

(a) Section 21.4270 (except those portions of the paragraph and footnotes dealing with cooperative and farm cooperative training)—Measurement of courses. For the purpose of benefits payable under chapter 32 that training identified in § 21.4270 as less than one-half and more than one-quarter time will be treated as one-quarter-time training.

(Authority: 38 U.S.C. 1641, 1788; Pub. L. 94–502, Pub. L. 99–576)

* * * * *

22. In § 21.5292, paragraph (e)(2) is revised to read as follows:

§ 21.5292 Reduced monthly contributions for certain individuals.

* * * * *

(e) * * *

(2) Except as amended in paragraph (e)(1) of this section §§ 21.5001 through 21.5041 and §§ 21.5050 through 21.5300 apply without change to this portion of the pilot program. See § 21.5296.

(Authority: Pub. L. 96–342, sec. 903; 38 U.S.C. 1632, 1798(a)(2); Pub. L. 97–35, Pub. L. 99–576)

23. In § 21.5294, paragraphs (c)(3)(i), (D)(1), and (d)(2) (iii) are revised to read as follows:

§ 21.5294 Transfer of entitlement

* * * * *

(c) * * *

(1) The ending date of the spouse's or child's course or period of enrollment as certified by the school or training establishment:

(Authority: 38 U.S.C. 1633; Pub. L. 99–576)

* * * * *

(d) *Application of VA regulations to this portion of the pilot programn.* (1) Sections 21.5030(a) and (b), 21.5040, 21.5041 and 21.5050 through 21.5067 and § 21.5145 apply to the individual who is participating in this portion of the pilot program, but they do not apply to the individual's spouse or child, per se.

(Authority: Pub. L. 96–342, sec. 903; Pub. L. 99–576)

* * * * *

(2) * * *

(iii) In § 21.5100 the individual's spouse or child may request counseling, but an incompetent spouse or child is not required to be counseled before selecting a program of education.

(Authority: Pub. L. 96–342, sec. 903, Pub. L. 97–306, Pub. L. 99–576)

* * * * *

24. Section 21.5296 is added to read as follows:

§ 21.5296 Extended period of eligibility.

(a) *General.* A veteran shall be granted an extension of the applicable delimiting period, as otherwise determined by § 21.5041 provided—

(1) The veteran applies for an extension.

(2) The veteran was prevented from initiating or completing the chosen program of education within the otherwise applicable delimiting period because of a physical or mental disability that did not result from the willful misconduct of the veteran.

(Authority: 38 U.S.C. 1632, Pub. L. 99–576)

(b) *Application.* (1) Only the veteran may apply for an extended period of eligibility pursuant to this section. A spouse or child to whom entitlement may be or has been transferred may not apply for, nor receive, an extension

based upon disability of either the veteran or the spouse or child.

(2) The veteran must apply for the extended period of eligibility in time for the VA to receive the application by the later of the following dates:

(i) One year from the last date of the delimiting period otherwise applicable to the veteran under § 21.5041, or

(ii) One year from the termination date of the period of the veteran's mental or physical disability.

(3) No application for an extended period of eligibility should be submitted and none will be processed during any period when the veteran has transferred entitlement to a spouse or child, since eligibility cannot be fully determined as provided in paragraph (c)(4)(ii) of this section.

(Authority: 38 U.S.C. 1632; Pub. L. 99-576)

(c) *Qualifying period of disobility.* A veteran's extended period of eligibiity shall be based on the period of time that the veteran himself or herself was prevented by reason of physical or mental disability, not the result of the veteran's willful misconduct, from initiating or completing his or her chosen program of education.

(1) Evidence must be presented which clearly establishes that the veteran's disability made pursuit of his or her program medically infeasible during the veteran's original period of eligibility as determined by § 21.5041. A period of disability following the end of the original disability period will not be a basis for extension.

(2) The VA will not consider a veteran who is disabled for a period of 30 days or less as having been prevented from enrolling or reenrolling in the chosen program of education or was forced to discontinue attendance, because of the short disability.

(3) Except as provided in paragraph (c)(4) of this section, a veteran's transfer of entitlement to a spouse or child during a period for which the veteran's disability prevented his or her pursuit of a program of education will not affect the veteran's entitlement to an extension of eligibility under this section.

(4) Since the act of entitlement transfer to a spouse or child indicates that the veteran did not intend to personally use his or her educational assistance during the specified transfer period, a veteran who becomes disabled after transferring entitlement will not be entitled to an extended period of eligibility based on any period of the disability which coincides with the specified transfer period unless—

(i) The transferee or transferees did not use any entitlement during this period, and

(ii) The veteran can clearly demonstrate that, notwithstanding his or her decision to transfer entitlement, the veteran would have used the entitlement during all or part of the transfer period and was prevented from doing so solely by reason of his or her disability.

(Authority: 38 U.S.C. 1632; Pub. L. 99-576)

(d) *Commencing date.* The veteran shall elect the commencing date of an extended period of eligibility. The date chosen—

(1) Must be on or after the original date of expiration of eligibility as determined by § 21.5041 of this part, and

(2) Must be on or before the 90th day following the date on which the veteran's application for an extension was approved by the VA, if the veteran is training during the extended period of eligibility in a course not organized on a term, quarter or semester basis, or

(3) Must be on or before the first day of the first ordinary term, quarter or semester following the 90th day after the veteran's application for an extension was approved by the VA if the veteran is training during the extended period of eligibility in a course organized on a term, quarter or semester basis.

(Authority: 38 U.S.C. 1632; Pub. L. 99-576)

(e) *Determining the length of extended periods of eligibility.* A veteran's extended period of eligibility shall be based on the qualifying period of disability, and determined as follows:

(1) If the veteran is in training in a course organized on a term, quarter or semester basis, his or her extended period of eligibility shall contain the same number of days as the number of days from the date during the veteran's original delimiting period that his or her training became medically infeasible to the earliest of the following dates:

(i) The commencing date of the ordinary term, quarter or semester following the day the veteran's training became medically feasible,

(ii) The veteran's delimiting date as determined by § 21.5041 of this part, or

(iii) The date the veteran resumed training.

(2) If the veteran is training in a course not organized on a term, quarter or semester basis, his or her extended period of eligibility shall contain the same number of days as the number of days from the date during the veteran's original delimiting period that his or her training became medically infeasible to the earlier of the following dates:

(i) The date the veteran's training became medically feasible, or

(ii) The veteran's delimiting date as determined by § 21.5041 of this part.

(Authority: 38 U.S.C. 1632; Pub. L. 99-756)

(f) *Discontinuance.* If the veteran is pursuing a course on the date an extended period of eligibility expires (as determined under this section), the VA will discontinue the education assistance allowance effective the day before the end of the extended period of eligibility.

(Authority: 38 U.S.C. 1632; Pub. L. 99-576)

(g) *No transfer of entitlement for use during the extended period of eligibility.*

(1) The veteran may only tansfer entitlement to a spouse or child for use during the original period of eligibility as determined by § 21.5041 of this part.

(2) If the veteran has established an extended period of eligibility with the VA, only the veteran may use remaining entitlement during that period.

(3) If the veteran transfers his or her entitlement after having received an extension of eligibility, but before the last day of the delimiting period as determined by § 21.5041 of this part, the eligibility of the spouse or child to use entitlement ends on the veteran's otherwise applicable delimiting date as determined by § 21.5041 of this part.

(Authority: 38 U.S.C. 1632; Pub. L. 99-576)

[FR Doc. 88-3080 Filed 2-11-88; 8:45 am]
BILLING CODE 8320-01-M

Notices

Federal Register
Vol. 53, No. 29
Friday, February 12, 1988

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

International Trade Administration

[A-588-706]

Preliminary Determination of Sales at Less Than Fair Value: Butadiene Acrylonitrile Copolymer Synthetic Rubber From Japan

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that butadiene acrylonitrile copolymer synthetic rubber (nitrile rubber) from Japan is being, or is likely to be, sold in the United States at less than fair value. We have notified the U.S. International Trade Commission (ITC) of our determination and have directed the U.S. Customs Service to suspend liquidation of all entries of nitrile rubber from Japan as described in the "Suspension of Liquidation" section of this notice. If this investigation proceeds normally, we will make a final determination by April 25, 1988.

EFFECTIVE DATE: February 12, 1988.

FOR FURTHER INFORMATION: Contact Debra Conner or Michael Ready, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue N.W., Washington, DC 20230; telephone: (202) 377-1778 or 377-2613.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We preliminarily determine that nitrile rubber from Japan is being, or is likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (19 U.S.C. 1673b) (the Act). The estimated weighted-average margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

Since our notice of initiation, (52 FR 36293, September 28, 1987), the following events have occurred. On October 14, 1987, the ITC determined that there is reasonable indication that a U.S. industry is materially injured by reason of imports of nitrile rubber from Japan, (52 FR 41514, October 28, 1987).

On October 29, 1987, we presented an antidumping duty questionnaire to Nippon Zeon Co., Ltd. which accounts for most of the exports of nitrile rubber from Japan during the period of investigation.

On December 16, 1987, we received a response to this questionnaire from Nippon Zeon. Two deficiency letters were sent and supplemental responses were received on January 5, 1988 and January 22, 1988. An additional deficiency letter was sent on January 29, 1988.

Scope of Investigation

The United States has developed a system of tariff classification based on the international harmonized system of Customs nomenclature. The U.S. Congress is considering legislation to convert the United States to this Harmonized System (HS). In view of this proposal, we will be providing both the appropriate Tariff Schedules of the United States annotated (TSUSA) item numbers and the appropriate HS item numbers with our product descriptions on a test basis pending Congressional approval. As with the TSUSA, the HS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

We are requesting petitioners to include the appropriate HS item number(s) as well as the *TSUSA* item number(s) in all new petitions filed with the Department. A reference copy of the proposed HS schedule is available for consultation at the Central Records Unit, Room B-099, U.S. Department of Commerce, 14th Street and Constitution Avenue N.W., Washington, D.C. 20230. Additionally, all Customs officers have reference copies and petitioners may contact the Import Specialist at their local Customs office to consult the schedule.

The product covered by this investigation is butadiene acrylonitrile copolymer synthetic rubber not containing fillers, pigments, or rubber-processing chemicals, currently provided for under the *TSUSA* item number 446.1511 and currently classifiable under HS item number 4002.59.00.

Period of Investigation

Petitioner noted that sales and imports of nitrile rubber are traditionally strongest in the early months of each year. Consequently, we extended the period of investigation for Nippon Zeon to January 1, 1987—September 30, 1987, as permitted by 19 CFR 353.38(a).

Such or Similar Comparisons

We determined that Nippon Zeon had sufficient home market sales of such or similar merchandise to form the basis for calculating foreign market value. For all U.S. sales examined, there were sales of identical merchandise in the home market.

Fair Value Comparisons

To determine whether sales of nitrile rubber from Japan to the United States were made at less than fair value, we compared the United States price to the foreign market value as specified below.

United States Price

In its response to our questionnaire, Nippon Zeon claimed that its U.S. sales were made through an unrelated company, Nichimen Japan/Nichimen America (Nichimen), and that Nichimen acted as Nippon Zeon's agent. Nippon Zeon reported the prices charged by Nichimen in the United States and the commission paid by Nippon Zeon to Nichimen. At the Department's request, Nippon Zeon provided a copy of its agreement with Nichimen and a fuller description of the commission paid to Nichimen.

Based on our review of the agreement, we preliminarily determine that Nichimen does not act as Nippon Zeon's agent. The agreement between Nichimen and Nippon Zeon refers to "sales" to Nichimen, provides that title to the goods passes to Nichimen, and does not indicate that Nippon Zeon has any control over Nichimen once the goods have been delivered to Nichimen.

Therefore, we have preliminarily determined that the price Nippon Zeon charges Nichimen is the appropriate U.S. purchase price. This is in accordance with the Department's usual practice in cases where a manufacturer is aware of the destination of its goods when such

goods are sold to an unrelated trading company. *See, e.g., Certain Forged Steel Crankshafts from Japan*, 52 FR 36984 (October 2, 1987); *Birch Three-Ply Doorskins from Japan*, 47 FR 50537 (November 8, 1982).

Nippon Zeon has also claimed that should the Department find Nichimen not to be an agent, the price between Nippon Zeon and Nichimen can be obtained from information in the response by deducting payments to Nichimen from the price Nichimen charges in the United States. For purposes of the preliminary determination, we have accepted this methodology for calculating U.S. price.

Therefore, we have calculated U.S. price by deducting foreign inland freight and insurance, export brokerage and handling, ocean freight, marine insurance, U.S. inland freight and insurance, U.S. import fees, and U.S. brokerage fees from Nichimen's price.

We have also deducted the commission (since no commission was recognized) paid to Nichimen in order to arrive at the price from Nippon Zeon to Nichimen.

Foreign Market Value

In accordance with section 773(a) of the Act, we calculated foreign market value based on Nippon Zeon's packed delivered prices to unrelated customers in the home market. We made deductions from the home market price where appropriate, for inland freight, insurance and rebates. In order to adjust for differences in packing between the U.S. and home markets, we deducted the home market packing cost from the foreign market value and added U.S. packing costs. We also made adjustments to the home market price, where appropriate, for differences in credit expenses pursuant to 19 CFR 353.15.

Nippon Zeon claimed adjustments for warehousing, indirect selling expenses, inventory carrying costs, technical services, and sales promotion expenses in the home market. We have not allowed adjustments for indirect selling expenses and inventory carrying costs, which we consider to be indirect selling expenses, because U.S. sales were treated as purchase price transactions and no commission was recognized on those sales. With respect to the adjustments for warehousing, technical services and sales promotion activities, we have denied these claims because respondent has not demonstrated that they are directly related to home market sales, in accordance with 19 CFR 353.15.

Currency Conversion

Since all U.S. sales were purchase price transactions, we made currency conversions in accordance with 19 CFR 353.56(a)(1).

Critical Circumstances

On September 1, 1987, the petitioner alleged that "critical circumstances" exist within the meaning of section 733(e) of the Act with respect to nitrile rubber from Japan. In determining whether critical circumstances exist, that section provides that we examine whether:

(A)(i) there is a history of dumping in the United States or elsewhere of the class or kind of merchandise which is the subject of investigation; or

(ii) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of the investigation at less than fair value; and

(B) there have been massive imports of the class or kind of merchandise which is the subject of the investigation over a relatively short period.

In order to determine whether massive imports have taken place over a short period of time we look at: (1) the volume and value of the imports; (2) seasonal trends; and (3) the share of domestic consumption accounted for by the imports.

In this proceeding, we have examined data provided by petitioner and respondent and the IM 146 statistics. Based on this information, we believe that massive imports have not occurred. Having so concluded, it is not necessary for us to address the issue of whether there is a history of dumping or whether the importers should have known that the merchandise was being sold at less than fair value.

Based on the above information, we preliminarily conclude that critical circumstances do not exist with respect to imports of nitrile rubber from Japan.

Verification

We will verify the information used in making our final determination in accordance with section 776(a) of the Act.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of nitrile rubber from Japan that are entered or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**. The U.S. Customs Service shall require a cash deposit or posting of a bond equal to the estimated amounts by which the foreign market value of nitrile rubber from Japan exceeds the United States price as shown below. This suspension of liquidation will remain in effect until further notice.

The weighted-average margins are as follows:

Manufacturer/producer/exporter	Weighted-average margin percentage
Nippon Zeon Co., Ltd	129.04
All Others	129.04

This suspension of liquidation covers imports of nitrile rubber as defined in the "Scope of Investigation" section of this notice.

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under administrative protective order, without the written consent of the Acting Assistant Secretary for Import Administration.

The ITC will determine whether these imports are materially injuring, or threaten material injury to, a U.S. industry before the later of 120 days after the date of this determination or 45 days after the final determination, if affirmative.

Public Comment

In accordance with 19 CFR 353.47, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 9:00 a.m. on March 28, 1988, at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Individuals who wish to participate in the hearing must submit a request to the Acting Assistant Secretary for Import Administration, Room B-099, at the above address within ten days of the publication of this notice. Requests should contain: (1) the party's name, address and telephone number; (2) the number of participants; (3) the reasons for attending; and (4) a list of the issues to be discussed.

In addition, prehearing briefs in at least ten copies must be submitted to the Assistant Secretary by March 21, 1988. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, at the above address, in at least ten copies, not less than 30 days before the date of the final determination, or, if a hearing is held, within seven days after the hearing transcript is available.

This determination is published pursuant to section 733(f) of the Act (19 U.S.C. 1673b(f)).

Gilbert B. Kaplan,

Acting Assistant Secretary for Import Administration.

[FR Doc. 88-3087 Filed 2-11-88; 8:45am]

BILLING CODE 3510-DS-M

[A-427-098]

Anhydrous Sodium Metasilicate From France; Final Results of Antidumping Duty Administration Review

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of final results of antidumping duty administration review.

SUMMARY: On July 31, 1987, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on anhydrous sodium metasilicate from France. The review covers one manufacturer/exporter of this merchandise and the periods January 1, 1983 through December 31, 1983 and January 1, 1984 through December 31, 1984.

We gave interested parties an opportunity to comment on the preliminary results. Based on our analysis of the comments received, the final results have not changed from those presented in the preliminary results of review.

EFFECTIVE DATE: February 12, 1988.

FOR FURTHER INFORMATION CONTACT: Kathleen Kelleher or Maureen Flannery, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 377-2923.

SUPPLEMENTARY INFORMATION:

Background

On July 31, 1987, the Department of Commerce ("the Department") published in the **Federal Register** (52 FR 28581) the preliminary results of its administrative review of the antidumping duty order on anhydrous sodium metasilicate from France (46 FR 1667, January 7, 1981). We have now completed the administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of anhydrous sodium metasilicate ("ASM"), a crystalline silicate (Na_2SiO_3) which is alkaline and readily soluble in water. Applications include waste paper de-inking, ore flotation, bleach stabilization, clay processing, medium or heavy duty cleaning, and compounding into other detergent formulations. ASM is currently classifiable under item number 421.3400 of the Tariff Schedules of the United States Annotated. This product is also currently classified under item numbers 2839.11.00 and 2839.19.00 of the Harmonized System.

The review covers one manufacturer/exporter of French ASM, Rhone Poulenc, and the period January 1, 1983 through December 31, 1984.

Analysis of Comments Received

We invited interested parties to comment on the preliminary results. We received comments from the respondent.

Comment 1: Rhone Poulenc contends that the Department should have finalized the November 26, 1984 preliminary determination covering the 1983 period in accordance with the August 13, 1985 amendment to the regulations. It urges that since a request to conduct a review of the 1983 period and a preliminary determination was made prior to the issuance of the new regulations, the Department was not required to provide an additional post preliminary results comments period or another hearing. Therefore, the 1983 review proceeding should have been finalized and the involved entry liquidated without the assessment of antidumping duties.

Department's Position: Consistent with our policy, the Department has disregarded preliminary determinations issued for reviews underway at the time of the amendment. Pursuant to the amendment, parties were given the opportunity to request a review of prior periods. Where reviews were requested, as in this case, they were initiated and new preliminary determinations were published. We note that this procedure has not affected our treatment of the 1983 entry. It will be liquidated without assessment of antidumping duties.

Comment 2: Rhone Poulenc contends that the Department should finalize the preliminary determination covering 1983 separately from that of the 1984 period, publish a tentative determination to revoke the antidumping duty order and revoke the order. Rhone Poulenc had no shipments to the United States in 1981, and no sales at less than fair value during the 1982 and 1983 review periods. Therfore, based on the company's November 15, 1984 application for a tentative revocation, the Department should have included a tentative determination to revoke the order with the July 31, 1987 preliminary notice.

Department's Position: We disagree. Even if we were willing to consider revocation based on Rhone Poulenc's behavior from 1981 through 1983, we would still be required to review the most recent information regarding entries up to the time of the tentative determination to revoke. (See, *Freeport Minerals* v. *United States*, 776 F. 2d 1029 (CAFC 1985).) We have determined that margins of 60 percent exist from 1984 and 1985. Given these findings, it would not be appropriate to revoke the antidumping duty order.

Comment 3: Rhone Poulenc contends that the Department should revoke the order and allow the company to self-monitor its imports of ASM to the United States based on its commitment to not sell it at less than fair value. Rhone Poulenc further notes that its agreement to reinstatement of the order if circumstances indicate that sales at less than fair value have resumed is substantively comparable to a commitment made by the respondent in the investigation of sales at less than fair value of ASM from the United Kingdom, which resulted in the Department's termination of that investigation. The Department should not discriminate between the two cases.

Department's Position: Rhone Poulenc fails to point out that the antidumping investigation on ASM from the United Kingdom was terminated based on the petitioner's withdrawal of the petition. Contrary to its contention, there was not an agreement between the Department of Commerce and the respondent. Thus, the United Kingdom case was governed by section 734(a) of the Tariff Act of 1930, as amended by section 604 of the Trade and Tariff Act of 1984 ("the Act"), which provides that upon withdrawal of a petition, the administering authority may terminate an investigation after giving notice to all parties to the investigation. An agreement to reinstatement of the order if circumstances indicate that sales at less than fair value have resumed is not sufficient for revocation of an antidumping order under § 353.54 of the Commerce Regulations.

Comment 4: Rhone Poulenc contends that it submitted adequate information

on the record to support a preliminary determination. Despite the fact that the information was unclear, inconvenient to use, and not in the format requested, it is the best information available and the Department therefore must use it. Rhone Poulenc contends that sale dates were not missing, as noted in the Department's preliminary determination, but were identical to shipment dates. It argues that the information was submitted in the same format for the preceding 1982, 1983, and 1985 reviews and that it could not suddenly become inadequate for 1984, absent a change in the law.

Department's Position: Rhone Poulenc's response is unclear and inadequate in various respects. For example, home market sale dates were not provided. Contrary to the claim that home market sales dates are synonymous with shipment dates, it was discovered at verification of the 1982 response that the home market sale dates occurred prior to shipment. As in the recently completed 1985 review, Rhone Poulenc failed to identify or quantify adequately U.S. selling expenses. They also did not provide adequate explanations of claimed home market expenses. For example, Rhone Poulenc reported an average selling expense figure for 1985. However, this figure did not reconcile with the breakdown of expenses provided in Rhone Poulenc's profit and loss statement. Furthermore, it did not explain how the selling expenses were allocated to sales of ASM. It also reported an average inland freight and packing expense despite its statement that the packing expense differed on a sale by sale basis depending on how the merchandise was packaged.

We agree that the information did not suddenly become inadequate. As the results of the 1985 review indicate, *Final Results of Antidumping Duty Administrative Review of Anhydrous Sodium Metasilicate from France* (52 FR 33857, September 8, 1987), Rhone Poulenc failed to respond adequately to the Department's questionnaire and has ignored requests for detailed, specific information. Unlike the 1984 and 1985 review periods, the data submitted for both 1982 and 1983 involved only one sale to the United States. The Department was able to use the information as submitted for those periods because less information was required. In addition, as in the 1985 review, though requested to do so several times, Rhone Poulenc did not provide all sales data on a computer tape.

Comment 5: Rhone Poulenc maintains that for any portions of its response which were deficient the Department must use data from the 1982 or 1983 review periods. In addition, it contends that under the *Freeport* rule the Department must use the most recent information available in an antidumping proceeding. Therefore, if the Department determines that the 1984 response is inadequate for this review, it must use information from the 1982 or 1983 responses.

Department's Position: The Department is properly using the margin from the fair value investigation as the best information available for this review due to our inability to get adequate cooperation from the respondent in submitting information. Section 776 of the Tariff Act, which authorizes our use of the best information available in certain situations, is intended to encourage cooperation from parties in a proceeding. To use information from the 1982 or 1983 review, as respondent suggests, would, in effect, reward the respondent for its failure to provide an adequate response for this review.

As stated in our position to this comment raised by Rhone Poulenc for the 1985 review, respondents reliance upon *Freeport Minerals* v. *United States*, 776 F.2d 1029 (CAFC 1985), is misplaced. That case simply held that the Department must look at up-to-date information in deciding whether to revoke an antidumping duty order. The *Freeport* case is irrelevant to the issue here, which is what data should be used as best information available where a respondent has not provided adequate information. In such cases we are authorized to use information that may be adverse to the interest of a respondent. See, *Final Results of Antidumping Duty Adminstrative Review of Anhydrous Sodium Metasilicate from France* (52 FR 33856, September 8, 1987).

Comment 6: Rhone Poulenc contends that it is not required to submit the sales information on a computer tape if the firm does not maintain records in a computerized form or if it is an unreasonable additional burden to do so. Failure to submit the data on a computer tape should not be considered an inadequacy.

Department's Position: Our position on this is the same as that presented in the final results of the 1985 review. We note that portions of the 1984 response were in a computerized format. Furthermore, Rhone Poulenc did eventually provide a computer tape of some sales data for 1985. We consider as inadequate any response not submitted in the requested format (in this case, on a computer tape) absent the Department's approval of an exemption given prior to the receipt of a response.

Final Results of the Review

Based on our analysis of the comments received, the final results have not changed from those presented in the preliminary results of review and we determine that the following margins exists:

Manufacturer/exporter	Time period	Margin (percent)
Rhone Poulenc	1/12/83	0
	1/12/84	60

The Department will instruct the Customs Service to assess antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service.

Further, as provided for in section 751(a)(1) of the Tariff Act, a cash deposit of estimated antidumping duties of 60 percent, as established by the final results of the administrative review for the 1/85–12/85 period, shall continue to be required. This deposit requirement is effective for all shipments of French anhydrous sodium metasilicate entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53a of the Commerce Regulations (19 CFR 353.53a).

Gilbert B. Kaplan,

Acting Assistant Secretary for Import Administration.

Date: February 7, 1988.

[FR Doc. 88–3090 Filed 2–11–88; 8:45 am]

BILLING CODE 3510–DS–M

[A–405–071]

Viscose Rayon Staple Fiber From Finland; Final Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

On October 20, 1987, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on viscose rayon staple fiber from Finland. The review covers Kemira Oy Sateri and the period March 1, 1986 through February 28, 1987.

We gave interested parties an opportunity to comment on our preliminary results. Based on our analysis of comments received, the final results are changed from those presented in the preliminary results of review.

EFFECTIVE DATE: February 12, 1988.

FOR FURTHER INFORMATION CONTACT: Barbara Victor or David P. Mueller, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–5222/2923.

SUPPLEMENTARY INFORMATION:

Background

On October 20, 1987, the Department of Commerce ("the Department") published in the **Federal Register** (52 FR 38953) the preliminary results of its administrative review of the antidumping finding on viscose rayon staple fiber from Finland (44 FR 17156, March 21, 1979). The Department has now completed the administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of viscose rayon staple fiber, except solution dyed, in noncontinuous form, not carded, not combed and not otherwise processed, wholly of filaments (except laminated filaments and plexiform filaments), currently classifiable under items 309.4320 and 309.4325 of the Tariff Schedules of the United States Annotated. This product is currently classifiable under HS item numbers 5504.10.00 and 5504.90.00.

The review covers Kemira Oy Sateri and the period March 1, 1986 through February 28, 1987.

Analysis of Comments Received

We invited interested parties to comment on the preliminary results. We received comments from the petitioner and the respondent.

Comment 1: Kemira Oy questions our comparison between home market price and U.S. price. Kemira objects to our inclusion of "wet-laid nonwoven" fiber in our calculation of the weighted-average home market price since this fiber is processed in a different manner than other types of fiber thus resulting in higher manufacturing costs and selling costs.

The petitioner objects to Kemira's suggestion to exclude this type of fiber from calculation of weighted-average home market price and agrees that the Department's decision to use a weighted-average of all different types of fiber sold in the home market is correct.

Department's Position: Based on information on the record as of the date of the preliminary determination, there is no indication that this type of fiber is not identical to the other fiber sold in the home market. Respondent's assertions that this type of fiber is processed differently resulting in different costs was made after the preliminary determination and are untimely. Accordingly, this type is included for foreign market value calculations.

Comment 2: Kemira asks that the Department reconsider its credit calculation based on further explanation of information contained in its questionnaire response.

The petitioner maintains that since the Department's credit calculation was based on information contained in Kemira's questionnaire response, Kemira should not be permitted to submit new or changed information at this late stage in the review.

Department's Position: The credit calculation made in the preliminary results of review was based on information contained in Kemira's response to our questionnaire. Based on the same information contained in the questionnaire response, the Department has recalculated its credit calculation for the final results of review to take into account an oversight in our analysis in the preliminary determination pointed out by Kemira Oy.

Final Results of Review

Based on our analysis of the comments received, the final results are changed from those presented in the preliminary results of review, and we determine that a margin of 1.41 percent exists for Kemira Oy Sateri for the period March 1, 1986 through February 28, 1987.

The Department will instruct the Customs Service to assess antidumping duties on all appropriate entries. Individual differences between United States prices and foreign market value may vary from the percentage stated above. The Department will issue appraisement instructions directly to the Customs Service.

Further, as provided for in section 751(a)(1) of the Tariff Act, a cash deposit of estimated antidumping duties of 1.41 percent shall be required. This deposit requirement is effective for all shipments of Finnish viscose rayon staple fiber entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1) and § 353.53a of the Commerce Regulations (19 CFR 353.53a).

Dated: February 7, 1988.

Gilbert B. Kaplan,

Acting Assistant Secretary for Import Administration.

[FR Doc. 88–3089 Filed 2–11–88; 8:45 am]

BILLING CODE 3510-DS-M

Short-Supply Review on Certain Slabs; Request for Comments

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice of request for comments.

SUMMARY: The Department of Commerce hereby announces its review of a request for a short-supply determination under Article 8 of the U.S.-Austria, U.S.-Australia, U.S.-Brazil, U.S.-EC, U.S.-Hungary, U.S.-Korea, U.S.-Poland, U.S.-Spain, and U.S.-Trinidad & Tobago Arrangements Concerning Trade in Certain Steel Products, Article 7 of the U.S.-Romania and U.S.-Venezuela Arrangements Concerning Trade in Certain Steel Products, Article 8 of the U.S.-Mexico and U.S.-Finland Understandings Concerning Trade in Certain Steel Products, and Paragraph 8 of the U.S.-Japan Arrangement Concerning Trade in Certain Steel Products, with respect to certain carbon steel slabs used in the production of steel plate and sheet.

DATE: Comments must be submitted on or before February 22, 1988.

ADDRESS: Send all comments to Nicholas C. Tolerico, Director, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, Room 7866, 14th Street and Constitution Avenue NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Richard O. Weible, Office of Agreements Compliance, Import Administration, U.S. Department of

Commerce, Room 7866, 14th Street and Constitution Avenue NW., Washington, DC 20230, (202) 377–0159.

SUPPLEMENTARY INFORMATION: Article 8 of the U.S.-Austria, U.S.-Australia, U.S.-Brazil, U.S.-EC, U.S.-Hungary, U.S.-Korea, U.S.-Poland, U.S.-Spain, and U.S.-Trinidad & Tobago Arrangements Concerning Trade in Certain Steel Products, Article 7 of the U.S.-Romania and U.S.-Venezuela Arrangements Concerning Trade in Certain Steel Products, Article 8 of the U.S.-Mexico and U.S.-Finland Understandings Concerning Trade in Certain Steel Products, and Paragraph 8 of the U.S.-Japan Arrangement Concerning Trade in Certain Steel Products provides that if the U.S. determines that because of abnormal supply or demand factors, the U.S. steel industry will be unable to meet demand in the USA for a particular product (including substantial objective evidence such as allocation, extended delivery periods, or other relevant factors), an additional tonnage shall be allowed for such product or products.

We have received a short-supply request for certain carbon steel slabs used in the manufacture of hot- and cold-rolled sheet, and hot-rolled plate. The slabs for production of sheet are of low carbon steel, 6 to 8 inches in thickness, 30 to 49½ inches in width, and 200 to 218 inches in length. The slabs requested for production of plate are 3½ to 5 inches in thickness, 32 to 52 inches in width, and 80 to 120 inches in length.

Any party interested in commenting on this request should send written comments as soon as possible, and no later than February 22, 1988. Comments should focus on the economic factors involved in granting or denying this request.

Commerce will maintain this request and all comments in a public file. Anyone submitting business proprietary information should clearly identify the business proprietary portion of the submission and also provide a non-proprietary submission which can be placed in the public file. The public file will be maintained in the Central Records Unit, Room B–099, Import Administration, U.S. Department of Commerce at the above address.

Gilbert B. Kaplan,

Acting Assistant Secretary for Import Administration.

February 8, 1988.

[FR Doc. 88–3088 Filed 2–11–88; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Marine Mammals; Modification of Permit of Miami Seaquarium (P35F)

Notice is hereby given that Miami Seaquarium, 4400 Rickenbacker Causeway, Miami, Florida 33149 has requested a modification to Permit No. 621 issued on December 18, 1987 (52 FR 48746), under the authority of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

The Permit Holder is requesting to change the location of take of four (4) Pacific white-sided dolphins (*Pseudorca crassidens*) from Japan to Monterey Bay, California. All other takes authorized will remain unchanged.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of the modification request to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written views or requests for a public hearing on this modification should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, DC 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this modification request are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described modification have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted in connection with the above application are available for review by interested persons in the following offices:

Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, 1825 Connecticut Avenue NW., Rm. 805, Washington, DC;

Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731–7415; and Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

February 8, 1988.

Nancy Foster,

Director, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service.

[FR Doc. 88–3100 Filed 2–11–88; 8:45 am]

BILLING CODE 3510-22-M

[Modification No. 1 to Permit No. 480]

Marine Mammals; Permit Modification, National Zoological Park (P6I)

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Scientific Research Permit No. 480 issued to the National Zoological Park, Smithsonian Institute, Washington, DC 20008, on August 8, 1984, (49 FR 32896) is modified in the following manner: Section B.4 is replaced by:

4. This Permit is valid with respect to the importation authorized herein until December 31, 1989.

This modification became effective on December 31, 1987.

Documents submitted in connection with the above modification are available for review in the following offices:

Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, 1825 Connecticut Avenue NW., Room 805, Washington, DC;

Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731; and Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Date: February 5, 1988.

Nancy Foster,

Director, Office of Protected Resources and Habitat Programs, National Marine Fisheries Services

[FR Doc. 88–3101 Field 2–11–88; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Issuance of Permit to Washington Department of Wildlife (P250B)

On November 25, 1987, Notice was published in the **Federal Register** (52 FR 45218), that an application had been filed by the Washington Department of

Wildlife, Marine Mammal Investigations, 7801 Phillips Road, SW, Tacoma, Washington, 98498, to take an unspecified number of harbor seals (*Phoca vitulina*), California sea lions (*Zalophus californianus*), and northern sea lions (*Eumetopias jubatus*) killed incidentally during commercial fishing operation for scientific research.

Notice is hereby given that on February 2, 1988, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Permit for the above taking subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the following offices:

Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, 1825 Connecticut Avenue NW., Rm. 805, Washington, DC; and

Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way, NE, BIN C15700, Building 1, Seattle, Washington 98115–0070.

Date: February 5, 1988.

Nancy Foster,

Director, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service.

[FR Doc. 88–3102 Filed 2–11–88; 8:45 am]

BILLING CODE 3510–22–M

Caribbean Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Caribbean Fishery Management Council will convene public scoping meetings pursuant to the National Environmental Policy Act (NEPA), to obtain comments and recommendations regarding the Council's intent to prepare an environmental impact statement (EIS), and to develop a fishery management plan for the queen conch (*Strombus gigas*) fishery within the Council's area of jurisdiction.

The public meetings will convene: (1) February 25, 1988, at 10 a.m., at the Department of Planning and Natural Resources, Conference Room, 179 Altona and Welgunst, St. Thomas, U.S. Virgin Islands, and (2) February 26, 1988 at 10 a.m., at the Colegio de Ingenieros y Agrimensores, Roosevelt Development, Conference Room, Hato Rey, Puerto Rico.

For further information contact the Caribbean Fishery Management Council, Banco de Ponce Building, Suite 1108, Hato Rey, PR 00918; (809) 753–4926.

Date: February 9, 1988.

Richard H. Schaefer,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 88–3047 Filed 2–11–88; 8:45 am]

BILLING CODE 3510–22–M

National Oceanic and Atmospheric Administration 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 at the Tidewater Inn, Dover and Harrison Streets, Easton, MD (telephone: 301–822–1300), to discuss the Surf Clam and Ocean Quahog and Bluefish Fishery Management Plans; habitat issues, as well as other fishery management and administrative matters. The public meeting will convene March 2, 1988, at 8:30 a.m., and will adjourn in the afternoon of March 3. The public meeting may be lengthened or shortened depending upon progress on the agenda, and the Council may convene a closed session (not open to the public) to discuss personnel and/or national security matters.

For further information, contact John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, 300 South New Street, Room 2115, Federal Building, Dover, DE 19901–6790; telephone: (302) 674–2331.

Date: February 9, 1988.

Richard H. Schaefer,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 88–3048 Filed 2–11–88; 8:45 am]

BILLING CODE 3510–22–M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1988; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1988 commodities to be produced by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: March 14, 1988.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202–3509.

FOR FURTHER INFORMATION CONTACT: C.W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: On July 10, 1987 the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (52 FR 26063) of proposed additions to Procurement List 1988, December 10, 1987 (52 FR 46926).

After consideration of the relevant matter presented, the Committee has determined that the commodities listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77 and 41 CFR 51–2.6.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered were:

a. The action will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The action will not have a serious economic impact on any contractors for the commodities listed.

c. The action will result in authorizing small entities to produce the commodities procured by the Government.

Accordingly, the following commodities are hereby added to Procurement List 1988.

Commodities

Chest, Five-Drawer:
7105–01–011–8397
7105–01–005–8403
7105–01–005–8404
7105–01–007–9797
7105–01–047–3555

Chest, Six Drawer:
7105–01–005–8407
7105–01–005–8405
7105–01–023–4636
7105–01–005–8406
7105–01–049–9587

Chest, Three-Drawer:
7105–01–046–8855

Chest, Stereo:
7105–01–019–0378
7105–01–005–8474
7105–01–017–6104
7105–01–019–0377
7105–01–047–3575
7105–01–047–3573

Base, Grooming Unit:
7105–01–019–0375
7105–01–007–1830
7105–01–019–0376
7105–01–019–0379
7105–00–NSH–0001

Overchest:
7105–01–005–8475
7105–01–047–3576
7105–01–047–3574

Bookcase, Open-Shelf:
7105–01–007–9798
7105–01–047–3558
7105–01–047–3556

Bookcase, Drop-Lid:
7105–01–005–8409

7105-01-005-8408
7105-01-007-1760
7105-01-009-2567
7105-01-047-3559
7105-01-047-3557
Top, Grooming Unit:
7105-01-005-8476
Box, Vanity:
7105-01-007-1831
Bracket, Overchest Support:
7105-01-NSH-0003
Assembly, Support Panel:
7105-01-NSH-0004.

C.W. Fletcher,

Executive Director.

[FR Doc. 88-3063 Filed 2-11-88; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1988; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List 1988 commodities to be produced and services to be provided by workshops for the blind or other severely handicapped.

DATE: Comments must be received on or before March 14, 1988.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77 and 41 CFR 51-2.6. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Additions

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities and services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and services to Procurement List 1988, December 10, 1987 (52 FR 46926).

Commodities

Bedspread

7210-00-728-0180
7210-00-728-0181
7210-00-728-0182
7210-00-728-0183
7210-00-728-0184
7210-00-728-0185

Applicator, Wax

7920-00-633-8774

Pad, Wax Applicator

7920-00-633-9274

Buckle, Belt

8315-00-664-9126
8315-01-069-4982

Services

Janitorial Service, The Rexnord Building, 4277 Poche Court West, New Orleans, Louisiana
Janitorial Service, U.S. Post Office and Courthouse, Bryson City, North Carolina
Janitorial Service, Airport Building, 9120 NE 47th, Portland, Oregon
Janitorial Service, Ross Complex, 5411 NE Highway 99, Vancouver, Washington

C.W. Fletcher,

Executive Director.

[FR Doc. 88-3064 Filed 2-11-88; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Air Force Academy Board of Visitors; Meeting

Pursuant to section 9355, Title 10, United States Code, the Air Force Academy Board of Visitors will meet at the Air Force Academy, Colorado Springs, Colorado, March 11-13 1988. The purpose of the meeting is to consider, morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy.

A portion of the meeting will be open to the public on March 12, 1988, from 10:00 a.m. to 11:00 a.m. and from 1:00 p.m. to 3:00 p.m. Other portions of this meeting will be closed to the public to discuss matters analogous to those listed in subsections (2), (4), and (6) of section 552b(c), Title 5, United States Code. These closed sessions will include: attendance at cadet classes and panel discussions with groups of cadets and military staff and faculty officers involving personal information and opinions, the disclosure of which would result in a clearly unwarranted invasion of personal privacy. Closed sessions will also include executive sessions involving discussions of personal information, including financial information, and information relating solely to internal personnel rules and practices of the Board of Visitors and the Academy. Meeting sessions will be held in the Air Force Academy Officers Club.

In addition to the open meeting session, the public is welcome to attend a press conference scheduled for 12:15 p.m. to 12:45 p.m. on March 13, 1988, in the Air Force Academy Visitors Center.

For further information, contact Major Jim Geyer, Headquarters, US Air Force (DPPA), Washington, DC 20330-5060, at (202) 697-2919.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 88-3028 Filed 2-11-88; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

January 27, 1988.

The USAF Scientific Advisory Board Ad Hoc Committee on Software Expertise and the Ada Language will meet on March 3, 1988, from 8:00 a.m. to 5:00 p.m. and on March 4, 1988, from 8:00 a.m. to 4:00 p.m. at Headquarters, Aeronautical Systems Division, Building 14, Area B, Wright Patterson Air Force Base, Ohio.

The purpose of this meeting is to receive briefings on and to discuss implementation of the Ada language in current and future Air Force weapon systems.

This meeting will involve discussions of classified defense matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information, contact the USAF Scientific Advisory Board Secretariat at (202) 697-4648.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 88-3029 Filed 2-11-88; 8:45 am]

BILLING CODE 3910-01-M

Corps of Engineers, Department of the Army

Intention To Prepare a Draft Environmental Impact Statement for the East Baton Rouge Parish Flood Study, LA

AGENCY: U.S. Army Corps of Engineers, DOD, New Orleans District.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (EIS).

SUMMARY:

1. *Proposed Action.* As part of the

larger Amite River and Tributaries Study, this study proposes to develop a recommendable solution to the flooding of the East Baton Rouge Parish urban area.

2. *Alternatives.* Alternatives being considered consist of various amounts of channel enlargement, together with floodwalls and pumping stations, to several watercourses within the urban area of Baton Rouge, in addition to feasible non-structural flood protection measures. These alternatives will be compared to the No Action alternative.

3. *Scoping Process.*

a. Scoping will be conducted by an information letter sent to persons and agencies known to have an interest in flooding problems and related issues in the area. This letter will request interested parties to provide comments on alternatives, significant issues, or impacts of alternatives for inclusion in the EIS. All relevant issues will be addressed.

b. Significant issues to be addressed in the EIS currently include: extent of projected flooding with future development and no remedial action taken, economically justifiable flood protection, relocations required, locations for disposal of material to be excavated, and effects on fish and wildlife, endangered species, cultural resources, recreation, and socio-economic concerns.

c. The U.S. Department of the Interior will provide a Fish and Wildlife Coordination Act Report to accompany the EIS.

d. A 45-day period will be allowed to all interested agencies and individuals for review and comment.

4. *Meeting Schedule.* No official scoping meeting is being planned at this time; however, a public meeting will be held during the review period to receive comments on the EIS.

5. *Availability.* The draft EIS is scheduled to be available to the public in April 1989.

ADDRESS: Questions concerning the Draft EIS can be directed to Mr. Bill Wilson, U.S. Army Corps of Engineers, Environmental Section (CELMN–PD–RE), P.O. Box 60267, New Orleans, Louisiana 70160–0267, telephone (504) 862–2527.

Date: February 4, 1988.

Lloyd K. Brown,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 88–3030 Filed 2–11–88; 8:45 am]

BILLING CODE 3710–84–M

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Information Technology Services, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before March 14, 1988.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Jim Houser, 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 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) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Margaret Webster at the address specified above.

Dated: February 9, 1988.

Carlos U. Rice,

Director for Information Technology Services.

Office of Elementary and Secondary Education

Type of Review: NEW
Title: Application for the School Dropout Program
Frequency: One time only
Affected Public: State or local governments, businesses or other for-profit, and non-profit institutions
Reporting Burden
Responses: 200
Burden Hours: 4,000
Recordkeeping
Recordkeepers: 0
Burden Hours: 0

Abstract: This form will be used by local education agencies, consortia of local education agencies and educational partnerships to apply for funding under the School Dropout Program. The Department uses the information to make grant awards and to insure projects meet statutory and regulatory requirements.

Office of Vocational and Adult Education

Type of Review: NEW
Title: Application for the Workplace Literacy Program
Frequency: Annually
Affected Public: State or local governments, businesses or other for-profit, non-profit institutions, small businesses or organizations
Reporting Burden
Responses: 100
Burden Hours: 2,000
Recordkeeping
Recordkeepers: 0
Burden Hours: 0

Abstract: This form will be used by public or private agencies, institutions or organizations to apply for funding under the Workplace Literacy Program. The Department uses the information to make grant awards.

[FR Doc. 88–3069 Filed 2–11–88; 8:45 am]

BILLING CODE 4000–01–M

[CFDA No.: 84.129]

Invitation for Applications for New Awards Under the Rehabilitation Long-Term Training Program for Fiscal Year 1988

Purpose: This program provides grants to States and other public and private agencies and organizations, including institutions of higher education, to increase the supply of qualified personnel for employment in public and

private agencies involved in the vocational and independent living rehabilitation of individuals with physical and mental disabilities.

Deadline for Transmittal of Applications: April 22, 1988.

Application Available: February 24, 1988.

Available Funds: $4,400,000 to $6,200,000.

Estimated Range of Awards: In accordance with § 386.1 of the program regulations and 34 CFR 75.105(c)(3), the Secretary has established an absolute priority for applications that propose to provide training in one of the following areas of personnel shortages:

Rehabilitation medicine	$700,000 to 1,000,000.
Prosthetics and orthotics	250,000 to 350,000.
Vocational evaluation and work adjustment	80,000 to 120,000.
Rehabilitation facility administration	300,000 to 500,000.
Rehabilitation of the blind	350,000 to 500,000.
Rehabilitation of the deaf	250,000 to 350,000.
Job development and job placement	300,000 to 500,000.
Physical therapy	200,000 to 300,000.
Occupational therapy	150,000 to 200,000.
Rehabilitation administration	300,000 to 400,000.
Rehabilitation of the mentally ill	350,000 to 550,000.
Client assistance program training	800,000 to 120,000.
Rehabilitation workshop and facility personnel	800,000 to 1,000,000.
Supported employment	300,000 to 350,000.

The long-term training program is designed to provide academic and non-academic training in areas of personnel shortage identified by the Secretary.

A separate Notice of Proposed Priority and Notice Inviting Applications for New Awards under the Rehabilitation Long-Term Training Program for fiscal year 1988 will be published in the **Federal Register** at a later date for Rehabilitation Counseling. With the exception of Rehabilitation Counseling, funds will be available for the award of new grants in only those rehabilitation long-term training fields designated in this notice.

Estimated Average Size of Awards: $86,000.

Estimated Number of Awards: 51–72.

Project Period: Not to exceed 36 months.

Applicable Regulations: (a) Regulations governing the Rehabilitation Long-Term Training Program (34 CFR Part 386), and (b) the Education Department General Administration Regulations (EDGAR) (34 CFR Parts 74, 75, 77, and 78).

For Applications or Further Information Contact: Mary Vest, Office of Developmental Programs, Rehabilitation Services Administration, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3332 (Switzer Building, M/S—2312), Washington, DC 20202. Telephone: (202) 732–1343.

Program Authority: 29 U.S.C. 774.

Dated: February 9, 1988.

Madeleine Will,

Assistant Secretary, Office of Special Education and Rehabilitative Services.

[FR Doc. 88–3070 Filed 2–11–88; 8:45 am]

BILLING CODE 4000-01-M

National Advisory Council on Indian Education; Meeting

AGENCY: National Advisory Council on Indian Education, Department of Education.

ACTION: Amendment to notice of Meeting.

SUMMARY: This document is intended to notify the general public of a change to the notice of meeting of the National Advisory Council on Indian Education as published in the **Federal Register** on February 4, 1988, on Page 3236, Vol. 53, No. 23.

The time and location remain the same, except that the proposed agenda has been revised to delete the agenda item regarding the election dispute that was previously printed.

Date: February 8, 1988.

Signed at Washington, DC.

Lincoln C. White,

Executive Director, National Advisory Council on Indian Education.

[FR Doc. 88–3039 Filed 2–11–88; 8:45 am]

BILLING CODE 4000-01-M

Office of Management

Availability of Data Acquisition Activities

AGENCY: Department of Education.

ACTION: Notice of availability of data acquisition activities approved prior to February 15, 1988.

SUMMARY: The Secretary publishes this notice to advise interested persons that they may obtain information regarding a list of approved education-related data acquisition activities that Federal agencies will use to collect data during school year 1988–89. The list includes all data acquisition activities approved before February 15, 1988.

DATE: The listing of approved data acquisition activities will be available February 15, 1988.

FOR FURTHER INFORMATION CONTACT: For information about the list or copies of the list, contact Mrs. Margaret B. Webster, U.S. Department of Education, Office of Management, Information Management and Compliance Division, 400 Maryland Avenue SW., Room 5624, ROB–3, Washington, DC 20202. Telephone: (202) 732–3915.

SUPPLEMENTARY INFORMATION: Under section 400A of the General Education Provisions Act, the Secretary of Education is responsible for reviewing and coordinating the collection of information and data acquisition activities of Federal Agencies—

(a) Whenever the respondents are primarily educational agencies or institutions; or

(b) Whenever the purpose of the activities is to request information needed for the management of, or the formulation of, policy related to Federal education programs or research or evaluation studies related to the implementation of Federal education programs.

Under section 400A the Secretary also informs the public of data acquisition activities that were approved by February 15, 1988. These data acquisition activities are considered information collection requests under the Paperwork Reduction Act of 1980. Under that Act and Office of Management and Budget (OMB) implementing regulations, proposed information collection requests must be published in the **Federal Register** on or before submission to OMB for final approval. Thus, the list announced by this notice includes each data acquisition activity for which the following requirements have been met prior to February 15, 1988: approval by the Secretary for use in the 1988–89 school year; publication in the **Federal Register** as a proposed information collection request; and approval by OMB.

Interested persons may obtain a copy of the list of approved information collection requests, or information regarding that list from Mrs. Margaret B. Webster at the address and telephone number listed at the beginning of this notice.

Dated: February 10, 1988.

Mary M. Rose,

Deputy Under Secretary for Management.

[FR Doc. 88-3241 Filed 2-11-88; 10:07 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Alternative Cooling Water Systems, Savannah River Plant, Aiken, SC; Record of Decision

The Department of Energy (DOE) has prepared this Record of Decision pursuant to regulations of the Council on Environmental Quality (40 CFR Part 1505) and Implementing Procedures of the Department of Energy (52 FR 47662, December 15, 1987). This Record of Decision is also based on DOE's issuing a *Draft Environmental Impact Statement, Alternative Cooling Water Systems, Savannah River Plant, Aiken, South Carolina* (DOE/EIS-0121D), holding public hearings on the Draft EIS, completing the Final EIS (DOE/EIS-0121), and distributing approximately 750 copies to Congress, state and Federal agencies, and concerned individuals. In addition, DOE has considered all public and regulatory comments received on the final EIS in the preparation of this Record of Decision.

DOE originally supported the once-through alternative. However, comments received from the Environemental Protection Agency (EPA) in a letter to DOE dated December 3, 1987, stated that the once-through alternative does not assure the "protection and propagation of a balanced indigenous population of shellfish, fish and wildlife." The State of South Carolina reinforced the EPA's opinion in a letter to DOE dated December 4, 1987. Both the State of South Carolina, as well as EPA, feel that the recirculating cooling alternative is the only Permittable (and, therefore, environmentally preferable) alternative. However, both the State of South Carolina and EPA feel that the environmentally preferred alternative for the D Area powerhouse is the DOE preferred alternative of increased flow with mixing.

Decision

DOE has decided to construct and operate (subject to the authorization and appropriation of funds by Congress) recirculating cooling towers for both K- and C-Reactors and to implement increased flow with mixing for the D-Area powerhouse at the Savannah River Plant (SRP). The implementation of cooling water systems for major sources of thermal effluents at the SRP will enable compliance with the thermal provisions of the Federal and State water quality standards and with a Consent Order (84-4-W) dated January 3, 1984, and amended on August 27, 1985, August 31, 1987, January 4, 1988, and January 29, 1988, between DOE and the South Carolina Department of Health and Environmental Control (SCDHEC). In accordance with the amended Consent Order, DOE will construct the cooling water system for K-Reactor first because C-Reactor is shut down for an extended period. DOE will notify SCDHEC immediately if it determines that C-Reactor is to restart and will propose a timely schedule for construction of its cooling water system. Because the implementation of the increased-flow-with-mixing alternative for D-Area would not require any construction activities, DOE will implement it immediately.

Cooling water discharges from the recirculating cooling towers at K- and C-Reactors will be required to comply with two water temperature conditions specified in the National Pollutant Discharge Elimination System (NPDES) permit issued by the State of South Carolina: (1) a maximum instream temperature of 32.2° C (90° F at all times and (2) a maximum allowable rise in the stream temperature of 2.8° C (5° F). Cooling water discharges would comply with the first condition (i.e., maximum instream temperature of 32.2° C) at all times. Because the effluent discharge occasionally would raise the ambient stream temperatures by more than 2.8° C, DOE would perform Section 316(a) Demonstration studies to verify that a balanced biological community would be maintained in the affected stream system and, would support the request for a variance of this condition from SCDHEC.

Cooling water discharges associated with the increased flow with mixing alternative for the D-Area powerhouse also would comply with the NPDES permit for a maximum instream temperature of 32.2' C. At times the discharge from the powerhouse would affect the ambient stream temperature by more than the maximum allowable 2.8° C rise. Therefore, DOE will perform a section 316(a) Demonstration study to verify that a balanced biological community would be maintained in the stream system and, thus would also request a variance of this condition from SCDHEC.

Background

The Savannah River Plant is located in southwestern South Carolina. The Plant occupies an area of approximately 780 square kilometers (192,741 acres), bounded on its southwestern side by the Savannah River, which is also the border between the States of South Carolina and Georgia. The SRP is a controlled-access, major DOE installation established in the early 1950s for the production of nuclear materials for national defense. Plant facilities, which can be characterized as heavy industry, consist of five production reactors (K-, L-, and P-Reactors are operational, R-Reactor is in standby condition, and C-Reactor is in an extended shutdown), two chemical separations areas, a fuel and target fabrication facility, and various supporting facilities.

The major sources of thermal effluents at the SRP are the cooling water discharges from the production reactors and an onsite coal-fired powerhouse. K- and C-Reactors discharge their cooling water directly to Pen Branch and Four Mile Creek, respectively. The coal-fired powerhouse in D-Area discharges cooling water from cooling-system condensers into an excavated canal that flows into Beaver Dam Creek.

An onsite 2700-acre cooling lake, Par Pond, cools the thermal effluent from P-Reactor. DOE has conducted section 316(a) and 316(b) studies, as required by the Federal Water Pollution Control Act, as amended (33 U.S.C. 1326), and submitted the results of these studies to SCDHEC. On May 14, 1987, SCDHEC concurred with DOE's conclusions that balanced indigenous populations of fish, shellfish, and wildlife exist in Par Pond and that the present operations of P-Reactor pose no threat to the continued existence of a balanced indigenous biological community. L-Reactor discharges its thermal effluent to a 1000-acre cooling lake. DOE has submitted Predictive section 316(a) studies that indicate the probable exhistence of balanced biolgoical communities on and in the cooling lake to SCDHEC, which has approved them. DOE has described the restart of L-Reactor and the use of the cooling lake extensively in the *Environmental Impact Statement, L-Reactor Operation, Savannah River Plant* (DOE/EIS-0108).

SCDHEC issued a renewed NPDES permit (number SC0000175) for SRP operations, which became effective on January 1, 1984. The purpose of this permit is to regulate the Plant's discharges of wastewater—including cooling water—to surface streams and other water bodies. As stated in the permit, cooling water discharge temperature limits for K- and C-Reactors and the D-Area powerhouse are not to exceed an instream temperature after mixing of 32.2°C; in addition, the

effluents must not raise the temperatures of the affected streams more than 2.8°C above their ambient temperatures, unless a section 316(a) Demonstration study can determine the maintenance of a balanced biological community.

To achieve compliance with these temperature limitations, on January 3, 1984, DOE and SCDHEC entered into a mutually agreed-on Consent Order (84–4–W). This order temporarily superseded the temperature requirements in the NPDES permit and established a process for attaining compliance. Key elements of this process required DOE to: (1) Complete a "Comprehensive Cooling-Water Study" of the thermal effects of operations at the Savannah River Plant, (2) complete and submit a Thermal Mitigation Study to SCDHEC, (3) submit and actively support funding requests to accomplish any actions resulting from the Thermal Mitigation Study, and (4) undertake work on the alternatives approved by SCDHEC, under a schedule to be established in an amendment to the Consent Order, subject to the appropriation of funds by Congress.

In compliance with the Consent Order, DOE submitted the *Thermal Mitigation Study* (DOE–SR–5003) to SCDHEC on October 3, 1984, the *Comprehensive Cooling-Water Study, Annual Report* (DP–1697) in July 1985, and the *Comprehensive Cooling-Water Study, Final Report* (DP–1739) in November 1987.

On August 27, 1985, DOE and SCDHEC agreed on an amendment to Consent Order 84–4–W that established a compliance schedule for the completion of National Environmental Policy Act (NEPA) documentation by December 31, 1986. This amendment also established an implementation schedule for the start of construction of a selected cooling water system for C-Reactor on or before September 30, 1987, and completion of construction on or before March 31, 1989. The amendment established the date for the start of construction of a system for K-Reactor on or before September 30, 1987, and completion of construction on or before July 31, 1989. The Consent Order also established March 31, 1987, as the date by which DOE must submit a plan of study and an approvable schedule for the implementation of a cooling water system for the D-Area powerhouse. In compliance with the amended Consent Order, DOE published a Notice of Availability (51 FR 10652, March 27, 1986) and submitted a copy of the Draft Environmental Impact Statement (DOE/EIS–0121D) to SCDHEC on March 28, 1986.

On October 29, 1986, DOE and SCDHEC agreed that it would be necessary to change the schedule in the amended Consent Order. DOE requested this change to respond to significant comments on the Draft EIS received from SCDHEC and the U.S. Environmental Protection Agency (EPA). On August 31, 1987, DOE and SCDHEC agreed on a second amendment to the Consent Order, which establishes a compliance schedule for the completion of NEPA documentation by October 31, 1987, which was done accordingly. This amendment also specifies that DOE must submit plans and specifications to SCDHEC for the K-Reactor mitigation alternative on or before September 30, 1988, subject to the authorization of and appropriation of funds by Congress. In addition, this amendment establishes an implementation schedule for the start of construction of a selected cooling water system for K-Reactor on or before February 28, 1990, and completion of construction on or before December 31, 1992. The amended Consent Order also establishes March 31, 1988, as the date by which DOE must submit a plan for a section 316(a) Demonstration study and an approvable schedule for the implementation of a cooling water system for the D-Area powerhouse. Finally, the amended Consent Order states that DOE shall notify SCDHEC immediately if it determines that C-Reactor is to restart, and shall propose a timely schedule for the construction of its thermal mitigation alternative. However, DOE recognizes that the change in the preferred alternative from a once-through system to a recirculating system will not allow DOE to meet the compliance schedule in the present Consent Order. Therefore, it will be necessary to renegotiate the Consent Order with SCDHEC.

DOE must implement cooling water system alternatives at K-Reactor and the D-Area powerhouse to comply with both South Carolina water classification standards [as contained in the NPDES permit (number SC0000175)] and Consent Order 84–4–W.

Description of Alternatives

As described in the *Final Environmental Impact Statement, Alternative Cooling Water Systems, Savannah River Plant, Aiken, South Carolina* (DOE/EIS–0121), October 1987, DOE's proposed action is to construct and operate cooling towers for K- and C-Reactors and to implement increased flow with mixing for the D-Area powerhouse. The alternatives that DOE considered in this FEIS to reach its decision include once-through and recirculating cooling towers for K- and C-Reactors and increased flow with mixing and direct discharge to the Savannah River for the D-Area powerhouse.

Initially, DOE identified 22 possible cooling water systems that could potentially meet the South Carolina Class B water classification standards for K- and C-Reactors and the D-Area coal-fired powerhouse, and documented them in the *Thermal Mitigation Study* (DOE–SR–5003). Based on a structured screening process and comments received on its Notice of Intent to prepare an environmental impact statement, and through the EIS scoping process, DOE decided to consider once-through and recirculating cooling towers for K- and C-Reactors, and increased-flow with mixing and direct discharge to the Savannah River for the D-Area powerhouse. In addition, DOE has considered the No-Action alternative in accordance with the Council on Environmental Quality's regulations for implementing the procedural provisions of the National Environmental Policy Act.

DOE has selected the environmentally preferred alternative, which is to construct and operate a recirculating system using cooling towers. This system would discharge only blowdown water to the stream.

Basis for Decision

In compliance with NEPA, DOE has analyzed the environmental impacts of many mitigation alternatives associated with the proposed construction and operation of modified cooling water systems for K- and C-Reactors and the D-Area powerhouse, as described in the FEIS. DOE considered all the comments it received on the Draft EIS in the preparation of the FEIS, which contains DOE's responses to those comments.

In addition to these considerations and in accordance with the amended Consent Order, DOE will construct the cooling water system for K-Reactor first because C-Reactor is in an extended shutdown. DOE will notify SCDHEC immediately if it determines that C-Reactor is to restart and will propose a timely schedule for the implementation of its cooling water system. The following discussion of mitigation alternatives and considerations in implementation deals only with K-Reactor and the D-Area powerhouse.

For each of the three facilities, the selection of the No-Action alternative would result in a continuation of present cooling water discharges that do not comply with the State of South

Carolina's Class B water classification standard of a maximum instream temperature of 32.2 °C. The construction and operation of either once-through or recirculating towers for K-Reactor, and the implementation of either increased flow with mixing or the construction and operation of a direct-discharge system to the Savannah River for the D-Area powerhouse, would result in discharges that would comply with this standard. However, the construction and operation of recirculating cooling towers for K-Reactor and the implementation of increased flow with mixing for the D-Area powerhouse also would require the performance of section 316(a) Demonstration studies to verify that balanced biological communities would be maintained in the affected streams, because discharges from these alternatives would exceed the Class B water classification standard of a maximum instream ambient temperature rise of 2.8 °C.

The present-worth cost estimate presented in the FEIS for once-through cooling tower systems for K-Reactor ($41.4 million) would be approximately $16.6 million less than that for recirculating cooling towers ($58 million). These estimates do not include the loss of production associated with reduced reactor power. The implementation of the once-through cooling-tower system would cause a 0.2-percent annual average loss of reactor power, which would result in a present-worth cost estimate of $43 million; the implementation of the recirculating system would cause a 3.7-percent power loss, which would result in a present-worth cost estimate of $90 million. Therefore, including production losses, the once-through cooling-tower system for K-Reactor would cost approximately $47 million less than the recirculating system. However, recirculating cooling towers would cost about $2 million less to operated each year than once-through systems because they would use less electricity to pump water from the Savannah River. Therefore, in 15 years this cost savings would result in a net savings of approximately $30 million, which would then make the once-through cooling-tower system about $17 million less to construct and operate than the recirculating system. The recirculating system would never have to reduce power during the summer in order to meet the NPDES maximum allowable discharge temperature as may occur with the once-through system. In addition to these costs and operating mode, the construction of the recirculating system would take approximately 6 months longer than the once-through system.

The principal environment benefit of once-through cooling towers would be the maintenance of existing flow levels in the creeks and deltas, which would provide more potential aquatic habitat for fish and other organisms. The principal benefits of constructing and operating recirculating cooling towers would be the reestablishment of a greater amount of wetlands (about 1500 acres), the reduction in entrainment and impingement losses by 85 percent each, and the establishment of a potentially greater amount of foraging habitat for the wood stork (an endangered species). In view of these facts and the concerns expressed by the regulators, the once-through alternative does not balance favorably against the recirculating alternative; therefore, DOE has not selected it.

For the D-Area powerhouse, the analysis in the FEIS indicates that both the environmentally preferred alternative and DOE's preferred alternative are increased flow with mixing. The principal environmental benefit of this alternative over the direct-discharge alternative would be the maintenance of existing water levels in Beaver Dam Creek, which would provide more habitat for the endangered wood stork and other aquatic organisms. This alternative also would avoid adverse impacts to about 1 acre of wetlands and 5 acres of uplands that would result from the construction of the direct-discharge pipeline. There would also be an initial cost savings of about $14 million, and savings of about $20,000 per year in operational costs thereafter. In addition, the preferred alternative could be implemented immediately, while the direct-discharge alternative would require about 22 months for construction. Because of its higher construction and operating costs, the longer schedule for implementation, adverse impacts to wetlands, and the potential reduction in habitat for the endangered wood stork caused by the reduced flow, DOE has not selected the direct-discharge alternative.

Considerations in the Implementation of the Decision

DOE will design, build, and operate the recirculating cooling-tower system for K-Reactor in compliance with its standards. DOE will design and operate the cooling tower such that it meets the maximum weekly average temperature criteria established by EPA [1] to minimize thermal shock to fish, which could occur during a reactor shutdown. Measures to minimize potential environmental impacts include sound engineering design, proper construction practices (e.g., erosion and storm runoff control to minimize aquatic impacts), and an effective quality assurance program. Construction activities at K-Reactor would disturb approximately 50 acres of uplands, and cannot be avoided. After construction of the cooling tower, DOE will replant areas that will not be used with native grasses, shrubs, or trees. The final site layout and design of the cooling towers, effluent canal, service roads, and parking areas will include all practicable methods of mitigating environmental impacts. The implementation of the preferred alternative for the D-Area powerhouse would not involve construction activities.

Conclusion

DOE has weighed the costs, benefits, schedule, and environmanetal impacts in its decision to implement a cooling-water system that will comply with the thermal provisions of the State of South Carolina's Class B water Classification standards (as contained in the NPDES permit) and with Consent Order 84-4-W between DOE and SCDHEC. Through this analysis, DOE has selected the construction and operation of a recirculating cooling tower system for K-Reactor, and the implementation of the increased flow with mixing alternative for the D-Area powerhouse. These are the environmentally preferred alternatives. DOE will proceed with this decision subject to the authorization and appropriation of funds by Congress.

Dated: February 10, 1988.

Troy E. Wade II,

Acting Assistant Secretary for Defense Programs.

[FR Doc. 88-3234 Filed 2-11-88; 8:45 am]

BILLING CODE 6450-01-M

[1] Environmental Protection Agency, 1977. Temperature Criteria for Freshwater Fish; Protocol and Procedures, EPA-600/3-77-061, Duluth, Minnesota.

Federal Energy Regulatory Commission

[Docket No. CI88-207-000 et al.]

Holmac Oil Company et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

February 8, 1988.

Take notice that each of the Applicants listed herein has filed an

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and petitions 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 February 22, 1988, 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 in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Description
CI88-207-000, B, Dec. 21,1987	Holmac Oil Co., P.O. Box 5370, Hobbs, NM 88241	El Paso Natural Gas Co., Delaware Field, Ward County, TX.	(1)
CI88-222-000, B, Jan. 4, 1988	Vernon E. Faulconer, c/o David L. Snelley, Esq., Hargrove, Guyton, Ramey and Barlow, P.O. Box B, Sheveport, LA 71161-0010.	Transwestern Pipeline Co., Blodgett-Blover No. 1 and 2 Wells, Spearman (Cleveland) Field, Hansford County, TX.	(2)
CI67-1005-002, D, Jan. 22, 1988	Sun Exploration & Production Co., P.O. Box 2880, Dallas, TX 75221-2880.	Williams Natural Gas Co., S.W. Wakita Field, Grant County, OK.	(3)
CI61-1147-008, D, Jan. 22, 1988	....do	ANR Pipeline Co., W. Chester & N.E. Cedardale Fields, Woodward County, OK.	(4)
CI61-1147-009, D, Jan. 22, 1988	....do	W. Chester, N.E. Cedardale *et al* Fields, Major *et al* Counties, OK.	(5)
CI71-825-002, D, Jan. 19, 1988	....do	Arkla Energy Resources, a division of Arkla, Inc., Witcherville Field, Sebastian County, AR.	(6)
G-11122-003, D, Jan. 25, 1988	....do	Colorado Interstate Gas Company Mocane-Laverne Field, Harper County, OK.	(7)
G-4268-001, D, Jan. 25, 1988	....do	Hugoton Field, Finney County, KS	(8)
G-5131-002, D, Jan. 25, 1988	....do	Texas Eastern Transmission Corporation Hostetter Field, McMullen County, TX.	(9)
G-14753-001, D, Jan. 19, 1988	....do	Transcontinental Gas Pipe Line Corp., Point Au Fer Field, Terrebonne Parish, LA.	(10)
G-13634-005, D, Jan. 19, 1988	....do	Northern Natural Gas Co. Division of Enron Corp., N.W. Dower Field, Beaver County, OK.	(11)
CI63-150-002, D, Jan. 22, 1988	....do	Mocane-Laverne Field, Beaver County, OK	(12)
G-15791-004, D, Jan. 19, 1988	....do	Transwestern Pipeline Company Hansford Field, Hutchins County, TX.	(13)
G-18142-002, D, Jan. 22, 1988	....do	Laverne Field, Harper County, OK	(14)
CI64-342-002, D, Jan. 21, 1988	Sohio Petroleum Co., P.O. Box 4587, Houston, TX 77210.	Mountain Fuel Resources, Inc., Nitchie Gulch Field, Sweetwater County, WY.	(15)
G-5125-000, D, Jan. 25, 1988	Sun Exploration & Production Co.	Tennessee Gas Pipeline Company, a Division of Tenneco Inc., Lissie Field, Wharton County, TX.	(16)
G-8826-000, D, Jan. 25, 1988	Sun Exploration & Production Co	United Gas Pile Line Co., McFaddin Field, Refugio & Victoria Counties, TX.	(17)
G-17461-002, D, Jan. 25, 1988	....do	N. Corpus Channel Field, Nueces & San Patricio Counties, TX.	(18)
CI61-1395-000, D, Jan. 22, 1988	....do	Williams Natural Gas Co., Hugoton Field, Finney County, KS.	(19)
CI78-1258-001, D, Jan. 20, 1988	Mobil Exploration & Producing North America Inc., Nine Greenway Plaza, Suite 2700, Houston, TX 77046.	Southern Natural Gas Co., South Marsh Island Block 244, Offshore Louisiana.	(20)
CI78-1259-001, D, Jan. 20, 1988	....do	....do	(20)
G-15463-000, D, Jan. 19, 1988	Texaco Producing Inc., P.O. Box 52332, Houston, TX 77052.	El Paso Natural Gas Co., Bisti Field, San Juan County, NM.	(21)
CI65-1227-000, F Jan. 15, 1988	FINA Oil & Chemical Co., P.O. Box 2159, Dallas, TX 75221.	Tennessee Gas Pipeline Company, a Division of Tenneco Inc., Second Bayou, Cameron Parish, LA.	(22)
G-12563-002, D, Jan. 25, 1988	Chevron U.S.A. Inc., P.O. Box 7309, San Francisco, CA. 94120-7309.	Transcontinental Gas Pipe Line Corp., Henry Field, McMullen County, TX.	(23)
CI88-253-000, B, Jan. 20, 1988	MM Resources, Inc., P.O. Box 384, Enid, OK 73702	K N Energy, Inc., Bradshaw Field, Hamilton County, KS.	(24)
CI88-264-000, B, Jan. 14, 1988	Dyco Petroleum Corp., 7130 South Lewis, Suite 300, Tulsa, OK 74136.	Transwestern Pipeline Co., Shriekey (Morrow) Field, Roberts County, TX.	(25)
CI88-267-000 (G-6635), B, Jan. 15, 1988.	Sun Exploration & Production Co	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., Chesterfield Field, Colorado County, TX.	(26)
CI88-268-000 (CI81-357), B, Jan. 22, 1988.	Mesa Operating Limited Partnership, P.O. Box 2009, Amarillo, TX 79189-2009.	Columbia Gas Transmission Corporation South Pass Blocks 57 & 58, Offshore Louisiana.	(27)
CI88-270-000 (CI80-463), B, Jan. 19, 1988.	Chevron U.S.A. Inc	Southern Natural Gas Co., Manila Village Field, Jefferson Parish, LA.	(28)
CI88-269-000, B, Jan. 22, 1988	Bogert Oil Co., 2601 N.W. Expressway, Suite 1000W, Oklahoma City, OK 73112.	Arkla Energy Resources, a division of Arkla, Inc., NE NE, Sec. 34-2N-9W, North Nellie Field, Stephens County, OK.	(29)
CI88-271-000 (CI66-916), B, Jan. 19, 1988.	Chevron U.S.A. Inc	Northern Natural Gas Co., division of Enron Corp., Shapley Field, Hansford County, TX.	(30)
CI88-265-000, B, Jan. 25, 1988	Hill Trusts, 2610 Texas American Bank Bldg., Fort Worth, TX 76102.	Panhandle Eastern Pipe Line Co., S/2 Sec. 24-T5n-R22ECM, W. Forgan Field, Beaver County, OK.	(31)

[1] This application was noticed on January 21, 1988 (53 Fed. Reg. 2277). However, that notice did not include Applicant's additional request received January 21, 1988, to grant Applicant pregranted abandonment for a term of three years for sales of the abandoned gas under its small producer certificate.

[2] Applicant requests permanent abandonment with pregranted abandonment for a period of three years for sales for resale in interstate commerce of the released gas under its small producer certificate. In support of its application Applicant states the contract expired January 1, 1985. Estimated deliverability is 60 Mcf/d. The gas is NGPA section 108 gas. Applicant intends to seek other meaningful markets.

[3] Sun assigned its interest in Property No. 878607, Schmitz, to Quail Creek Oil Corporation, effective 11-1-83.

[4] Sun assigned its interest in Property No. 867118, Oklahoma State S with depth limitations, to Robert L. Ham, effective 11-1-83.

[5] Sun assigned its interest in Property No. 880220, C. A. Severn, with depth limitations, to Combined Resources Corporation, effective 12-1-83.

[6] Sun assigned its interest in Property No. 604015, Loudermilk 1-14, to Maxus Exploration Company, effective 11-1-87.

[7] Sun assigned its interest in Property No. 808309, Dora Bentley Gas Unit No. 1, and Property No. 855404, O. Marker Unit, to Kaiser-Francis Oil Company, effective 11-1-83.

[8] Sun assigned its interest in Property No. 807432, Beach Gas Unit, from the surface down to a depth of 2,650 feet, to Glenn E. Myers, effective 12-1-83.

[9] Sun assigned its interest in Property No. 858211, E. T. McDowell, to Trans Coastal Corporation (45%); John Wrather (25%); J. W. Franklin (25%); Robert N. Johnston (5%), effective 10-1-83.

[10] Sun assigned its interest in Property No. 638805, Mary S. Nelson #17, to a depth of 12,800 feet, to Mobile Oil Exploration and Producing Southeast Inc., effective 2-1-87.

[11] Sun assigned its interest in Property No. 584525, Kirk Gas Unit -A-, to Hondo Oil & Gas Company, effective 10-1-87.

[12] Sun assigned its interest in Property No. 884011, Gust Spangler Unit, to Kaiser-Francis Oil Company, effective 11-1-83.

[13] Not used.

[14] Sun assigned its interest in Property No. 819714, G. B. Crawford Hoover Gas Sand Unit, with depth limitations, to Kaiser-Francis Oil Company, effective 11-1-83.

[15] Farmout of Sohio Petroleum Company's working interest in all of Sec. 5-T22N-R103W, to Terra Resources, Inc., effective 10-16-87.

[16] Sun assigned a depth limited interest in Property No. 812315, Brandon Unit, to Goldston Oil Corporation, effective 10-1-82.

[17] Sun assigned its interest from the surface of the ground to a depth of 5,584 feet in Lease No. 917130, to Kenneth C. English, effective 2-15-80.

[18] Sun assigned certain lease rights, one being for State Tract 15, Sun's Lease No. 928950, to Jake L. Hamon, *et al.*, effective 6-12-76.

[19] Sun assigned its interest in Property No. 809411, Bittiker Unit, with depth limitations, to Glenn E. Myers, effective 12-1-83.

[20] Reserves depleted.

[21] TPI assigned to Dugan Production Corporation its rights in and to the John C. Daum Lease, SE/4 Sec. 26-25N-11W; and NE/4 and N/2 NW/4 Sec. 35-25N-11W, from the surface down to the base of the Gallup formation, San Juan County, New Mexico, effective 11-1-87.

[22] By Assignment effective 5-15-87, Mobil Oil Corporation assigned to FINA all Mobil's right, title and interest in the properties covered by Mobil's Rate Schedule No. 375 and related certificate in Docket No. CI65-1227.

[23] Chevron assigned certain acreage to Sue-Ann Oil and Gas Company, effective 9-30-87.

[24] Applicant requests permanent abandonment. Applicant states the sale is uneconomical. Applicant states that by a partial assignment effective 3-1-87, Applicant acquired all of the working interest of Champlin Petroleum Company (now Union Pacific Resources Company) in five Chase Group gas wells in the Bradshaw Field, dedicated to the performance of the 1963 Contract with K N Energy, Inc. Applicant states that KN now refuses to take gas available from the five wells. Applicant states that from August through December Applicant's operating expenses exceeded its revenues from the five wells by some $4,000.

[25] Applicant requests permanent abandonment with limited-term pregranted abandonment for a period of three years for the sale for resale in interstate commerce of the released gas under its small producer certificate in Docket No. CS73-128. Applicant states that its contract with Transwestern was terminated as of December 31, 1987.

[26] Sun assigned its interest in Property No. 447840, Chesterville Unit, to Mobile Producing Texas & New Mexico Inc., effective 10-1-87.

[27] By mutual agreement between Mesa and Columbia, the contract dated 4-23-81, was cancelled effective 9-20-87.

[28] Chevron assigned certain acreage to Black Gold Production Company, effective 7-1-87.

[29] Applicant requests permanent abandonment with limited-term pregranted abandonment for a period of three years for the sale for resale in interstate commerce of the released gas under its small producer certificate in Docket No. CS84-119-000. Applicant states that the Couch 34-1 well has been unable to produce into Arkla's pipeline since March of 1986. Applicant states the Couch 34-1 well can produce about 400 Mcf per day. Applicant advised that the well was spudded on 6-29-77.

[30] Chevron assigned certain acreage to C. M. Fleetwood, Inc., effective 10-1-86.

[31] Applicant requests permanent abandonment with limited-term pregranted abandonment for a period of three years for the sale for resale in interstate commerce of the released gas under the small producer certificate in Docket No. CS71-1139. Applicant included with its filing termination agreements with Panhandle dated June 3, 1987, and May 19, 1987, and a letter dated January 18, 1988 from Panhandle. The agreements and the letter indicate Panhandle's willingness to release the gas subject to Applicant securing abandonment authorization from the Commission. Applicant states that it has secured another purchaser. Applicant further states it has recently set a new compressor on the system which it anticipates will deliver 300 Mcf per day of NGPA 104 flowing gas.

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 88-3053 Filed 2-11-88; 8:45 am]
BILLING CODE 1617-01-M

[Docket No. TA88-2-12-000]

Distrigas Corp. and Distrigas of Massachusetts Corp.; Rate Change Pursuant to Purchased Gas Cost Adjustment Provision and Request for Waiver

February 8, 1988

Take notice that on January 29, 1988, Distrigas Corporation ("Distrigas") tendered 21st Revised Sheet No. 1 to its FERC Gas Tariff to reflect (1) a rate increase for LNG from a cargo delivered in January 1988, and Distrigas of Massachusetts Corporation ("DOMAC") tendered for filing 21st Revised Sheet No. 3A of its FERC Gas Tariff also to reflect a rate increase.

Distrigas states that 21st Revised Sheet No. 1 is being filed pursuant to the Purchased LNG Cost Adjustment provision set forth in this FERC Gas Tariff. The Distrigas rate changes are being filed to reflect an increase in its sales rates to DOMAC of $.340085 cents per MMBtu.

DOMAC states that 21st Revised Sheet No. 3A is being filed under Section 15 of the General Terms and Conditions of its FERC Gas Tariff to reflect the Distrigas rate changes in DOMAC's rates for sale to its distribution customers, a losses and uses factor and the GRI surcharge. This is an increase of $.348157 cents per MMBtu. No surcharge is filed to recover outstanding balances in DOMAC's unrecovered purchased LNG cost account.

Distrigas and DOMAC request a waiver of all applicable notice requirements so that the proposed tariff sheets become effective on delivery of LNG on or about January 29, 1987.

A copy of Distrigas' and DOMAC's filing is being served on all affected parties 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 214 or 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211). All such motions or protests should be filed on or before Feb. 16, 1988. 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. 88-3052 Filed 2-11-88; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ID-2325-000]

Eugene G. McGillis; Notice of Filing

February 8, 1988

Take notice that on February 2, 1988, Eugene G. McGillis filed an application pursuant to section 305(b) of the Federal Power Act for Commission authorization to hold concurrently the following positions:

Position and Name of Corporation

Director; Superior Water, Light and Power Company
Director; The National Bank of Commerce, Superior, Wisconsin

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 February 22, 1988. 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. 88-3054 Filed 2-11-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-54-000]

Northern Natural Gas Co.; Notice of Filing

February 8, 1988

Take Notice that on February 3, 1988, Northern Natural Gas Company, Division of Enron Corp. (Northern), tendered for filing to become a part of Northern Natural Gas Company's (Northern) F.E.R.C. Gas Tariff, Third Revised Volume No. 1,

Twelfth Revised Sheet No. 21
Sixth Revised Sheet No. 22
Seventh Revised Sheet No. 23

Northern states that these sheets contain revisions to the PL-1 Rate Schedule to allow group billing under the PL-1 Rate Schedule.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC., 20426, in accordance with the Commission's Rules of Practice & Procedure (18 CFR 385.211, 385.214). All such motion or protests should be filed on or before February 16, 1988. 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. 88-3055 Filed 2-11-88; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-33281]

Environmental Impact Statements Filed February 1, 1988 Through February 5, 1988; Availability

Responsible Agency

Office of Federal Activities, General Information (202) 382-5073 or (202) 382-5075.

Availability of Environmental Impact Statements Filed February 1, 1988 Through February 5, 1988, Pursuant to 40 CFR 1506.9

EIS No. 880032. Draft, USA, UT, Dugway Proving Ground, Biological Aerosol Test Facility (BATF), Construction and Operation, Baker Laboratory, Tooele and Juab Counties, UT, Due: March 28, 1988. Contact: Kenneth C. Kirkman (801) 831-3417.

EIS No. 880033. Final, BLM, CA, Red Mountain Wilderness Study Area, Wilderness Recommendation, Designation or Nondesignation, Arcata Resource Area, Ukiah District, Mendocino County, CA, Due: March 14, 1988. Contact: Carl Rountree (916) 978-4722.

EIS No. 880034. Final, FHW, MS, MS-301 Reconstruction, MS-304 to Tennessee State Line, Funding, DeSoto County, MS, Due: March 14, 1988. Contact: James P. Iverson (601) 965-4222.

EIS No. 880035. Final, NPS, CA, Decker Canyon Management and Development Concept Plan, Santa Monica Mountains National Recreation Area, Implementation, Los Angeles and Ventura Counties, CA, Due: March 14, 1988. Contact: Nancy F. Ehorn (818) 888-3440.

EIS No. 880036. Final, BLM, NM, New Mexico Statewide Wilderness Study Areas, Wilderness Recommendations, Designation or Nondesignation, several Counties, NM, Due: March 14, 1988. Contact: Joe Soveik (505) 988-6565.

Dated: February 9, 1988.

William D. Dickerson,

Deputy Director, Office of Federal Activities.

[FR Doc. 88-3066 Filed 2-11-88; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3327-9]

Environmental Impact Statements and Regulations Prepared January 25, 1988 through January 29, 1988; Availability of Comments

Availability of EPA comments prepared January 25, 1988 through January 29, 1988 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382-5075/76. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in **Federal Register** dated April 24, 1987 (52 FR 13749).

Draft EISs

ERP No. D-AFS-L65112-WA, Rating EC2, Gifford Pinchot National Forest, Land and Resource Management Plan, Implementation, Clark, Lewis, Klicktat, Cowlitz, Skamania and Yakima Counties, WA. **SUMMARY:** EPA's major concern is that the level of detail and commitment for water quality monitoring and feedback mechanism are not commensurate with the sensitivity of the environment. The existing water quality and fish habitat conditions should be more clearly identified.

ERP No. DS-FHW-E40174-SC, Rating LO, Mark Clark Expressway/I-526 Construction Project, I-526/Cooper River Bridge Crossing, Fog Hazard Alternative Mitigation Measures, Funding, Berkeley and Charleston Counties, SC. **SUMMARY:** EPA has no objections to this document.

ERP No. D-UAF-K21002-GU, Rating LO, Uruno Beach (Urunao Beach) Cleanup Program, Implementation, Guam. **SUMMARY:** EPA expressed a lack of objections to this project.

Final EISs

ERP No. F-BLM-J70009-Ut, San Juan Resource Area, Resource Management Plan, Implementation, San Juan County, UT. **SUMMARY:** EPA notes improvements over the draft EIS. However, concern remains due to the lack of specific information on standards and thresholds for managing aquatic, riparian and other

rangeland resources under the Clean Water and Federal Land Policy and Management Acts.

ERP No. F-COE-G39024-TX, Trinity River and Tributaries Flood Plain Development Project, Implementation, Issuance of Permits, Dallas, Denton and Tarrant Counties, TX. **SUMMARY:** EPA expresses support for the common vision floodplain management efforts for the Trinity River Corridor and recognizes that the ultimate control of impacts from floodplain development rests with cities along the floodplain development rests with cities along the floodplain development rests with cities along the floodplain boundary. In recognition of the current level of Standard Project Floodplain protection, EPA recommends the COE institute a vigorous 404 regulatory program by adopting strict adherence to the Section 404(b)(1) Guidelines, no permitted discharge of fill material if there is a practicable alternative to siting in water of the United States including adjacent wetlands.

Dated: February 9, 1988.

William D. Dickerson,

Deputy Director, Office of Federal Activities.

[FR Doc. 88-3067 Filed 2-11-88; 8:45 am]

BILLING CODE 6560-50-M

(OW-FRL-3327.7)

State Water Quality Standards; Annual Listing of State Reviews

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This Notice contains a list of the States which have revised their water quality standards, the dates of adoption by the State and dates of approval by EPA. This update covers the period of August 1986 through September 1987 and is published pursuant to the requirements of the Water Quality Standards Regulation (40 CFR 131.21).

FOR FURTHER INFORMATION CONTACT: David K. Sabock, Chief, Standards Branch (WH585), Environmental Protection Agency, 401 M Street SW., Washington, DC 20460 Phone 202-475-7315.

SUPPLEMENTARY INFORMATION: This Notice lists State water quality standards review/revisions for the period of August, 1986 through September, 1987. The most recent previous listing of review and revisions of State water quality standards was published in the **Federal Register** on September 25, 1986 (51 FR 34139). The Notice identifies the State regulatory documentation containing the State water quality standards and dates of State adoption and EPA approval. Not included in this notice are: (1) The text of the water quality standards, (2) a description of the adoption action or (3) any conditions (including disapprovals) that might have been attached to EPA's approval.

The text of a State water quality standards and copies of the approval letters can be obtained for the State's pollution control agency or the appropriate EPA Regional Office. Proprietary publications such as those of the Bureau of National Affairs also contain the text of State water quality standards.

Date: December 30, 1987.

Lawrence J. Jensen,

Assistant Administrator for Water.

Alabama

Water quality standards for the State of Alabama are contained in "Alabama Water Improvement Commission Regulations, Policies and Procedures, Title II—Water Quality Criteria and Use Classifications," as amended.

Adopted or amended by the State: March 25, 1986.

EPA action: approved in part October 14, 1986, disapproved in part October 14, 1987.

Alaska

Water quality standards for the State of Alaska are contained in "Alaska Administrative Code, Title 18, Environmental Conservation, Chapter 70, Water Quality Standards", as amended.

Adopted or amended by the State: January 7, 1987.

EPA action: approved April 6, 1987.

Arizona

Water quality standards for the surface waters of the State of Arizona are contained in "Arizona Administrative Rules and Regulations, Title 9—Health Services, Chapter 21-Water Quality Standards for Waters of the State, Articles 1-6", as amended.

Adopted or amended by the State: August 12, 1986.

EPA action: approved September 26, 1986.

Arkansas

Water quality standards for the Arkansas are contained in Regulation No. 2, as amended, entitled, "Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas."

Adopted or amended by the State: March 27, 1987.

EPA action: approved June 23, 1987.

California

Water quality standards for the State of California are covered by "California Water Code, Division 7—Water Quality; enacted by California Statutes of 1969, Chapter 482", as amended.

State Board Resolution 87-21, Water Quality Control Plan for the Ocean Waters of California (Ocean Plan).

Adopted or amended by the State: March 19, 1987.

EPA action: approved June 25, 1987.

State Board Resolutions 85-4 and 87-7, the "Delta Plan"

Adopted or amended by the State: January, 1985.

EPA action: approved June 29, 1987.

Colorado

Water quality standards for the State of Colorado are contained in "Code of Colorado Regulations, Title 5—Department of Health, Chapter 1002—Water Quality Control Commission, Article 8—Water Quality Standards and Stream Classifications", as amended.

Standards for Segment 15, mainstem of the South Platte River, South Platte River Basin 3.8.0 (5CCR 1002-8).

Adopted or amended by the State: April 8, 1986.

EPA action: approved in part: October 1, 1986, disapproved in part: October 1, 1986.

Standards for Segment 8a, Iowa Gulch, Arkansas River Basin 3.2.0 (5CCR 1002-8).

Adopted or amended by the State: March 2, 1987.

EPA action: approved June 23, 1987.

Commonwealth of the Northern Mariana Islands

Water quality standards for the Commonwealth of the Northern Mariana Islands are contained in "Commonwealth of the Northern Mariana Islands Marine and Fresh Water Quality Standards" (Commonwealth Register, Vol. 8, No. 8, November 17, 1986.

Adopted or amended by the State: November 17, 1986.

EPA action: approved January 23, 1987.

Connecticut

Water quality standards for the State of Connecticut are adopted by the Connecticut Department of Environmental Protection and contained in the document entitled "Water Quality Standards".

Adopted or amended by the State: June 22, 1987.

EPA action: pending.

District of Columbia

Water quality standards for the District of Columbia are contained in "District of Columbia Municipal Regulations, Chapter 42—Water Quality Standards for the District of Columbia", as amended.

Adopted or amended by the State: August 26, 1985.

EPA action: approved October 31, 1985.

Florida

Water quality standards for the surface waters of the State of Florida are contained in "Title 17—Department of Environmental Regulation, Chapter 17-3—Water Quality Standards", as amended.

Adopted or amended by the State: August 1, 1986.

EPA action: approved September 9, 1986.

Illinois

Water quality standards for the State of Illinois are contained in "Illinois Administrative Code, Title 35, Subtitle C—Water Pollution, Chapter 1, Part 302—Water Quality Standards", as amended.

Adopted or amended by the State: May 24, 1984.

EPA action: approved August 15, 1984.

Indiana

Water quality standards for the State of Indiana are contained in "Indiana Administrative Code, Title 327, Articles 1 & 2—Water Quality Standards", as amended.

Adopted or amended by the State: September 18, 1985.

EPA action: approved November 27, 1985.

Iowa

Water quality standards for the State of Iowa are contained in "Iowa Administrative Code, Division 567—Environmental Protection Commission, Title IV—Wastewater Treatment and Disposal, Chapter 61—Water Quality Standards", as amended.

Adopted or amended by the State: August 13, 1986.

EPA action: approved November 24, 1986.

Louisiana

Water quality standards for the State of Louisiana are contained in "Louisiana Department of Environmental Quality, Office of Water Resources, Water Quality Standards", as amended.

Adopted or amended by the State: June 1, 1987.

EPA action: approved July 1, 1987.

Maine

Water quality standards for the State of Maine are contained in "Maine Revised Statutes, Title 38, Waters and Navigation, Chapter 3—Protection and Improvements of Waters", as amended.

Adopted or amended by the State: July 1, 1986.

EPA action: approved in part: July 16, 1986, disapproved in part: May 21, 1987.

Michigan

Water quality standards for the State of Michigan are contained in "Michigan Administrative Code, Water Resources Commission, General Rules, Part 4—Water Quality Standards", as amended.

Adopted or amended by the State: November 29, 1986.

EPA action: approved August 4, 1987.

Minnesota

Water quality standards for the State of Minnesota are contained in "Minnesota Rules, Chapter 7050, Classification and Standards for Waters of the State", as amended.

Adopted or amended by the State: August 28, 1984.

EPA action: approved March 12, 1985.

Adopted or amended by the State: September 16, 1986.

EPA action: approved March 23, 1987.

Nebraska

Water quality standards for surface waters of the State of Nebraska are contained in "Title 117, Nebraska Water Quality Standards for Surfacr Waters of the State", as amended.

Adopted or amended by the State: May 8, 1987.

EPA action: approved June 30, 1987.

Nevada

Water quality standards for the State of Nevada are contained in Nevada Administrative Code, Chapter 445, as amended.

Nevada's Water Quality Standards for the Walker River in Nevada Administrative Code 445.13425 to 445.13435.

Adopted or amended by the State: June 20, 1985.

EPA action: approved December 19, 1986.

North Carolina

Water quality standards for the surface waters of North Carolina are contained in "North Carolina Administrative Code, Title 15, Chapter 2, Subchapter 2B—Surface Water Standards", as amended.

Adopted or amended by the State: December 12, 1985.

EPA action: approved May 23, 1986.

Ohio

Water quality standards for the State of Ohio are contained in "Ohio Administrative Code, Chapter 3745-1 Ohio Water Quality Standards", as amended.

Adopted or amended by the State: April 10, 1987.

EPA action: August 25, 1987.

Oklahoma

Water quality standards for the State of Oklahoma are contained in Section 1010.1 of the Oklahoma Water Resources Boards "Rules, Regulations, and Modes of Procedure, 1985", as amended.

Adopted or amended by the State: April 8, 1986.

EPA action: approved September 15, 1986.

South Carolina

Water quality standards for the State of South Carolina are contained in South Carolina Code of Regulations, Chapter 61, Department of Health and Environmental Control, Regulation 68: Water Classification—Standards System, and Regulation 69: Classified Waters", as amended.

Adopted or amended by the State: September 25, 1986.

EPA action: approved January 30, 1987.

Tennessee

Water quality standards for the State of Tennessee are contained in "Rules and Regulations of the State of Tennessee, Chapter 1200-4, Department of Health, Bureau of Environmental Health Services, Division of Water Quality, Rule 3—General Water Quality Criteria for the Definition and Control of Pollution in the Waters of Tennessee", as amended.

Adopted or amended by the State: February 2, 1987.

EPA action: approved June 26, 1987.

Texas

Water quality standards for the State of Texas are contained in "Texas Administrative Code, Title 31—Natural Resources and Conservation, Chapter 307—Supplemental Surface Water Quality Standards, and Chapter 333—Water Quality Management, Sections 11-21, Surface Water Quality Standards", as amended.

Adopted or amended by the State: December 17, 1986.

EPA action: approved March 11, 1987

Vermont

Water quality standards for the State of Vermont are contained in "State of

Vermont, Water Resources Board, Vermont Water Quality Standards", as amended.

Adopted or amended by the State: December 30, 1986.

EPA action: pending.

Virginia

Water quality standards for the State of Virginia are adopted pursuant to Section 62.1–44.15(3) of the Code of Virginia as amended.

Adopted or amended by the State: March 24, 1986.

EPA action: approved March 17, 1987.

West Virginia

Water quality standards for the State of West Virginia are contained in: "West Virginia Administrative Regulations, State Water Resources Board, Chapter 20, Article 5, Series I, Code of West Virginia", as amended

Adopted or amended by the State: January 6, 1986.

EPA action: approved June 25, 1986.

Wisconsin

Water quality standards for the State of Wisconsin are contained in "Wisconsin Administrative Code, Chapters NR 102, Water Quality Standards, and NR 104, Intrastate Water Uses and Designated Standards", as amended.

Adopted or amended by the State: February 18, 1987.

EPA action: approved March 26, 1987.

[FR Doc. 88–3044 Filed 2–11–88; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirements Submitted to Office of Management and Budget for Review

February 5, 1988.

The Federal Communications Commission has submitted the following information collection requirements 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 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) 634–1535. 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: 3060–0242
Title: Section 74.604, Interference Avoidance
Action: Extension
Respondents: Businesses (including small businesses)
Frequency of Response: On occasion
Estimated Annual Burden: 5 Responses; 5 Hours
Needs and Uses: The Commission must be notified if a mutual agreement to avoid interference cannot be reached by licensees assigned a common channel for TV pickup, TV studio transmitter link, or TV relay purposes in the same area. This information is used by Commission staff to take such action as may be necessary to ensure equitable distribution of available frequencies

OMB Number: 3060–0241
Title: Section 74.633, Temporary Authorizations
Action: Extension
Respondents: Businesses (including small businesses)
Frequency of Response: On occasion
Estimated Annual Burden: 12 Responses; 48 Hours
Needs and Uses: Under certain circumstances licensees of television auxiliary broadcast stations must submit to the Commission informal requests for special temporary authority to operate stations on a temporary basis. This information is used by Commission staff to ensure that interference will not be caused to other established stations

OMB Number: 3060–0240
Title: Section 74.651, Equipment Changes
Action: Extension
Respondents: Business (including small businesses)
Frequency of Response: On occasion
Estimated Annual Burden: 20 Responses; 20 Hours
Needs and Uses: Licensees of TV auxiliary broadcast stations are required to notify the Commission in writing of certain equipment changes made. This information is used by Commission staff to maintain complete technical records regarding a licensee's facilities.

Federal Communications Commission.

H. Walker Feaster III,

Acting Secretary.

[FR Doc. 88–2999 Filed 2–11–88; 8:45 am]

BILLING CODE 6712-01-M

Public Information Collection Requirement Submitted to Office of Management and Budget for Review.

February 5, 1988.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission may be purchased from the Commission's 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) 632–7513. 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: 3060–0012
Title: Application for Additional Time to Construct a Radio Station (Under Rule Parts 21, 23 and 25)
Form Number: FCC 701
Action: Revision
Respondents: Businesses (including small businesses)
Frequency of Response: On occasion
Estimated Annual Burden: 162 Responses; 324 Hours
Needs and Uses: The FCC Form 701 is used by common carriers when applying for additional time to construct a radio or satellite station. The data is used by FCC personnel to determine if the applicant meets statutory requirements and whether the additional time should be granted as requested by the applicant.

Federal Communications Commission.

H. Walker Feaster III,

Acting Secretary.

[FR Doc. 88–3000 Filed 2–11–88; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC

20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No: 224–200088

Title: Eastport, Maine Marine Terminal Lease Agreement

Parties:

Eastport Port Authority (Port)
Federal Marine Terminals, Inc.

Synopsis: The proposed agreement provides for the lease by the Port to Federal Maritime Terminals, Inc. of pier and terminal facilities at Eastport, Maine, for a term of ten years.

By order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

Dated: February 8, 1988.

[FR Doc. 88–2992 Filed 2–11–88; 8:45 am]

BILLING CODE 6730–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on February 5, 1988.

Social Security Administration

(Call Reports Clearance Officer on 301–965–4149 for copies of package)

1. Application for Disability Insurance Benefits—0960–0060—The information collected by use of forms SSA–16/1650 is needed to determine a claimant's entitlement to disability insurance benefits. The affected public is comprised of individuals who wish to file an application for disability insurance benefits. Respondents: Individuals or households. Number of Respondents: 1,000,000; Frequency of Response: Occasionally; Estimated Annual Burden: 146,667 hours.

OMB Desk Officer: Elana Norden.

Health Care Financing Administration

(Call Reports Clearance Officer on 301–594–1238 for copies of package)

1. Quarterly Showing Validation Surveys—0938-0282—Federal reviewers examine entity's documentation for a sample of facilities to assure that all Medicaid patients received inspection of care reviews annually. Respondents: State or local governments. Number of Respondents: 54; Frequency of Response: Quarterly; Estimated Annual Burden: 864 hours.

2. HCFA Forms and Manual Order—0938–0356—The HCFA–1961 will be used by Medicare intermediaries, carriers, State agencies and ESRD networks to order Medicare forms and program manuals form HCFA. Respondents: State or local governments, Businesses or other for-profit. Number of Respondents: 251; Frequency of Response: Semi-annually; Estimated Annual Burden: 2,559 hours.

OMB Desk Officer: Allison Herron.

Public Health Services

(Call Reports Clearance Officer on 202–245–2100 for copies of package)

Centers for Disease Control

1. Regulation—X-Ray Examination Program/Federal Mine Safety and Health Act, 1977, 42 CFR Part 37—0920–0020—Information is utilized for early identification of incidence and/or progression of coal worker's pneumoconiosis for prevention and/or treatment. Identification is followed by clinical management of miner's health, through appropriate notification of medical findings and applicable dust transfer rights. Public affected includes underground coal miners and operators, physicians and x-ray facilities.

Respondents: Individuals or households, Businesses or other for-profit. Number of Respondents: 30,800; Frequency of Response: Occasionally; Estimated Annual Burden: 2,935 hours.

2. 1988 National Health Interview Survey—Revision—0937–0021—The National Health Interview Survey AIDS Knowledge and Attitudes Supplement for 1988, conducted from March through December 1988, will assess the level of knowledge in the U.S. noninstitutionalized population age 18 and older about AIDs, its transmission, prevention, and health risks, and will provide continuing data to assess changes in the level of that knowledge. Respondents: Individuals or households. Number of Respondents: 48,500; Frequency of Response: One-time; Estimated Annual Burden: 64,900 hours.

National Institutes of Health

Individual National Research Service Award and Related Forms—0925–0002—Provides to selected individuals support of training experiences in biomedical and behavioral research. Awards are made to individual applicants for specified training proposals, selected as a result of a national competition. This series of forms used by individuals to apply for, activate, terminate, travel, and provide for payback of a National Research Service Award. Respondents: State or local governments. Number of Respondents: 15,717; Frequency of Response: Occasionally; Estimated Annual Burden: 34,886 hours.

Alcohol, Drug Abuse, and Mental Health Administration

1. Alcohol and Drug Abuse Treatment and Rehabilitation Reporting Requirements (Revision for FY 1988)—0930–0123—Pub. L. 99–570 legislated that States shall submit an application to the Secretary (DHHS) requesting an allotment of funds under this statute, and that the States will report periodically the results of the evaluations of the activities conducted with payments under this effort. The revised application for FY 1988 is substantially the same as the FY 1987 version, with minor changes. Respondents: State or local governments. Number of Respondents: 57; Frequency of Response: Annually; Estimated Annual Burden: 10,260 hours.

2. Inventory of Mental Health Services in State Adult Correctional Facilities—NEW—This study is a national enumeration survey of mental health services in State adult correctional facilities which have witnessed appreciable growth in mentally ill prisoners. General purpose statistics will be developed for Federal intramural and extramural research applications, and for sharing with State mental health and correction departments. Respondents: State or local government. Number of Respondents: 950; Frequency of Response: One-time; Estimated Annual Burden: 455 hours.

Indian Health Service

Application for Participation in the Indian Health Service Scholarship program—0915–0072—The information to be collected will be used to select IHS Pregraduate, preparatory and/or health professions scholarship grantees. Respondents: Individuals or households, State or local governments, Businesses or other for-profit, Non-profit institutions, Small businesses or organizations. Number of Respondents: 3,500; Frequency of Response:

Occasionally; Estimated Annual Burden: 2,625 hours.

OMB Desk Officer: Shannah Koss-McCallum.

As mentioned above, copies of the information collection clearance packages can be obtained by calling the Reports Clearance Officer, on one of the following numbers:

PHS: 202-245-2100
HCFA: 301-594-1238
SSA: 301-965-4149

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, DC 20503. ATTN: (name of OMB Desk Officer).

Date: February 8, 1988.

James F. Trickett,

Deputy Assistant Secretary, Administrative and Management Services.

[FR Doc. 88-3065 Filed 2-11-88; 8:45 am]

BILLING CODE 4150-04-M

Annual Update of the Poverty Income Guidelines

AGENCY: Department of Health and Human Services.

ACTION: Notice.

SUMMARY: This notice provides an update of the poverty income guidelines to account for last year's increase in the Consumer Price Index.

DATE: February 12, 1988.

ADDRESS: Office of the Assistant Secretary for Planning and Evaluation, Department of Health and Human Services, Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: For information about the poverty income guidelines in general, contact Joan Turek-Brezina (telephone: (202) 245-6141).

Questions about applying these guidelines to a particular program should be referred to the Federal office which is responsible for that program.

For information about the Hill-Burton Uncompensated Services Program (no-fee or reduced-fee hospital care at certain hospitals for certain persons unable to pay for such care), contact the Office of the Director, Division of Facilities Compliance (telephone: (301) 443-6512). (As set by 42 CFR 124.505(b), the effective date of these guidelines for facilities obligated under the Hill-Burton Uncompensated Services Program is 60 days from the date of this publication.)

For information about the estimated number of persons with incomes below the Federal Government's statistical poverty thresholds, contact John McNeil, Chief, Poverty and Wealth Statistics Branch, U.S. Bureau of the Census (telephone: (301) 763-7946).

This notice provides the 1988 update of the poverty income guidelines required by sections 652 and 673(2) of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35). As required by the statute, this update reflects last year's change in the Consumer Price Index (CPI-U); it was accomplished using the same methodology used in previous years.

These poverty income guidelines are used as an eligibility criterion by a number of Federal programs. The guidelines are a simplified version of the Federal Government's statistical poverty thresholds used by the Bureau of the Census to prepare its statistical estimates of the number of persons and families in poverty. The *poverty income guidelines* issued by the Department of Health and Human Services (formerly by the Community Services Administration) are used for *administrative* purposes—for instance, for determining whether a person or family is financially eligible for assistance or services under a particular Federal program. The *poverty thresholds* are used primarily for *statistical* purposes.

In certain cases, as noted in the relevant authorizing legislation or program regulations, a program uses the poverty income guidelines as only one of several eligibility criteria, or uses a modification of the guidelines (for example, 130 percent or 185 percent of the guidelines). Some other programs, while not using the guidelines as a criterion of individual eligibility, use them for the purpose of giving priority to lower-income persons or families in the provision of assistance or services. In some cases, these poverty income guidelines may not become effective for a particular program until a regulation or notice specifically applying to the program in question has been issued.

The poverty guidelines given below are applicable to both farm and nonfarm families.

The following definitions (derived for the most part from language used in U.S. Bureau of the Census, Current Population Reports, Series P-60, No. 158 and earlier reports in the same series) are made available for use in connection with the poverty income guidelines. Programs may use somewhat different definitions.

(a) *Family.* A family is a group of two or more persons related by birth, marriage, or adoption who reside together; all such related persons are considered as members of one family. For instance, if an older married couple their daughter and her husband and two children, and the older couple's nephew all lived in the same house, they would all be considered members of a single family. If a household includes more than one family and/or more than one unrelated individual, the poverty guidelines are applied separately to each family and/or unrelated individual, and not to the household as a whole.

(b) *Family unit of size one.* In conjunction with the poverty income guidelines, a family unit of size one is an unrelated individual (as defined by the Census Bureau)—that is, a person 15 years old or over (other than an inmate of an institution) who is not living with any relatives. An unrelated individual may be the sole occupant of a housing unit, or may be residing in a housing unit (or in group quarters such as a rooming house) in which one or more persons also reside who are not related to the individual in question by birth, marriage, or adoption. (Examples of unrelated individuals residing with others include a lodger, a foster child, a ward, or an employee.)

(c) *Income.* Refers to total annual cash receipts before taxes from all sources, with the exceptions noted below. Income data for a part of a year may be annualized in order to determine eligibility—for instance, by multiplying by four the amount of income received during the most recent three months. Income includes money wages and salaries before any deductions. Income also includes net receipts from nonfarm or farm self-employment (receipts from a person's own business or from an owned or rented farm after deductions for business or farm expenses). Income includes regular payments from social security, railroad retirement, unemployment compensation, strike benefits from union funds, workers' compensation, veterans' payments, public assistance (including Aid to Families with Dependent Children, Supplemental Security Income, and non-Federally-funded General Assistance or General Relief money payments), training stipends, alimony, child support, and military family allotments or other regular support from an absent family member or someone not living in the household; private pensions, government employee pensions (including military retirement pay), and regular insurance or annuity payments; college or university scholarships, grants, fellowships, and assistantships; and dividends, interest, net rental

income, net royalties, periodic receipts from estates or trusts, and net gambling or lottery winnings.

As defined here, income does *not* include the following types of money received: capital gains; any assets drawn down as withdrawals from a bank, the sale of property, a house, or a car; one-time payments from a welfare agency to a family or person who is in temporary financial difficulty; tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury. Also excluded are noncash benefits, such as the employer-paid or union-paid portion of health insurance or other employee fringe benefits, food or housing received in lieu of wages, the value of food and fuel produced and consumed on farms, the imputed value of rent from owner-occupied nonfarm or farm housing, and such Federal noncash benefit programs as Medicare, Medicaid, Food Stamps, school lunches, and housing assistance.

1988 Poverty Income Guidelines for all States (Except Alaska and Hawaii) and the District of Columbia

Size of family unit	Poverty guideline
1	$5,770
2	7,730
3	9,690
4	11,650
5	13,610
6	15,570
7	17,530
8	19,490

For family units with more than 8 members, add $1,960 for each additional member.

Poverty Income Guidelines for Alaska

Size of family unit	Poverty guideline
1	$7,210
2	9,660
3	12,110
4	14,560
5	17,010
6	19,460
7	21,910
8	24,360

For family units with more than 8 members, add $2,450 for each additional member.

Poverty Income Guidelines for Hawaii

Size of family unit	Poverty guideline
1	$6,650
2	8,900
3	11,150
4	13,400
5	15,650
6	17,900
7	20,150
8	22,400

For family units with more than 8 members, add $2,250 for each additional member.

Dated: February 8, 1988.

Otis R. Bowen,

Secretary of Health and Human Services.

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BILLING CODE 4510-04-M

Food and Drug Administration

[Docket No. 78N-0434]

Mattox & Moore, Inc., Esmopal; Opportunity for Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA), Center for Veterinary Medicine (CVM), is amending its notice of opportunity for hearing on a proposal to withdraw approval of the new animal drug application (NADA) for Esmopal submitted by Mattox & Moore, Inc. Esmopal contains 10 milligrams of estradiol monopalmitate and is approved for injection into roasting chickens to produce more uniform fat distribution and to improve finish. The proposed withdrawal is based upon, among other things, the sponsor's failure to submit residue data required to support continued approval of its NADA, despite repeated requests from the agency that the sponsor submit such data.

DATES: A written appearance requesting a hearing by March 14, 1988; data, information, and analysis on which the request for hearing relies by April 12, 1988.

ADDRESS: Written appearance, data, and analysis to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Robert W. Benson, Center for Veterinary Medicine (HFV-102), Food and Drug Administration, 5600 Fishers Lanes, Rockville, MD 20857, 301-443-4500.

SUPPLEMENTARY INFORMATION:

I. The January 1979 Notices

In the **Federal Register** of January 5, 1979 (44 FR 1462, 1463), CVM (formerly the Bureau of Veterinary Medicine) issued two notices of opportunity for hearing. One notice of opportunity for hearing (44 FR 1463) was on a proposal to withdraw approval of three NADA's: (1) NADA 13-187, submitted by Mattox & Moore, Inc. (Mattox & Moore), 1503 East Riverside Dr., Indianapolis, IN 46207, for Esmopal, discussed below; (2) NADA 9-576, submitted by Syntex Laboratories, Inc. (Syntex), 3401 Hillview Dr., Palo Alto, CA 94304, for Synovex-S, a product containing estradiol benzoate and progesterone and implanted subcutaneously in the ear of steers for growth promotion and feed efficiency; and (3) NADA 11-427, submitted by Syntex for Synovex H, a product containing estradiol benzoate and testosterone propionate and implanted subcutaneously in the ear of heifers for growth promotion and feed efficiency. The other notice of opportunity for hearing (44 FR 1462) was on a proposal to refuse to approve NADA 110-315, submitted by Ivy-Gene Co., Inc. (Ivy-Gene) (formerly Ivy-Reed Co., Inc.), 2871 Tilden St. NW., Washington, DC 20008, for STEER-oid, a product containing estradiol benzoate and progesterone and proposed for subcutaneous implantation in the ear of steers for growth promotion and feed efficiency.

This notice amends the January 1979 notice of opportunity for hearing on CVM's proposal to withdraw approval of the NADA for Esmopal, the Mattox & Moore product. Esmopal (21 CFR 522.844) contains 10 milligrams (mg) of estradiol monopalmitate and is approved for injection into roasting chickens to produce more uniform fat distribution and to improve finish. The drug is not to be used within 6 weeks of slaughter (21 CFR 522.844).

The January 1979 notices of opportunity for hearing were based in relevant part on the conclusions of CVM (1) that the drugs in question were not shown to be safe for use in food-producing animals because estradiol has the potential to cause carcinogenic effects, and (2) that none of the analytical methods then available was adequate to demonstrate that use of the drugs would not result in unsafe residues in human food. CVM proposed to withdraw approval of the NADA's for Esmopal, Synovex-S, and Synovex-H under section 512(e)(1)(B) of the Federal Food, Drug and Cosmetic Act (the act) (21 U.S.C. 360b(e)(1)(B)). That section,

often referred to as the safety clause, provides that:

(e)(1) The [FDA] shall, after due notice and opportunity for hearing to the applicant, issue an order withdrawing approval of an application filed pursuant to subsection (b) with respect to any new animal drug if the [FDA] finds * * * (B) that new evidence not contained in such application or not available to the [FDA] until after such application was approved, or tests by new methods, or tests by methods not deemed reasonably applicable when such application was approved, evaluated together with the evidence available to the [FDA] when the application was approved, shows that such drug is not shown to be safe for use under the conditions of use upon the basis of which the application was approved * * *.

CVM did not propose to withdraw approval of the NADA's under any other provision of the act. As discussed in Section II. of this notice, CVM is amending the January 1979 notice of opportunity for hearing on the proposal to withdraw approval of the NADA for Esmopal under section 512(d)(1)(H) of the act (21 U.S.C. 360b(d)(1)(H), known as the Delaney clause, as well as under the safety clause.

Syntex, Mattox & Moore, and Ivy-Gene all requested a hearing, but only Syntex and Mattox & Moore submitted supporting information. (Ivy-Gene, however, submitted residue data following publication of the May 1981 notice discussed in Section II.A. of this notice.) In support of its hearing request, Mattox & Moore submitted a bibliography of 39 articles concerning analytical methods for estradiol. Most of the articles relate to species other than the chicken, while those involving the chicken do not present data on the approved uses of Esmopal. None of the information submitted by Mattox & Moore addresses either the level of estradiol in the tissues of untreated chickens or the concentration of the residues of Esmopal in treated chickens.

Syntex provided data on residue levels in beef following the use of Synovex-S and Synovex-H. The firm also provided extensive data from the scientific literature on the daily production of estradiol and estrone (a metabolite of estradiol) in different segments of the human population and on the levels of estradiol and estrone in foods that are normally part of the daily diet of humans. Syntex then argued that the low levels of estradiol and estrone to which one would be expected to be exposed in meat as a result of use of Synovex products were insignificant compared to (1) the levels of estradiol and estrone that are produced naturally each day by men, women, and children, and (2) the levels of estradiol and estrone that people consume in their average daily diets. The firm also argued that the available research methods were adequate to show that the residues of estradiol benzoate from Synovex-H and Synovex-S that would be present in beef as a result of the products' use would be orders of magnitude below the levels of estradiol normaly present in people and far below the levels of that endogenous sex steroid naturally present in daily servings of other common foods derived from animals.

On the basis of Syntex's submission and a reevaluation of the relevant scientific literature by CVM and FDA's Center for Food Safety and Applied Nutrition (CFSAN), CVM and CFSAN recommended to the Commissioner of Food and Drugs: (1) That the Commissioner conclude that the use of Synovex is safe under both normal conditions of use and foreseeable conditions of abuse (misuse), and (2) that the Commissioner accordingly not apply the requirement in section 512(d)(1)(H) of the act of a regulatory method for monitoring residues that result in edible tissue from the use of a drug. As discussed in Section II. of this notice, the Commissioner subsequently agreed with each of these recommendations.

II. The May 1981 Notice and the Statutory Grounds now Propose for Withdrawal of the NADA for Esmopal

A. The May 1981 Notice.

In the **Federal Register** of May 1, 1981 (46 FR 24694), the Commissioner announced the reopening of the administrative record concerning the January 5, 1979, notices of opportunity for hearing. Based on that record, the Commissioner concluded in the May 1, 1981, notice (46 FR 24695, 24696) that estradiol induces cancer in animals and that there is no valid regulatory method for estradiol. The Commissioner also concluded (46 FR 24696) that the act, specifically section 512(d)(1)(H), "requires, *Inter alia*, a postslaughter analytical method capable of detecting levels of drug residues at and above the level that presents an acceptable level of risk ("regulatory method")." In addition, however, the Commissioner reopened the administrative record for comment on a number of issues regarding the safety and approvability of estradiol products for use in food-producing animals.

Following publication of the May 1981 notice, the Commissioner concluded, based on evidence provided by Syntex, Ivy-Gene, CVM, and CFSAN, that the increase in exposure that would result from the ingestion of cattle tissues containing residues of estradiol benzoate at the levels left by the Syntex and Ivy-Gene products does not pose a significant risk to human health.

Synovex-S, Synovex-H, STEER-oid, and Esmopal all contain estradiol esters, which are converted in the target animal to estradiol-17-*beta* (estradiol). Estradiol is a naturally occuring sex steroid synthesized by all mammalian species. Its pharmacology, physiology, and toxicology are well established, and it has been shown to induce cancer in several species of animals when given exogenously in an amount considerably greater than that present endogenously in the test species (Ref. 1; 46 FR 24695; 44 FR 1466, 1467). The Commissioner concluded, however, that in the absent of persistent overstimulation of the hormonal system by residues of estradiol-containing drugs remaining in the edible products of food-producing animals, people will not be subjected to an increased risk of cancer from estradiol that is of any concern. The Commissioner also concluded that no harmful effects will occur in people chronically ingesting animal tissues that contain an increment of estradiol equal to one percent or less of the amount produced each day by prepubertal boys, the segment of the population with the lowest daily rate of production of estradiol. The calculated increase permitted in beef muscle above the amount naturally present in untreated animals is 120 parts per trillion (ppt) estradiol; based on the relative consumption of other tissues versus muscle, the calculated increases above background permitted in liver, kidney, and fat are 240, 360, and 480 ppt, respectively.

In addition, the Commissioner concluded that although redioimmunological assays (RIA's) submitted by Syntex and Ivy-Gene for measuring the levels of estradiol in tissues of food-producing animals treated with Synovex-S, Synovex-H, or STEER/oid were not in and of themselves adequate for regulatory purposes, an RIA procedure alone could be used to gather acceptable residue data on estradiol levels in such tissues, under research conditions and with adequate controls to eliminate possible interferences. Finally, the Commissioner concluded that a regulatory method is not needed because the maximum increased exposure at zero withdrawal, even considering foreseeable misuse of the drugs, is far below concentrations that are unsafe. Requiring a regulatory method to monitor the estradiol remaining in cattle treated with Synovex-S, Synovex-H, or STEER-oid would be inappropriate because doing

so would yield a result so unreasonable that it "could not be thoroughly attributed to congressional design." *United States* v. *Rutherford*, 442 U.S. 544, 545 (1979).

The Commissioner will discuss these conclusions in detail, and otherwise rspond to the comments on the May 1981 notice, in a notice to be published in the **Federal Register** vacating CVM's proposal to withdraw approval of Synovex-H and Synovex-S and vacating CVM's proposal to refuse approval of STEER-oid. At present, the Commissioner's conclusions are reflected in letters dated December 24, 1981, from the Commissioner to the sponsors (Refs. 2 and 3), in CVM's approval of the NADA for STEER-oid (progesterone and estradiol benzoate) (47 FR 51108; nov. 12, 1982), in its approval of supplemental applications requesting a zero withdrawal period for Synovex-H and Synovex-S (48 FR 48659; Oct. 20, 1983), in its regulations establishing tolerances for estradiol and progesterone (49 FR 13872, April 9, 1984), and in its approval of the NADA for Ivy-Gene's HEIFER-oid (estradiol benzoate and testosterone propionate) (49 FR 29777; July 24, 1984).

The Commissioner did not make similar conclusions for Esmopal, nor does CVM believe that the Commissioner could have, because Mattox & Moore did not submit data demonstrating either the endogenous levels of estradiol and estrone in chicken tissues or the increase in these hormones that would result from the use of Esmopal, despite repeated requests from the agency (Refs. 4 through 10) that the firm submit such data. The data provided by Syntex, Ivy-Gene, CVM, and CFSAN are inapplicable to Esmopal: Esmopal, a different new animal drug product than the Syntex and Ivy-Gene products, is approved for use in roasting chickens rather than in steers or heifers, and is approved for production of more uniform fat distribution and improved finish rather than for growth promotion and feed efficiency.

B. The Statutory Grounds now Proposed for Withdrawal of the NADA for Esmopal

As stated in Section II.A. of this notice, estradiol is a carcinogen in several species of animals. Thus, the carcinogenic risk to consumers from residues of Esmopal which have significant estrogenic activity must be evaluated and shown to be of no concern before the use of Esmopal in chickens may continue to be approved. Without information about the increase (if any) above background levels of estradiol and estrone in Esmopal-treated chickens, which Mattox & Moore has not submitted, CVM cannot determine whether the amount of estradiol and estrone added to tissue from the use of that product will be safe. Accordingly, CVM remains convinced that Esmopal is not shown to be safe within the meaning of section 512(e)(1)(B) of the act.

Because new evidence shows that estradiol is a carcinogen, CVM believes that is appropriate to amend the January 1979 notice of opportunity for hearing proposing to withdraw approval of the NADA for Esmopal under the safety clause to include the Delaney clause as an additional ground for withdrawal and to specify the target levels for residue studies. Section 512(e)(1)(B) of the act requires withdrawal of approval of an NADA if new evidence shows either that the approved drug is "not shown to be safe * * * or that [the Delaney clause] applies to such drug." (Emphasis added). See *Rhone-Poulenc, Inc.* v. *FDA*, 636 F.2d 750 (D.C. Cir. 1980). The statutory language thus clearly permits reliance on the safety clause and the Delaney clause as independent grounds for withdrawal of the NADA for Esmopal, and the legislative history surrounding enactment of the anticancer provisions of the act likewise shows that an approved NADA, even when subject to the safety clause, is also subject to the Delaney clause. (See Notice of Hearing on Proposal to Withdraw Approval of Certain New Animal Drug Applications (49 FR 34971, 34972; September 4, 1984) and sources cited there).

The evidence that estradiol is carcinogenic is relevant to the question whether the NADA for Esmopal should be withdrawn under the Delaney clause as well as the safety clause. Therefore, CVM concludes that both the safety clause and the Delaney clause may serve as potential bases for withdrawing approval of the NADA for Esmopal.

III. The Safety Clause and the Delaney Clause

A. The Safety Clause

1. *New evidence shows that Esmopal is not shown to be safe.* Under the safety clause, "the [CVM] must provide a reasonable basis from which serious questions about the ultimate safety of [Esmopal] and the residues that may result from its use may be inferred." (Diethylstilbestrol: withdrawal of Approval of New Animal Drug Applications; Commissioner's Decision (Commissioner's DES Decision), 44 FR 54852, 54861; September 21, 1979, *aff'd Rhone-Poulenc, Inc., Hess & Clark Div.* v. *FDA, supra.*) "Serious questions" can be raised where the evidence is not conclusive, but merely suggestive of an adverse effect. The "serious questions" can relate to adverse effects such as carcinogenicity, tumorigenicity, or another toxicological endpoint. Assuming CVM does provide a basis for questioning Esmopal's safety, the sponsor will have the ultimate burden of showing the drug's safety (44 FR 54861).

The necessary "serious questions" about Esmopal's safety can be raised from evidence about either the parent drug or its metabolites. A metabolite is a compound formed in a living organism from the parent drug by chemcial or biological mechanisms. The total residue of an animal drug in edible tissues will, therefore, be made up not only of the parent drug, but also of its metabolites. Moreover, metabolites can be more toxic than the parent drug and may be responsible for toxic effects seen after its administration. Accordingly, when considering the safety of a new animal drug, all drug-related residues, including metabolities, are to be taken into account. This principle complies with the requirement in section 512(d)(2)(A) of the act that FDA, before approving a new animal drug, evaluate the safety of both the parent drug and "any substance formed in or on food" because of the use of the drug.

The calculated increase permitted in chicken muscle above the amount naturally present in untreated animals is 120 ppt estradiol; based on the relative consumption of other tissues versus muscle, the calculated increase permitted in chicken skin with adhering fat and in chicken liver tissue are 240 and 360 ppt, respectively.

Mattox & Moore's NADA includes the results of a total residue study (Ref. 11) in which 10 mg of ^{3}H-estradiol monopalmitate was injected into chickens. The total residue remaining in the liver was 330 parts per billion (ppb), 190 ppb, 110 ppb, 80 ppb, 70 ppb, and 30 ppb after a withdrawal time of 1, 2, 3, 4, 5, or 6 weeks, respectively. Mattox & Moore did not measure the residue in other tissues and did not provide information to permit the Center to determine the amount of estradiol and estrone in any tissue. Although the study could have overstated the residue (Refs. 7 and 8), taken at face value these data demonstrate that the residue of Esmopal remains in chickens under the drug's approved conditions of use and that the amount of added estradiol remaining in muscle is probably well in excess of the calculated permitted increase of 120 ppt.

This conclusion is fully supported by the fact that the administered does of estradiol monopalmitate in Esmopal, on

a dose per body weight basis, is orders of magnitude greater than the dose of estradiol benzoate in Synovex-S, Synovex-H, or STEER-oid given to cattle. A chicken weighing two to three pounds would receive 10 mg of estradiol monopalmitate in Esmopal for its approved uses (21 CFR 522.844); by contrast, a steer weighing at least 400 pounds would receive 20 mg of estradiol benzoate in Synovex-S or STEER-oid, and a heifer weighing at least 400 pounds would receive 20 mg of estradiol benzoate in Synovex-H or HEIFER-oid (21 CFR 522.842 and 522.1940).

The Mattox & Moore study (Ref. 11) using ^{3}H-estradiol monopalmitate, which shows that the total residue remaining in the liver ranges fro 30 ppb to 330 ppb, levels significantly higher than the safe increase above background in liver of 360 ppt, raises serious questions about the ultimate safety of Esmopal and the residues that may result from its use, as dose the fact that, on a dose per body weight basis, the administered does of estradiol monopalmitate in Esmopal is orders of magnitude greater than the dose of estradiol benzoate in the Syntex and Ivy-Gene products given to cattle.

Mattox & Moore must submit data measuring the levels of estradiol in the tissues of untreated and Esmopal-treated chickens. Mattox & Moore must also submit data on the levels of estrone in the tissues of untreated and Esmopal-treated chickens, given its significant estrogenic activity (Ref. 12) and its formation from estradiol in the animal. Until such data are submitted, it is impossible to specify practical conditions of use to ensure that there are no unsafe residues attributable to the use of Esmopal.

In making the judgment that ingestion of an additional 120 ppt, 240 ppt, or 360 ppt of estradiol in chicken muscle, chicken skin with adhering fat, and chicken liver tissue, respectively, is safe, CVM is not precluded from making a subsequent decision, based upon data, that exposure to a higher level of residue of Esmopal in these tissues is also safe. Under current guidelines (Ref. 13), the requisite demonstration of safety would involve application of a safety factor to an observed hormonal no-effect level in an appropriate feeding study in nonhuman primates.

2. *New evidence shows that Esmopal is no longer shown to be safe by adequate tests by all methods reasonably applicable.* Section 512(e)(1)(B) of the act is part of the Animal Drug Amendments of 1968, which consolidated into one section, section 512, the various provisions of the act that related to "new drugs" intended for use in animals. Prior to 1968, the definition of "new drug" in section 201(p) of the act (21 U.S.C. 321(p)), did not distinguish between drugs intended for use in man or other animals, and the premarket clearance provisions of section 505 of the act (21 U.S.C. 355) applied to new drugs intended for both man and other animals. Under section 505(e)(2) of the act, which was added to the statute in 1962, FDA must withdraw approval of a new drug application (NDA) if, after due notice and opportunity for hearing to the applicant, the agency finds that "new evidence" shows that the drug that is the subject of the application is not shown to be safe for use under the conditions of use upon the basis of which the NDA was approved.

> Section 505(e)(2) was intended to: [c]larify and expand the authority to withdraw approval on safety grounds so that the manufacturer would continue to have the burden of showing that the drug is safe, as he has on the original submission.

108 Cong. Rec. 17366 (1962) (statement of Sen. Eastland, a sponsor of S. 1552, which was the forerunner of section 505(e)(2)). See also 108 Cong. Rec. 21080 (1962). Under section 505(e)(1)(B), which is the new animal drug analog of section 505(e)(2), the manufacturer also continues to have the burden of showing safety. See S. Rep. No. 136, 90th Cong., 2d Sess. 3 (1968) ("[t]he enactment of [the Animal Drug Amendments of 1968] would in no way weaken the authority of [FDA] with respect to the regulation of new animal drugs").

Section 512(d)(1)(A) of the act requires FDA to refuse to approve an NADA if the agency finds that:

> * * * the investigations, reports of which are required to be submitted to the [FDA] pursuant to subsection (b) [section 512(b)] do not include adequate tests by all methods reasonably applicable to show whether or not such drug is safe for use under the conditions of use prescribed, recommended, or suggested in the proposed labeling thereof * * *.

The analog of section 512(d)(1)(A) is section 512(e)(1)(B), which requires withdrawal of approval of an NADA where "* * * tests by new methods, or tests by methods not deemed reasonably applicable when such application was approved, evaluated together with the evidence available to the [FDA] when the application was approved, shows that such drug is not shown to be safe * * *."

CVM can satisfy its burden under the safety clause by citing (1) progress in scientific standards (new evidence) such that new tests are needed for a safety evaluation under current scientific standards, and (2) a failure by the sponsor to do such tests. Section 512(e)(1)(B) of the act is not as explicit as section 512(d)(1)(A) in imposing on the sponsor the duty to conduct tests and submit the results. But the general philosophy of section 512 (as of sections 505, 409, and 706 of the act (21 U.S.C. 355, 348, and 376)) is that testing shall be the responsibility of the firm, and not the agency. That philosophy is explicitly reflected in section 512(b)(1) and (d)(1)(A). There is no reason to interpret section 512(e)(1)(B) differently.

Section 512(d)(1)(A) of the act used the phrase "adequate tests," but section 512(e)(1)(B) does not. Nevertheless, it would be absurd to interpret "tests" in section 512 (e)(1)(B) as including inadequate tests. Therefore, it is appropriate to read the general "new evidence" provision of section 512(e)(1)(B) as incorporating the standard of "adequate tests by all methods reasonably applicable," which appears in section 512(d)(1)(A) of the act. Thus, if new evidence of scientific progress shows that the data supporting an NADA no longer constitute adequate tests by all methods reasonably applicable to a determination of safety, that new evidence warrants withdrawal under section 512(e)(1)(B). *Cf. United States* v. *Western Serum Co., Inc.*, 666 F.2d 335 (9th Cir. 1982) (absent current general recognition of the safety of an animal drug, that drug is a new animal drug and must have an approved NADA).

a. *The residue data in the NADA are inadequate.* In support of approval of its NADA, Mattox & Moore submitted the results of three residue depletion studies in chickens treated with Esmopal (Refs. 14, 15, and 16). These studies are discussed below. The data were collected with mouse uterine assay described in the **Federal Register** of January 5, 1979 (44 FR 1463, 1468). That assay is unacceptable as a regulatory method for estradiol, for several reasons. First, the assay lacks specificity. Because the assay measures estrogenic activity, any estrogen present in the test tissue will give a response. Second, no independent confirmatory procedure for estradiol is available. Third, the assay lacks an acceptable lower limit of reliable measurement. The lowest limit of reliable measurement for the method used in the Mattox & Moore studies is 10 ppb. Thus, it is impossible to use data collected with the assay to determine whether the level of estradiol added to the muscle, skin with adhering fat, or liver tissue of chickens treated with Esmopal is below 120 ppt, 240 ppt, or 360 ppt, respectively. Finally, the assay is not practical for routine

regulatory use. The time required for completion is about 20 days. (The deficiencies in the method are discussed at length in the Commissioner's DES Decision (44 FR 54856 through 54858).)

In one study (Ref. 14) submitted on October 25, 1961, Mattox & Moore measured the estrogen remaining in the muscle, liver, kidney, and skin of an unspecified number of chickens 6 weeks after injection of 10 mg of Esmopal. No estrogen above 10 ppb ws detected in any tissue. In another study (Ref. 15), also submitted on October 25, 1961, Mattox & Moore measured the estrogen remaining in the liver of an unspecified number of chickens 1, 2, 3, 4, 5, and 6 weeks after injection of 10 mg or 20 mg of Esmopal. No estrogen above 10 ppb was detected at any time after injection with the 10-mg dose. Estrogen was detected at 1, 2, and 3, weeks, but not at 4, 5, or 6 weeks, after injection with the 20 mg dose. The levels found were 36 ppb, 39 ppb, and 39 ppb at 1, 2, and 3 weeks, respectively. In the third study (Ref. 16), submitted by Mattox & Moore on September 10, 1963, the firm measured the estrogen remaining in the liver of 16 chickens 1, 2, 3, 4, 5, and 6 weeks after injection of 10 mg or 20 mg of Esmopal. Again no estrogen above 10 ppb was detected at any time after injection with the 10-mg dose. Estrogen was detected at 1, 2, and 3 weeks, but not at 4, 5, or 6 weeks after injection with the 20-mg dose. The level found were 43 ppb, 49 ppb, and 40 ppb at 1, 2, and 3 weeks, respectively.

Following approval of the NADA for Esmopal, Mattox & Moore submitted on November 16, 1973, the results of a total residue study (Ref. 11) using ^{3}H-estradiol monopalmitate. That study, discussed in detail in Section III.A.1. of this notice, shows that the total residue remaining in the liver ranges from 30 ppb to 330 ppb.

Each of these four studies is inadequate because none of them shows, nor could any of them show, that the level of estradiol remaining in the muscle, skin with adhering fat, or liver tissue of treated chickens is below the calculated safe increase of 120 ppt, 240 ppt, or 360 ppt, respectively. Thus, the levels of estradiol and estrone added to the tissue of chickens treated with Esmopal have not been shown to be safe.

b. *Mattox & Moore has not submitted the additional residue data required to support continued approval of its NADA.* By letters dated August 18, 1972 (Ref. 4), July 31, 1973 (Ref. 5), October 2, 1973 (Ref. 6), February 12, 1974 (Ref. 7 and 8), December 31, 1981 (Ref. 9), and June 30, 1987 (Ref. 10), the agency requested Mattox & Moore to submit additional data and an assay method with a limit of reliable measurement lower than 10 ppb, the lowest limit of reliable measurement for the mouse uterine method used to collect the data from the residue depletion studies described above. Mattox & Moore has not submitted the data or the method.

Plainly, new tests are needed for a safety evaluation of Esmopal; the data supporting Mattox & Moore's NADA no longer constitute adequate tests by all methods reasonably applicable to a determination of the safety of the drug. And despite repeated requests, Mattox & Moore has not conducted the requisite new tests. Accordingly, withdrawal of approval of the NADA is warranted under section 512(e)(1)(B) of the act on the ground that Esmopal is not shown to be safe for use because new evidence shows that the drug is no longer shown to be safe by adequate tests by all methods reasonably applicable.

B. The Delaney Clause

The Delaney clause requires FDA to refuse (or withdraw) approval of an NADA for a new animal drug if, after due notice and opportunity for hearing to the applicant, the agency finds that:

> Such drug induces cancer when ingested by man or animal or, after tests which are appropriate for the evaluation of the safety of such drug, induces cancer in man or animal * * * [unless] the [FDA] finds that, under the conditions of use specified in proposed labeling and reasonably certain to be followed in practice, (i) such drug will not adversely affect the animals for which it is intended, and (ii) no residue of such drug will be found (by methods of examination prescribed or approved by the [FDA] by regulations * * *) in any edible portion of such animals after slaughter or in any food yielded by or derived from the living animals.

New evidence shows that estradiol has been shown to induce cancer in several species of animals when given exogenously in an amount considerably greater than that present endogenously in the test species (Ref. 1; 46 FR 24695; 44 FR 1466, 1467). Thus, under section 512(e)(1)(B) of the act, FDA is required to withdraw approval of the NADA for Esmopal unless the agency finds that, under the conditions of use specified in the drug's labeling and reasonably certain to be followed in practice, (1) the drug "will not adversely affect" chickens, and (2) "no residue of [the] drug" will be found by a regulatory method approved by FDA by regulation in any edible tissue of chickens after slaughter.

For an animal drug, the "total residue" of the drug includes residues of both the parent drug, and of its metabolites. Residues of a carcinogenic animal drug in edible tissues will, therefore, be made up not only of the parent drug, but also of its metabolites. Accordingly, when considering the safety of a carcinogenic new animal drug, in the absence of information to the contrary, all drug-related residues, including metabolites, are assumed to be potential carcinogens, and must be taken into account in determining if there is "no residue." This principle complies with the statutory directive that FDA, before approving a new animal drug, evaluate the safety of both the drug and "any substance formed in or on food" because of the use of the drug (section 512(d)(2)(A) of the act). It also conforms to the Delaney clause's prohibition against the presence of any "residue" of the carcinogenic drug in any edible portion of the animals (49 FR 34973; 44 FR 54856).

If applied literally, the "no residue" requirements would be unworkable, largely because the development of a more sensitive analytical method for detecting residues of a compound would result in the identification of residues in animal tissue, thereby requiring withdrawal of the compound's approval. As a result of this dilemma, FDA has attempted to reconcile the purpose and language of the "no residue" requirements with the statutory objective of minimizing public exposure to carcinogenic compounds in the edible products of food-producing animals. In the mid-1970's, FDA began to develop procedures and criteria designed to permit the identification of that concentration of residue of a carcinogenic compound in edible animal tissue that is of no carcinogenic concern (38 FR 19226, July 19, 1973; 42 FR 10412, February 22, 1977; 44 FR 17070, March 20, 1979; and 50 FR 45530; October 31, 1985). The procedures were issued as a final rule on December 31, 1987 (52 FR 49572) and call for a quantitative estimate of the risk of cancer presented by the residues of a carcinogenic compound used in food-producing animals. Before a carcinogenic compound can be shown to be safe for use in food-producing animals, a regulatory method must be available that can measure the residues of the compound at concentrations equal to or below that estimated to be of no carcinogenic concern. FDA defines the concentration that is of no carcinogenic concern as "no residue" and thereby implements the "no residue" requirements.

Because Mattox & Moore has not submitted any information about the increase (if any) above background levels of estradiol and estrone in Esmopal-treated chickens (see Section

III.A. of this notice), it is impossible to determine whether the increased concentration of these residues of Esmopal is below the permitted level. There accordingly is no method approved by FDA by regulation that can measure the total residue of Esmopal at a concentration low enough to be of no carcinogenic concern, nor can the residue concentration under conditions of use reasonably certain to be followed in practice be shown to be at or below the concentration of no carcinogenic concern. For these reasons, the NADA for Esmopal must be withdrawn under the Delaney clause.

IV. Environmental and Economic Impact

CVM carefully considered the potential environmental effects of this action in 1979, when it issued the notice of opportunity for hearing on its proposal to withdraw approval of the NADA for Esmopal and concluded that the action would not have a significant impact on the human environment and, therefore, that an environmental impact statement would not be prepared. CVM's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, remain on file in the Dockets Management Branch, (address above) and may be seen there between 9 a.m. and 4 p.m., Monday through Friday.

The economic consequences of the withdrawal of Esmopal are expected to be minimal. Mattox & Moore is the only firm that holds an approved NADA for the drug, little of which has been marketed since 1982.

V. References

In addition to the NADA, the references, and the other documents cited or referred to in the January 1979 notice of opportunity for hearing on CVM's proposal to withdraw approval of the NADA for Esmopal, copies of the references and other documents cited or referred to in Sections II and III of this notice have been placed on display in the Dockets Management Branch. Except for data and information prohibited from public disclosure under section 301(j) of the act (21 U.S.C. 331(j)), § 20.61 of FDA's regulations governing public information (21 CFR 20.61), § 514.11 of FDA's regulations governing NADA's (21 CFR 514.11), or 18 U.S.C. 1905, copies of the NADA, the references, and the other documents may be examined in the Dockets Management Branch by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. IARC Monographs on the Evaluation of the Carcinogenic Risk of Chemicals to Humans, Vol. 21, Sex Hormones, International Agency for Research on Cancer, Lyon, pp. 279–326, 1979.

2. Letter from Arthur Hull Hayes, Jr., FDA, to James P. Sollins, Ivy-Gene, dated December 24, 1981.

3. Letter from Arthur Hull Hayes, Jr., FDA, to Marvin C. Maul, Syntex, dated December 24, 1981.

4. Letter from C.D. Van Houweling, Bureau of Veterinary Medicine, FDA, to W.H. Feigh, Mattox & Moore, dated August 18, 1972.

5. Letter from C.D. Van Houweling, Bureau of Veterinary Medicine, FDA, to W.H. Feigh, Mattox & Moore, dated July 31, 1973.

6. Letter from C.D. Van Houweling, Bureau of Veterinary Medicine, FDA, to W.H. Feigh, Mattox & Moore, dated October 2, 1973.

7. Letter from C.D. Van Houweling, Bureau of Veterinary Medicine, FDA, to W.H. Feigh, Mattox & Moore, dated February 12, 1974.

8. Letter from W.D. Price, Bureau of Veterinary Medicine, FDA, to W.H. Feigh, Mattox & Moore, dated February 12, 1974.

9. Letter from Arthur Hull Hayes, Jr., FDA, to W.H. Feigh, Mattox & Moore, dated December 31, 1981.

10. Letter from G.B. Guest, Center for Veterinary Medicine, FDA, to W.H. Feigh, Mattox & Moore, dated June 30, 1987.

11. Study (untitled) conducted by Schering, AG, Berlin, submitted by W.H. Feigh, Mattox & Moore, November 16, 1973.

12. A. White, P. Handler, and E. Smith, Principles of Biochemistry, Fifth Ed., 1973, p. 1062, 1973.

13. Guidelines on General Principles for Evaluating the Safety of Compounds Used in Food-Producing Animals, Center for Veterinary Medicine.

14. The Effect of Single Subcutaneous Injection of Estradiol-17-*Beta*-Palmitate in Polyethylene Glycolic Paste on Growth and Fattening of Chickens, Part II, Determination of Residues in Edible Tissues and Organs of Birds, submitted by W.H. Feigh, Mattox & Moore, October 25, 1961.

15. Study (untitled) conducted by M.L. Hopwood, submitted by W.H. Feigh, Mattox & Moore, October 25, 1961.

16. Clinical Evaluation of the Correct and a Double Dose of Estradiol-17-*Beta*-Palmitate per Bird for Weekly Intervals of from One to Six Weeks, Part II, submitted by W.H. Feigh, Mattox & Moore, September 10, 1963.

VI. Conclusion

CVM is amending the January 1979 notice of opportunity for hearing on its proposal to withdraw approval of the NADA for Esmopal to provide that data on the levels of estradiol and estrone in untreated and in Esmopal-treated chickens are required before any decision that the drug is safe can be made. Without such information, CVM remains of the opinion, articulated in the January 1979 notice of opportunity for hearing, that new evidence, not contained in the NADA for Esmopal when the application was approved or not available when it was approved, evaluated together with the evidence available at that time, shows that the drug is not shown to be safe for use because there exist serious questions about the ultimate safety of Esmopal and its residues. CVM also believes that Esmopal is not shown to be safe for use because new evidence shows that Esmopal is no longer shown to be safe by adequate tests by all methods reasonably applicable. Finally, CVM is amending the January 1979 notice of opportunity for hearing to add the Delaney clause as an independent ground for withdrawal because new evidence shows that estradiol has been shown to induce cancer in animals, because it is impossible to determine whether the total residue of Esmopal is below the level of no carcinogenic concern, because there is no method approved by FDA by regulation that can measure the total residue of Esmopal at a concentration low enough to be of no carcinogenic concern, and because the residue concentration under conditions of use reasonably certain to be followed in practice cannot be shown to be at or below the concentration of no carcinogenic concern.

Therefore, notice is given to Mattox & Moore that CVM amends the January 1979 notice of opportunity for hearing on its proposal to withdraw approval of NADA 13–187 for Esmopal (1) by providing that data showing the levels of estradiol and estrone in untreated and in Esmopal-treated chickens under the approved indications and conditions of use of the drug must be submitted before Esmopal can be shown to be safe, (2) by proposing to withdraw the approval under the safety clause because new evidence provides a reasonable basis from which serious questions about the ultimate safety of Esmopal and the residues that may result from its use may be inferred and because new evidence shows that Esmopal is no longer shown to be safe by adequate tests by all methods reasonably applicable, and (3) by proposing to withdraw the approval under the Delaney clause as well as under the safety clause.

In accordance with provisions of section 512 of the act and regulations promulgated under it (21 CFR Part 514), and under authority delegated to the Director of the Center for Veterinary Medicine (21 CFR 5.84), CVM hereby provides an opportunity for hearing to show why approval of the new animal drug application for Esmopal, and all supplements thereto, should not be withdrawn. Any hearing would be subject to the provisions of 21 CFR Part 12.

If the sponsor decides to seek a hearing, the sponsor shall file (1) on or

before March 14, 1988, a written notice of appearance and request for a hearing, and (2) on or before April 12, 1988, the data, information, and analysis relied on to justify a hearing, as specified in 21 CFR 514.200. Information submitted by the sponsor in response to the January 1979 notice of opportunity for hearing on the proposal to withdraw approval of the NADA for Esmopal need not be resubmitted. Instead, that information may be incorporated by reference in any submission made by the sponsor in response to this notice.

Procedures and requirements governing the January 1979 notice of opportunity for hearing on CVM's proposal to withdraw approval of the NADA for Esmopal, as amended by this notice, a notice of apprearance and request for hearing, submission of data, information, and analysis to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 514.200.

The failure of the sponsor to file timely written appearance and request for hearing as required by 21 CFR 514.200 constitutes an election by the sponsor not to avail itself of the opportunity for a hearing, as does the failure of the sponsor to submit any data, information, or analysis in support of its hearing request. In either of those circumstances, CVM will summarily enter a final order withdrawing approval of the application.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analysis in the request for hearing that there is no genuine and substantial issue of fact that precludes the withdrawal of approval of the application, or that the request for hearing is not made in the required format or with the required analysis, the Commissioner of Food and Drugs will enter summary judgment against the person who requests the hearing, making findings and conclusions, and denying a hearing. If a hearing is requested and is justified by the sponsor's response to this notice, the issues will be defined, an administrative law judge will be assigned, and a written notice of the time and place at which the hearing will begin will be issued as soon as practicable.

All submissions under this notice shall be filed in four copies. All submissions under this notice, except as provided in 21 CFR 10.20(j), may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343–351 (21 U.S.C. 360b)) and under authority delegated to the Director of the Center for Veterinary Medicine (21 CFR 5.84).

Dated: February 4, 1988.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 88–2997 Filed 2–11–88; 8:45 am]

BILLING CODE 4160–01–M

Alcohol, Drug Abuse, and Mental Health Administration

Advisory Committee Meetings, for the Month of March

AGENCY: Alcohol, Drug Abuse, and Mental Health Administration.

ACTION: Notice of Meetings.

SUMMARY: This notice sets forth the schedule and proposed agenda of the forthcoming meetings of the agency's initial review committees in the month of March 1988. These committees will be open for discussion of administrative announcements and program developments. The Committee will be performing initial review of applications for Federal assistance. Therefore, portions of the meetings will be closed to the public as determined by the Administrator, ADAMHA, in accordance with 5 U.S.C. 552(b)(6) and 5 U.S.C. app. 2 10(d). Notice of these meetings is required under the Federal Advisory Committee Act, Pub. L. 92–463.

Committee Name: Research Scientist Development Review Committee, NIMH

Date and Time: March 1–2: 9:00 a.m.

Place: Chevy Chase Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, Maryland 20815

Status of Meeting:

Open—March 1: 10:00–11:00 a.m.

Closed—Otherwise

Contact: Diana Souder, Room 9C–05, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–6470

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of activities to develop and execute a program of Research Scientist and Research Scientist Development Awards to appropriate institutions for the support of individuals who are engaged full time in research and related activities relevant to mental health, with recommendations to the National Advisory Mental Health Council for final review.

Committee Name: Small Business Research Review Committee, NIMH

Date and time: March 2–3: 9:00 a.m.

Place: Hyatt Regency, 7400 Wisconsin Avenue, Bethesda, Maryland 20814

Status of Meeting:

Open—March 2: 9:00–10:00 a.m.

Closed—Otherwise

Contact: Bonnie Dwyer, Room 9C–05, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–6470

Purpose: The Committee is charged with the initial review of applications requesting support from the National Institute of Mental Health for small businesses involved in mental health research. Final review and recommendations are made from the National Advisory Mental Health Council.

Commitee Name: Mental Health Small Grant Review Committee, NIMH

Date and Time: March 3–4: 9:30 a.m.

Place: The Canterbury Hotel, 1733 N Street, N.W., Washington, DC 20036

Status of Meeting:

Open—March 3: 9:30–10:30 a.m.

Closed—Otherwise

Contact: Monica Woodfork, Room 9C05, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–4843

Purpose: The Commiteee is charged with the initial review of applications for research in all disciplines pertaining to alcohol, drug abuse, and mental health for support of research in the areas of psychology, psychiatry, and the behavioral and biological sciences.

Substantive information may be obtained from the contact persons listed above. Summaries of the meetings and rosters of committee members may be obtained as follows: NIMH: Ms. Joanna Kieffer, Committee Management Officer, Room 9–105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–3367.

Dated: February 8, 1988.

Peggy W. Cockrill,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 88–3040 Filed 2–11–88; 8:45 am]

BILLING CODE 4160–20–M

Office of Human Development Services

Federal Allotments to States for Social Services Expenditures Pursuant to the Title XX—Social Services Block Grant Act; Revised Promulgation for Fiscal Year 1988

AGENCY: Office of Human Development Services, HHS.

ACTION: Notification of Revised Allocation of Title XX—Social Services Block Grant Allotments for Fiscal Year 1988.

SUMMARY: This issuance sets forth the revised individual allotments to States for Fiscal Year (FY) 1988, pursuant to Title XX of the Social Security Act, as amended (Act'. The revisions were required by amendments to the Act by Pub. L. 100–203, enacted December 22, 1987. The allotments to the States published herein are based upon the authorization set forth in section 2003 of the Act and are contingent upon Congressional appropriations for the fiscal year. If Congress enacts and the President approves an amount different from the authorization, the allotments will be adjusted proportionately.

FOR FURTHER INFORMATION CONTACT: HDS Regional Adminstrators.

SUPPLEMENTARY INFORMATION: Section 2003 of the Act as amended by Pub. L. 100–203 authorizes $2.75 billion for FY 1988 and provides that it be allocated as follows:

(1) Puerto Rico, Guam, the Virgin Islands, and the Northern Mariana Islands each receives an amount which bears the same ratio to $2.75 billion as its allocation for FY 1981 bore to $2.9 billion.

(2) The remainder of the $2.75 billion is allotted to each State in the same proportion as that States population is to the population of all States, based upon the most recent data available from the Department of Commerce.

For FY 1988, the allotments are based upon the Bureau of Census population statistics contained in its publication "Current Population Reports" (Series P–26 No. 52–C issued August 1986), which was the most recent satisfactory data available from the Department of Commerce at the time of initial promulgation as to the population of each State and of all States.

EFFECTIVE DATE: The allotments shall be effective October 1, 1987.

FISCAL YEAR 1988 FEDERAL ALLOTMENTS TO STATES SOCIAL SERVICES—TITLE XX BLOCK GRANTS

	Initial FY 88 allotment	Revision for Pub. L. 100–203	Revised FY 88 allotment
Total	$2,700,000,000	$50,000,000	$2,750,000,000
Alabama	45,222,719	837,457	46,060,176
Alaska	5,859,497	108,509	5,968,006
Arizona	35,843,025	663,760	36,506,785
Arkansas	26,530,811	491,312	27,022,123
California	296,517,528	5,491,064	302,008,592
Colorado	36,337,877	672,924	37,010,801
Connecticut	35,696,819	661,052	36,357,871
Delaware	6,995,407	129,544	7,124,951
District of Columbia	7,040,393	130,378	7,170,771
Florida	127,829,251	2,367,208	130,196,459
Georgia	67,209,890	1,244,627	68,454,517
Guam	465,517	8,621	474,138
Hawaii	11,853,953	219,518	12,073,471
Idaho	11,302,868	209,312	11,512,180
Illinois	129,729,932	2,402,407	132,132,339
Indiana	61,845,245	1,145,282	62,990,527
Iowa	32,435,295	600,653	33,035,948
Kansas	27,554,255	510,264	28,064,519
Kentucky	41,904,961	776,018	42,680,979
Louisiana	50,396,171	933,262	51,329,433
Maine	13,091,083	242,427	13,333,510
Maryland	49,395,220	914,726	50,309,946
Massachusetts	65,477,908	1,212,554	66,690,462
Michigan	102,209,417	1,892,767	104,102,184
Minnesota	47,157,140	873,280	48,030,420
Mississippi	29,387,457	544,212	29,931,669
Missouri	56,559,326	1,047,395	57,606,721
Montana	9,289,720	172,032	9,461,752
Nebraska	18,062,095	334,484	18,396,579
Nevada	10,526,850	194,942	10,721,792
New Hampshire	11,224,142	207,854	11,431,996
New Jersey	85,047,052	1,574,946	86,621,998
New Mexico	16,307,620	301,993	16,609,613
New York	199,998,907	3,703,683	203,702,590
North Carolina	70,347,701	1,302,735	71,650,436
North Dakota	7,703,945	142,665	7,846,610
No. Mariana Island	93,103	1,725	94,828
Ohio	120,833,844	2,237,664	123,071,508
Oklahoma	37,125,141	687,503	37,812,644
Oregon	30,219,708	559,624	30,779,332
Pennsylvania	133,306,362	2,468,637	135,774,999
Puerto Rico	13,965,517	258,621	14,224,138
Rhode Island	10,886,742	201,607	11,088,349
South Carolina	37,642,487	697,083	38,339,570
South Dakota	7,962,617	147,456	8,110,073

FISCAL YEAR 1988 FEDERAL ALLOTMENTS TO STATES SOCIAL SERVICES—TITLE XX BLOCK GRANTS—Continued

	Initial FY 88 allotment	Revision for Pub. L. 100-203	Revised FY 88 allotment
Tennessee	53,556,475	991,786	54,548,261
Texas	184,107,412	3,409,396	187,516,808
Utah	18,500,714	342,606	18,843,320
Vermont	6,016,950	111,425	6,128,375
Virgin Islands	465,517	8,621	474,138
Virginia	64,173,298	1,188,395	65,361,693
Washington	49,586,413	918,267	50,504,680
West Virginia	21,773,485	403,213	22,176,698
Wisconsin	53,702,681	994,494	54,697,175
Wyoming	5,724,537	106,010	5,830,547

Dated: January 27, 1988.

G. Barry Nielsen,

Director, Office of Policy, Planning, and Legislation.

Approved: February 8, 1988.

Sydney Olson,

Deputy Assistant Secretary for Human Development Services.

[FR Doc. 88-3035 Filed 2-11-88; 8:45 am]

BILLING CODE 4130-01-M

National Institutes of Health

Division of Research Resources; Biomedical Research Support Subcommittee of the General Research Support Review Committee; Meeting

Pursuant to Pub. L. 92-463 notice is hereby given of the meeting of the Biomedical Research Support Subcommittee (BRSS) of the General Research Support Review Committee (GRSRC), Division of Research Resources (DRR), National Institutes of Health, February 19, 1988, Building 31A, Conference Room 2, 9000 Rockville Pike, Bethesda, Maryland 20892.

This meeting will be open to the public on February 19, from 9:30 a.m. to adjournment to discuss program policies, the Minority High School Student Research Apprentice Program, the Biomedical Research Support Grant Program, and the Biomedical Research Support Shared Instrumentation Grant Program. Attendance by the public will be limited to space available.

Mr. James Augustine, Information Officer, Division of Research Resources, Room 5B10, Building 31, National Institutes of Health, Bethesda, Maryland 20892, (301) 496-5545, will provide a summary of the meeting and a roster of the Subcommittee members upon request.

Dr. John A. Beisler, Executive Secretary, Biomedical Research Support Subcommittee of the General Research Support Review Committee, (301) 496-6743), will furnish substantive program information upon request, and will receive any comments pertaining to this announcement.

(Catalog of Federal Domestic Assistance Program No. 13.337, Biomedical Research Support, National Institutes of Health)

Dated: February 8, 1988.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 88-3061 Filed 2-11-88; 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, March 21-22, 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 March 21 to adjournment on March 22. Attendance by the public will be limited to space available. Topics for discussion will include a review of the research programs relevent 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: February 2, 1988.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 88-3062 Filed 2-11-88; 8:45 am]

BILLING CODE 4140-01-M

Public Health Service

National Toxicology Program; Availability of Technical Report on Toxicology and Carcinogenesis Studies of Bromodichloromethane

The HHS' National Toxicology Program today announces the availability of the Technical Report describing the toxicology and carcinogenesis studies of bromodichloromethane, one of several trihalomethanes formed.

The two-year toxicology and carcinogenesis studies of bromodichloromethane were conducted by administering the chemical in corn oil by gavage, 5 days per week for 102 weeks, to groups of 50 male and 50 female rats at doses of 0, 50, or 100 mg/kg per day; to groups of 50 male mice at doses of 0, 25, 50 mg/kg per day; and to groups of 50 female mice at doses of 0, 75, or 150 mg/kg per day.

Under the conditions of these 2-year gavage studies, there was clear evidence of carcinogenic activity [1] for male and female F344/N rats and B6C3F$_1$ mice as shown by increased incidences of tubular cell adenomas and adenocarcinomas in the kidney and adenocarcinomas and adenomatous polyps in the large intestine in male and

[1] The NTP uses five categories of evidence of carcinogenic activity to summarize the strength of evidence of carcinogenicity observed in each animal study: Two categories for positive results ("clear evidence" and "some evidence"), one category for uncertain findings ("equivocal evidence"), one category for no observable effect ("no evidence"), and one category for studies that cannot be evaluated because of major flaws ("inadequate study").

female rats, increased incidences of tubular cell adenomas and adenocarcinomas in the kidney of male mice, and increased incidences of hepatocellular adenomas and carcinomas in female mice.

The Chemical Manager for this bioassay is Dr. June K. Dunnick. Questions or comments about the contents of this technical report should be directed to Dr. Dunnick at P.O. Box 12233, Research Triangle Park, NC 27709 or telephone (919) 541–4811; FTS: 629–4811.

Copies of *Toxicology and Carcinogenesis Studies of Bromodichloromethane in F344/N Rats and B6C3F$_1$ Mice (Gavage Studies)* (TR 321) are available without charge from the NTP Public Information Office, MD B2–04, P.O. Box 12233, Research Triangle Park, NC 27709. Telephone: (919) 541–3991. FTS: 629–3991.

Dated February 4, 1988.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 88–3057 Filed 2–11–88; 8:45 am]

BILLING CODE 4140–01–M

National Toxicology Program; Availability of Technical Report on Carcinogenesis Studies of C.I. Acid Orange 10

The HHS' National Toxicology Program today announces the availability of the Technical Report describing the carcinogenesis studies of C.I. Acid Orange 10, a monoazo dye used to stain biological materials, paper and wood and to dye leather, wool, and silk. It is also used in inks and finished coatings.

Carcinogenesis studies were conducted by feeding to groups of 50 male and 50 female F344/N rats diets containing 0, 1,000 or 3,000 ppm C.I. Acid Orange 10 for 103 weeks. Groups of 50 male and 50 female B6C3F$_1$ mice were fed diets containing 0, 3,000 or 6,000 ppm for 103 weeks.

Under the conditions of these 2-year feed studies, there was no evidence of carcinogenicity for male and female F344/N rates or for male and female B6C3F$_1$ mice.

The study scientist for this bioassay is Dr. James Huff. Questions or comments about the contents of this technical report should be directed to Dr. Huff at P.O. Box 12233, Research Triangle Park, NC 27709 or telephone (919) 541–3780; FTS: 629–3780.

Copies of *Carcinogenesis Studies of C.I. Acid Orange 10 in F344/N Rats and B6C3F$_1$* Mice (Feed Studies) (TR 211) are available without charge from the NTP Public Information Office, MD B2–04, P.O. Box 12233, Research Triangle Park, NC 27709. Telephone (919) 541–3991. FTS: 629–3991.

Dated: February 5, 1988.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 88–3058 Filed 2–11–88; 8:45 am]

BILLING CODE 4140–01–M

National Toxicology Program; Availability of Technical Report on Toxicology and Carcinogenesis Studies of Dimethyl Methylphosphonate

The HHS' National Toxicology Program today announces the availability of the Technical Report describing the toxicology and carcinogenesis studies of dimethyl methylphosphonate which is used as a flame retardant in epoxy resins, acrylic latexes, unsaturated polyesters, urethane coatings, urethane rigid foam, and vinyl copolymers. It is used as preignition additive for gasoline, an antifoam agent, a plasticizer and stabilizer, a textile conditioner, and an antistatic agent and as an additive to solvents and low-temperature hydraulic fluids; it is also used in heavy metal extraction and solvent separation. Dimethyl methylphosphonate has been used experimentally to mimic the physical and spectroscopic (but not the biologic) properties of anticholinesterase agents.

Two-year toxicology and carcinogenesis studies were conducted by administering dimethyl methylphosphonate in corn oil by gavage at doses of 0, 500, or 1,000 mg/kg per day to groups of 50 F344/N rats of each sex and at 0, 1,000 or 2,000 mg/kg per day to groups of 50 B6C3F$_1$ mice of each sex. All animals were dosed 5 days per week for 103 weeks.

Under the conditions of these 2-year gavage studies, there was some evidence of carcinogenic activity [1] of dimethyl methylphosphonate for male F344/N rats as shown by increased incidences of tubular cell hyperplasia, tubular cell adenocarcinomas, hyperplasia of the transitional cell epithelium and transitional cell papillomas of the kidney.

[1] The NTP uses five categories of evidence of carcinogenic activity to summarize the strength of evidence of carcinogenicity observed in each animal study: Two categories for positive results ("clear evidence" and "some evidence"), one category for uncertain findings ("equivocal evidence"), one category for no observable effect ("no evidence"), and one category for studies that cannot be evaluated because of major flaws ("inadequate study").

There was an increased incidence of mononuclear cell leukemia in male rats as 1,000 mg/kg. Renal toxicity and decreased survival occurred in dosed male rats.There was no evidence of carcinogenic activity of dimethyl methylphosphonate for female F344/N rats given doses of 500 or 1,000 mg/kg. The study in male B6C3F$_1$ mice was an inadequate study of carcinogenic activity because of decreased survival in both dosed groups. There was no evidence of carcinogenic activity for female B6C3F$_1$ mice receiving dimethyl methylphosphonate at 1,000 mg/kg; decreased survival of female mice at 2,000 mg/kg made this group inadequate for determination of carcinogenic activity.
determination of carcinogenic activity.

The Chemical Manager for this bioassay is Dr. June K. Dunnick. Questions or comments about the contents of this technical report should be directed to Dr. Dunnick at P.O. Box 12233, Research Triangle Park, N.C. 27709 or telephone (919) 541–4811; FTS: 629–4811.

Copies of *Toxicology and Carcinogenesis Studies of Dimethyl Methylphosphonate in F344/N Rats and B6C3F$_1$ Mice (Gavage Studies) T1(TR 323) are available without charge from the NTP Public Information Office, MD B2–04, P.O. Box 12233, Research Triangle Park, N.C. 27709. Telephone: (919) 541–3991. FTS: 629–3991.*

Dated: February 4, 1988.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 88–3056 Filed 2–11–88; 8:45 am]

BILLING CODE 4140–01–M

National Toxicology Program; Availability of Technical Report on Toxicology and Carcinogenesis Studies of Ethylene Oxide

The HHS' National Toxicology Program today announces the availability of the Technical Report describing the toxicology and carcinogenesis studies of ethylene oxide, a major industrial chemical used primarily as an intermediate in the manufacture of antifreeze, polyester resins, nonionic surfactants and speciality solvents

Two-year toxicology and carcinogenesis studies of ethylene oxide were conducted by exposing groups of 50 B6C3F$_1$ mice of each sex to air containing 0, 50, or 100 ppm ethylene oxide 6 hours per day, 5 days per week for 102 weeks.

Under the conditions of these 2-year inhalation studies, there was clear

evidence of carcinogenic activity [1] for B6C3F$_1$ mice as indicated by dose-related increased incidences of benign or malignant neoplasms of the lung and benign neoplasms of the harderian gland in both male and female B6C3F$_1$ mice following exposure to ethylene oxide vapors at 50 and 100 ppm. In female mice, ethylene oxide caused additional malignant neoplasms of the uterus, mammary gland, and hematopoietic system (lymphoma).

Copies of *Toxicology and Carcinogenesis Studies of Ethylene Oxide in B6C3F$_1$ Mice (Inhalation Studies)* (TR 326) are available without charge from the NTP Public Information Office, MD B2-04, P.O. Box 12233, Research Triangle Park, N.C. 27709. Telephone: (919) 541-3991; FTS: 629-3991.

Dated: February 4, 1988.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 88-3059 Filed 2-11-88; 8:45 am]

BILLING CODE 4140-01-M

National Toxicology Program; Availability of Technical Report on Toxicology and Carcinogenesis Studies of Methyl Carbamate

The HHS' National Toxicology Program today announces the availability of the Technical Report describing the toxicology and carcinogenesis studies of methyl carbamate which is used as a chemical intermediate by the textile industry for the manufacture of dimethylol methyl carbamate-based resins that are applied on polyester/cotton blend fabrics as durable-press finishes.

Two-year studies of methyl carbamate were conducted by administering doses of 0, 100, or 200 mg/kg methyl carbamate in distilled water by gavage, 5 days per week for 103 weeks, to groups of 50 F344/N rats of each sex. Groups of 50 B6C3F$_1$ mice of each sex were administered doses of 0, 500, or 1,000 mg/kg methyl carbamate on the same schedule. Additional groups of 30 rats of each sex were administered 0 or 400 mg/kg methyl carbamate, and additional groups of 30 mice of each sex were administered 0 or 1,000 mg/kg methyl carbamate in distilled water by gavage, 5 days per week. Ten animals from each group were killed at 6, 12, or 18 months so that the progression of lesions could be followed.

Under the conditions of these 6-, 12-, and 18-month and 2-year gavage studies, there was clear evidence of carcinogenic activity [1] for male and female F344/N rate given methyl carbamate as indicated by increased incidences of hepatocellular neoplastic nodules and hepatocellular carcinomas. There was no evidence of carcinogenic activity for male and female B6C3F$_1$ mice given methyl carbamate at doses of 500 or 1,000 mg/kg. Methyl carbamate also induced inflammation of the harderian gland in male and female rats and adenomatous hyperplasia and histiocytosis of the lung in the male and female mice.

The study scientist for this bioassy is Dr. Po Chan. Questions or comments about the contents of this technical report should be directed to Dr. Chan at P.O. Box 12233, Research Triangle Park, NC 27709 or telephone (919) 541-7561; FTS: 629-7561.

Copies of *Toxicology and Carcinogenesis Studies of Methyl Carbamate in F344/N Rats and B63CF$_1$ Mice (Gavage Studies)* (TR 328) are available without charge from the NTP Public Information Office, MD B2-04, P.O. Box 12233, Research Triangle Park, NC 27709. Telephone (919) 541-3991; FTS: 629-3991.

Dated: February 5, 1988.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 88-3060 Filed 2-11-88; 8:45 am]

BILLING CODE 4140-01-M

[1] The NTP uses five categories of evidence of carcinogenic activity to summarize the strength of evidence of carcinogenicity observed in each animal study: Two categories for positive results ("clear evidence" and "some evidence"), one category for uncertain findings ("equivocal evidence"), on category for no observable effect ("no evidence"), and one category for studies that cannot be evaluated because of major flaws ("inadequate study").

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[DES 88-7]

Availability of Draft Environmental Impact Statement; Alaska Maritime National Wildlife Refuge, AK

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability of a draft environmental impact statement for the proposed Comprehensive Conservation Plan and Wilderness Review for Alaska Maritime National Wildlife Refuge, Alaska.

SUMMARY: The U.S. Fish and Wildlife Service (the Service) has prepared, for public review, a Draft Comprehensive Conservation Plan, Environmental Impact Statement, and Wilderness Review (Plan) for the Alaska Maritime National Wildlife Refuge, Alaska, pursuant to sections 304(g)(1), 1008, and 1317 of the Alaska National Interest Lands Conservation Act of 1980; section 3(d) of the Wilderness Act of 1964; and section 102(2)(C) of the National Environmental Policy Act of 1969. The Plan describes three alternatives for managing the refuge and the environmental consequences of implementing each alternative. The document also reviews the suitability of all the federal lands in the refuge for possible wilderness designation and inclusion in the National Wilderness Preservation System.

DATES: During the public review period, a formal public hearing on the Plan will be held in Anchorage, Alaska, on Wednesday, April 13, 1988, at 7:00 p.m., in the Service's first floor conference room at 1011 E. Tudor Road. A public meeting will be held in Kodiak, Alaska, on Tuesday, April 12, 1988, at 7:00 p.m. in the Assembly Chambers of the Kodiak Island Borough. During the spring of 1988 public meetings will be held in a number of other communities within or near certain areas of the refuge. The Service will provide public notices and make announcements through the news media in Alaska prior to the hearing. In addition, the Service will inform residents of these communities adjacent to the refuge and other interested parties when arrangements for the public meetings have been completed. To be considered in the preparation of the final plan all comments and testimony, both oral and written, should be received by no later than May 12, 1988.

FOR FURTHER INFORMATION CONTACT: William Knauer, Refuges and Wildlife, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503; telephone (907) 786-3399.

SUPPLEMENTARY INFORMATION: A summary of the Plan has been prepared and will be sent to all persons and organizations who participated in any part of the planning process, such as scoping meetings, workshops, or in other types of communication with the planning team. Copies of the complete Plan will be sent to federal and state agencies, regional and village Native corporations, local governments, and

[1] The NTP uses five categories of evidence of carcinogenic activity to summarize the strength of evidence of carcinogenicity observed in each animal study: Two categories for positive results ("clear evidence" and "some evidence"), one category for uncertain findings ("equivocal evidence"), one category for no observable effect ("no evidence"), and one category for studies that cannot be evaluated because of major flaws ("inadequate study").

other organizations and individuals who have already requested copies. A limited number of copies of both documents are available upon request from Mr. Knauer.

Written and oral testimony will be accepted at the formal public hearing and will be transcribed for the official record. Written and oral comments also will be accepted at the public meetings.

Copies of the Plan are available for public review at the office of the Regional Director, at the above address, at the Alaska Maritime National Wildlife Refuge Office, 202 Pioneer Ave., Homer, AK 99603; and at the following locations:

U.S. Fish and Wildlife Service, Division of Refuge Management, U.S. Department of the Interior Bldg., 18th & C Streets NW., Washington, DC 20240
U.S. Fish and Wildlife Service, Refuges and Wildlife, 500 NE. Multnomah Street, Suite 1692, Portland, OR 97232
U.S. Fish and Wildlife Service, Refuges and Wildlife, 500 Gold Avenue SW, Room 1306, Albuquerque, NM 87103
U.S. Fish and Wildlife Service, Refuges and Wildlife, Federal Building, Fort Snelling, Twin Cities, MN 55111
U.S. Fish and Wildlife Service, Refuges and Wildlife, Richard B. Russell Federal Bldg. 75 Spring Street, Atlanta, GA 30303
U.S. Fish and Wildlife Service, Refuges and Wildlife, One Gateway Center, Suite 700, Newton Corner, MA 02158
U.S. Fish and Wildlife Service, Refuges and Wildlife, 134 Union Blvd., Lakewood, CO 80225.

Date: February 8, 1988.

Bruce Blanchard,

Director, Environmental Project Review.

[FR Doc. 88-2995 Filed 2-11-88; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Land Management

[FES 88-6]

Final Environmental Impact Statement for the New Mexico Statewide Wilderness Study; Availability

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of the final environmental impact statement (EIS).

SUMMARY: Pursuant to sections 202 and 603 of the Federal Land Policy and Management Act of 1976 and section 102 of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared an EIS for the New Mexico Statewide Wilderness Study.

ADDRESS: Copies of the Final EIS are available upon request from the Public Assistance Unit, New Mexico State Office, NM (943), Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87504-1449.

FOR FURTHER INFORMATION CONTACT: Joe Sovcik, EIS Team Leader, New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87504-1449, (505) 988-6565.

SUPPLEMENTARY INFORMATION: The Final EIS for the New Mexico Statewide Wilderness Study analyzes 47 Wilderness Study Area (WSA's) which encompass 949,919 acreas of public land in New Mexico. The purpose of this study is to determine the suitability or nonsuitability of these WSA's for recommended inclusion in the National Wilderness Preservation System. Alternatives evaluated include an all wilderness alternative, an alternative which emphasizes manageability, a proposed action, a conflict resolution alternative and a no wilderness alternative. The proposed action recommends 545,072 acres in 27 WSA's as suitable for wilderness.

While the Final EIS was being printed, Congress passed legislation establishing El Malpais National Conservation Area. This legislation resulted in the wilderness designation of four WSA's involving approximately 60,000 acres. As a result of this wilderness designation, these four WSA's are no longer part of the New Mexico Statewide Wilderness Study.

The Final EIS contains four volumes. Volume 1 is the Statewide overview which analyzes the Statewide environmental consequences for each alternative and summarizes the site specific impacts for each WSA. Volumes 2, 3, and 4, provide a detailed analysis for each of the 47 WSA's.

Copies of the Final EIS are also available at the following Bureau of Land Management Offices:

Albuquerque District Office, 435 Montano Rd. NE, Albuquerque, NM 87107, (505) 761-4504;
Farmington Resource Area, Caller Service 4104, Farmington, NM 87499-4104, (505) 325-4572;
Socorro Resources Area, 198 Neel Ave. NW, Socorro, NM 87801-1219, (505) 835-0412;
Carlsbad Resource Area, P.O. Box 1778, Carlsbad, NM 88220-1778, (505) 887-6544;
Taos Resource Area, P.O. Box 1045, Taos, NM 87571-1045, (505) 758-8851;
Las Cruces District Office, 1800 Marquess St., Las Cruces, NM 88005-1420, (505) 525-8228;
Roswell District Office, P.O. Drawer 1858, Roswell, NM 88201-1858 (505) 622-9042.

Dated: February 5, 1988.

Bruce Blanchard,

Director, Office of Environmental Project Review.

[FR Doc. 88-2818 Filed 2-11-88; 8:45 am]

BILLING CODE 4310-FB-M

[AZ-020-08-4213-01]

Meeting of the Phoenix District Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting of the Phoenix District Advisory Council.

DATE: March 1 & 2, 1988, 8:00 a.m.

ADDRESS: 2015 W. Deer Valley Road, Phoenix, Arizona.

SUMMARY: The Phoenix District Advisory Council of the Bureau of Land Management meets March 1 & 2. The Council will depart from the Phoenix District Office, 2015 W. Deer Valley Road, Phoenix, at 8 a.m. on March 1 and proceed to Tucson to tour land scheduled to be exchanged. A formal meeting will be held at the Embassy Suites Hotel, 5335 E. Broadway, Tucson, at 8:30 a.m. March 2. Members of the public may accompany the Council, but must provide their own transportation, lodging, and meals

The Council has been established by and will be managed according to the Federal Advisory Committee Act of 1972, the Federal Land Policy and Management Act of 1976, and the Public Rangelands Improvement Act of 1978.

The agenda for the meeting includes:

—Santa Rita Experimental Range
—Empire Ranch
—Phoenix Resource Area Resource Management Plan
—Superconducting Super Collider
—BLM Wilderness Program
—BLM Management Updates
—Business from the Floor
—Public Comments and Statements
—Future Meetings and Agenda Topics

SUPPLEMENTARY INFORMATION: This is a public meeting and the presentation of oral statements or the submission of written statements that address the issues on the meeting agenda or related matters are welcome.

Date: January 27, 1988.

Henri R. Bisson,

District Manager.

[FR Doc. 88-3085 Filed 2-11-88; 8:45 am]

BILLING CODE 4310-GJ-M

[ES-030-08-4212-11; ES-00157-010; ES-31828]

Realty Action; Recreation and Public Purposes Classification, Land Classification for Recreation and Public Purposes; Rice County

Summary: The following described parcel has been classified as suitable for disposal to the State of Minnesota by conveyance pursuant to the provisions of the Recreation and Public Purposes Act of 1926 (44 Stat. 741) as amended (U.S.C. 869):

Fifth Principal Meridian, Minnesota

1. ES-31828 Rice County: T.109N. R.22W., Sec. 19
Tract 37, total of 3.38 acres

The purpose of the conveyance is the preservation of a Wildlife Management Area.

Any patent issued under this notice shall be subject to the provisions in 43 CFR 2741.8. In the event of noncompliance with the terms of the patent, title to the land shall revert to the United States. Classification of this land segregates it from all appropriation except as to applications under the mineral leasing laws and the Recreation and Public Purposes Act.

This segregation will terminate upon issuance of a patent, or eighteen (18) months from the date of this notice, or upon publication of a Notice of Termination.

Comments: For a period of 45 days from the date of first publication of this notice, interested parties may submit comments to: District Manager, Milwaukee District Office, Bureau of Land Management, P.O. Box 631, Milwaukee, Wisconsin 53201–0631.

For Further Information: Detailed information concerning this application is available for review at the Milwaukee District Office, 310 West Wisconsin Avenue, Suite 225, Milwaukee, Wisconsin 53203; or by calling Larry Johnson at (414) 291–4413.

Bert Rodgers,

District Manager.

[FR Doc. 88–3084 Filed 2–11–88; 8:45 am]

BILLING CODE 4310-GJ-M

[A-22859]

Public Land Exchange; Mohave County, AZ

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of realty action—exchange, public land, Mohave County, Arizona.

SUMMARY: The following described lands and interests therein have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Gila and Salt River Meridian

T. 19 N., R. 21 W.,
Sec. 30, E½SE¼NW¼, E½NE¼SW¼, S½NW¼NE¼SW¼, SW¼NE¼SW¼, SE¼SW¼.
Containing 95.0 acres, more or less.

In exchange for these lands, the United States will acquire the following described lands from Ramon J. Martinez and Thomas R. Reingruber of Las Vegas, Nevada:

Gila and Salt River Meridian

T. 16 N., R. 12 W.,
Sec. 7, lot 3.
T. 16 N., R. 14 W.,
Sec. 5, N½SE¼.
T. 24 N., R. 17 W.,
Sec. 15, NW¼NE¼, SW¼SW¼.
T. 24 N., R. 18 W.,
Sec. 1, lots 1–4, S½;
Sec. 13, SW¼NE¼.
T. 28 N., R. 15 W.,
Sec. 29, West 1320 feet of lots 1 and 2;
Sec. 31, W½SW¼, SE¼SW¼.
T. 28 N., R. 19 W.,
Sec. 1, NE¼SW¼;
Sec. 33, NE¼SE¼.
T. 29 N., R. 15 W.,
Sec. 17, N½NW¼, N½SE¼NW¼.
Containing 1,131.50 acres, more or less.

The public land to be transferred will be subject to the following terms and conditions:

1. Reservations to the United States: (a) right-of-way for ditches and canals pursuant to the Act of August 30, 1890.

2. Subject to: (a) right-of-way to the Southwest Gas Corporation (A–4545); and (b) restrictions that may be imposed by the Mohave County Board of Supervisors in accordance with county floodplain regulations established under Resolution No. 84–10 adopted on December 3, 1984, as amended.

Private lands to be acquired by the United States will be subject to the following reservations:

1. All minerals to the Santa Fe Pacific Railroad Company together with the right to prospect for, mine, and remove same; and

2. Easement for the north 60 feet and west 42 feet reserved for ingress and egress (NW¼SW¼, Sec. 7, T. 16 N., R. 12 W.).

The purpose of the exchange is to consolidate federal land to facilitate resource management in range, wildlife and recreation and to dispose of isolated and/or difficult to manage land with speculative development potential.

Publication of this Notice will segregate the subject lands from operation of the public land laws, including the mining laws, but not the mineral leasing laws or Title V of the Federal Land Policy and Management Act of 1976. This segregation will terminate upon the issuance of a deed or patent or two years from the date of publication of this Notice in the **Federal Register** or upon publication of a Notice of Termination.

Detailed information concerning this exchange may be obtained from the Kingman Resource Area Office, 2475 Beverly Avenue, Kingman, Arizona 86401. For a period of forty-five (45) days from the date of publication of this Notice in the **Federal Register**, interested parties may submit comments to the District Manager, Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027. Any adverse comments will be evaluated by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

Henri R. Bisson,

District Manager.

Date: February 4, 1988.

[FR Doc. 88–3036 Filed 2–11–88; 8:45 am]

BILLING CODE 4310-32-M

[OR-090-08-4212-14; GP8-070; OR 42526]

Realty Action; Direct Sale of Public Lands in Lane County, OR

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action—direct sale of public lands in Lane County, Oregon.

The following land is suitable for direct sale under sections 203 and 209 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713 and 1719, at no less than the appraised fair market value. The land will not be offered for sale until at least 60 days after publication of this notice:

Willamette Meridian, Oregon

T. 19 S., R. 1 W.,
Sec. 33: lot 1.
Containing 0.28 acre.

The above described land is hereby segregated from appropriation under the public land laws, including the mining laws, but not from sale under the above cited statute, for 270 days or until title transfer is completed or the segregation is terminated by publication in the **Federal Register**, whichever occurs first.

This land is difficult and uneconomic to manage as part of the public lands and is not suitable for management by another Federal agency. No significant resource values will be affected by this disposal. The sale is consistent with BLM's planning for the land involved and the public interest will be served by the sale.

Purchasers must be U.S. citizens, 18 years of age or older, a state or state instrumentality authorized to hold property, or a corporation authorized to own real estate in the state in which the land is located.

The land is being offered to Ancil and Dorothy Leister using the direct sale procedures authorized under 43 CFR 2711.3–3. Direct sale is appropriate since the land has been inadvertently occupied by part of the Leister's house and yard for many years and direct sale will resolve the unauthorized use while preserving the Leister's equity in the improvements.

The terms, conditions, and reservations applicable to the sale are as follows:

1. A right-of-way for ditches and canals will be reserved to the United States under 43 U.S.C. 945.

2. The mineral interests being offered for conveyance have no known mineral value. The acceptance of a direct sale offer will constitute an application for conveyance of the mineral estate in accordance with section 209 of the Federal Land Policy and Management Act. Direct purchasers must submit a non-refundable $50.00 filing fee for the conveyance of the mineral estate upon request by the Bureau of Land Management.

3. Patent will be issued subject to all valid existing rights and reservations of record.

Detailed information concerning the sale, including the reservations, sale procedures and conditions, and planning and environmental documents, is available at the Eugene District Office, P.O. Box 10226, 1255 Pearl Street, Eugene, Oregon 97440.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Bureau of Land Management, at the above address. Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In absence of any objections, this realty action will become the final determination of the Department of the Interior.

Date: February 5, 1988.

Elaine Zielinski,

Acting District Manager.

[FR Doc. 88–3031 Filed 2–11–88; 8:45am]

BILLING CODE 4310–33–M

Bureau of Reclamation

Quarterly Status Tabulation of Water Service and Repayment Contract Negotiations

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of Proposed Contractual Actions Pending Through March 1988.

Pursuant to section 226 of the Reclamation Reform Act of 1982 (96 Stat. 1272), and to § 426.20 of the rules and regulations published in the **Federal Register** December 6, 1983, Vol. 48, page 54785, the Bureau of Reclamation will publish notice of proposed or amendatory repayment contract actions or any contract for the delivery of irrigation water in newspaper of general circulation in the affected area at least 60 days prior to contract execution. The Bureau of Reclamation announcements of irrigation contract actions will be published in newspapers of general circulation in the areas determined by the Bureau of Reclamation to be affected by the proposed action. Announcements may be in the form of news releases, legal notices, official letters, memorandums, or other forms of written material. Meetings, workshops, and/or hearings may also be used, as appropriate, to provide local publicity. The public participation requirements do not apply to proposed contracts for the sale of surplus or interim irrigation water for a term of 1 year or less. The Secretary or the district may invite the public to observe any contract proceedings. All public participation procedures will be coordinated with those involved in complying with the National Environmental Policy Act if the Bureau determines that the contract action may or will have "significant" environmental effects.

Pursuant to the "Final Revised Public Participation Procedures" for water service and repayment contract negotiations, published in the **Federal Register** February 22, 1982, Vol. 47, page 7763, a tabulation is provided below of all proposed contractual actions in each of the six Reclamation regions. Each proposed action listed is, or is expected to be, in some stage of the contract negotiation process during January, February, or March of 1988. When contract negotiations are completed, and prior to execution, each proposed contract form must be approved by the Secretary, or pursuant to delegated or redelegated authority, the Commissioner of Reclamation or one of the Regional Directors. In some instances, congressional review and approval of a report, water rate, or other terms and conditions of the contract may be involved. The identity of the approving officer, and other information pertaining to a specific contract proposal, may be obtained by calling or writing the appropriate regional office at the address and telephone number given for each region.

This notice is one of a variety of mens being used to inform the public about proposed contractual actions. Individual notices of intent to negotiate, and other appropriate announcements, are made in the **Federal Register** for those actions found to have widespread public interest. When this is the case, the date of publication is given.

Acronym Definitions Used Herein

(FR) **Federal Register**
(ID) Irrigation District
(IDD) Irrigation and Drainage District
(M&I) Municipal and Industrial
(D&MC) Drainage and Minor Construction
(R&B) Rehabilitation and Betterment
(O&M) Operation and Maintenance
(CAP) Central Arizona Project
(CUP) Central Utah Project
(CVP) Central Valley Project
(P-SMBP) Pick-Sloan Missouri Basin Program
(CRSP) Colorado River Storage Project
(SRPA) Small Reclamation Projects Act
(BCP) Boulder Canyon Project

Pacific Northwest Region: Bureau of Reclamation, 550 West Fort Street Box 043, Boise, Idaho 83724, telephone (208) 554–1160.

1. Cascade Reservoir Water Users, Boise Project, Idaho: Repayment contracts for irrigation and M&I; 59,721 acre-feet of stored water in Cascade Reservoir.

2. Brewster Flat ID, Chief Joseph Dam Project, Washington: Amendatory repayment contract; land reclassification of approximately 360 acres to irrigable; repayment obligation to increase accordingly.

3. Individual Irrigators, M&I, and miscellaneous water users, Pacific Northwest Region, Idaho, Oregon, and Washington: Temporary (interim) water service contracts for surplus project water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for terms up to 5 years; Long-term contracts for similar service for up to 1,000 acre-feet of water annually.

4. Rogue River Basin water users, Rogue River Basin Project, Oregon:

Water service contracts; $5 per acre-foot or $50 minimum per annum, terms up to 40 years.

5. Willamette Basin water users, Willamette Basin Project, Oregon: Water service contracts; $1.50 per acre-foot or $50 minimum per annum, terms up to 40 years.

6. IDs and similar water user entities: Amendatory repayment and water service contracts; purpose is to conform to the Reclamation Reform Act of 1982 (Pub. L. 97–293).

7. Fifty-nine Palisades Reservoir Spaceholders, Minidoka Project, Idaho-Wyoming: Contract amendments to extend term for which contract water may be subleased to other parties.

8. South Columbia Basin ID, Columbia Basin Project, Washington: Supplemental repayment contract for Irrigation Block 24; 1,892 irrigable acres.

9. City of Cle Elum, Yakima Project, Washington: Amendatory or replacement M&I water service contract; 2,200 acre-feet (1,350 gallons per minute) annually for a term of up to 40 years.

10. Three IDs, Flathead Indian Irrigation Project: Repayment of costs associated with rehabilitation of irrigation facilities.

11. Baker Valley ID, Baker Project, Oregon: Irrigation water service contracts on a surplus interruptible basis to serve up to 13,000 acres; sale of excess capacity in Mason Reservoir (Phillips Lake) for a term of up to 40 years.

12. Crooked River Project, Oregon: Repayment of water service contracts with several individuals for a total of approximately 1,100 acre-feet of project water; contract terms up to 40 years for the purpose of supplying water under the project water right held by the United States.

13. Various Projects, Pacific Northwest Region: R&B contracts for replacement of needle valves at storage dams.

14. Palisades Water Users Inc., Minidoka-Palisades Project: Repayment contract for an additional 500 acre-feet of storage in Palisades Reservoir.

15. Willow Creek Project, Oregon: Repayment of water service contracts for a total of up to 3,500 acre-feet of storage space in Willow Creek Reservoir.

Mid-Pacific Region: Bureau of Reclamation (Federal Office Building), 2800 Cottage Way, Sacramento, California 95825, telephone (916) 460–5030.

1. Colusa Drain Mutual Water Company, CVP, California: Water right settlement contract; FR notice published July 25, 1979, Vol. 44, page 43535.

2. Tuolumne Regional Water District, CVP, California: Water service contract, up to 9,000 acre-feet from New Melones Reservoir.

3. Calaveras County Water District, CVP, California: Water service contract; 1,000 acre-feet from New Melones Reservoir; FR notice published February 5, 1982, Vol. 47, page 5473.

4. Individual irrigators, M&I, and miscellaneous water users, Mid-Pacific Region, California, Oregon, and Nevada: Temporary (interim) water service contracts for available project water for irrigation, M&I, or fish and wildlife purposes providing up to 10,000 acre-feet of water annually for terms up to 5 years; Temporary Warren Act contracts to wheel nonproject water through project facilities for terms up to 1 year; Long-term contracts for similar service for up to 1,000 acre-feet of water annually.

5. Friant-Kern Canal Contractors, Friant-Kern Unit, CVP, California: Renewal of existing long-term water service contracts with numerous contractors on the Friant-Kern Canal whose contracts expire 1989–1995. Water quantities in existing contracts range from 1,200 to 175,440 acre-feet.

6. South San Joaquin ID and Oakdale ID, CVP, California: Operating agreement for conjunctive operation of New Melones Dam and Reservoir on the Stanislaus River; FR notice published June 6, 1979, Vol. 44, page 32483.

7. San Luis Water District, CVP, California: Amendatory water service contract providing for a change in point of delivery from Delta-Mendota Canal to the San Luis Canal.

8. ID's and similar water user entities: Amendatory repayment and water service contracts; purpose is to conform to the Reclamation Reform Act of 1982 (Pub. L. 97–293).

9. State of California, CVP, California: Contract(s) for, (1) sale of interim water to the Department of Water Resources for use by the State Water Project Contractors, and (2) acquisition of conveyance capacity in the California Aqueduct for use by the CVP, as contemplated in the Coordinated Operations Agreement.

10. Madera ID, Madera Canal, CVP, California: Warren Act contract to convey and/or store nonproject Soquel water through project facilities.

11. County of Tulare, CVP, California: Amendatory water service contract, to provide an additional 1,908 acre-feet and reallocate 400 acre-feet of water from the Ducor ID for a total increase of 2,308 acre-feet.

12. Panoche Water District, CVP, California: Amendatory water service contract providing for change in point of delivery from Delta-Mendota Canal to the San Luis Canal.

13. Shasta Dam Area Public Utilities District, CVP, California: Renewal of M&I water supply contract. Less than 6,000 acre-feet.

14. U.S. Fish and Wildlife Service, CVP, California: Long-term contract for water supply for Federal refuge in Grasslands area of California.

15. City of Redding, CVP, California: Amendatory M&I water supply contract.

16. Washoe County Water Conservation District, Truckee Storage Project, Nevada: Repayment contract for the replacement of two needle valves at Boca Dam.

17. Placer County Water Agency, CVP, California: Amend existing water right and water service contract to include current water rates, standard contract language and divesion of Project water at other than the Auburn Dam site.

18. Glide Water District, CVP, California: Amendatory Pub. L. 84–130 repayment contract.

19. Kanawha Water District—Improvement District No. 2 and 3, CVP, California: Amendatory Pub. L. 84–130 repayment contracts.

20. Union Public Utility District, CVP, California: Water service contract, up to 1,000 acre-feet annually for M&I water from New Melones Reservoir for up to 15 years.

21. Grasslands Water District, CVP, California: Temporary water service contract, up to 50,000 acre-feet of Project water for 1 year in lieu of agricultural drainage water for watefowl habitat.

22. Mid-Valley Water Authority, CVP, California: Temporary agricultural water supplies of up to 100,000 acre-feet for 1 year.

23. Kern County Water Agency, CVP, California: Temporary agricultural water supplies of up to 100,000 acre-feet for 1 year.

24. California Department of Fish and Game, CVP, California: Temporary wildlife habitat water supplies of up to 20,000 acre-feet for 1 year.

25. U.S. Fish and Wildlife Service, CVP, California: Temporary wildlife habitat water supplies of up to 30,000 acre-feet for 1 year.

Upper Colorado Region: Bureau of Reclamation, P.O. Box 11568 (125 South State Street), Salt Lake City, Utah 84147, telephone (801) 524–5435.

1. Individual irrigators, M&I, and miscelaneous water users, Utah, Wyoming, Colorado, and New Mexico: Temporary (interim) water service contracts for surplus project water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for

terms up to 5 years; long-term contracts for similar service for up to 1,000 acre-feet of water annually.

(a) The Benevolent and Protective Order of the Elks, Lodge No. 1747, Farmington, New Mexico: Navajo Reservoir water service contract; 20 acre-feet per year for municipal use; contract term for 40 years from execution.

(b) Sunterra Gas Processing Company (formerly Southern Union Gas Company); Navajo Reservoir water service contract: 50 acre-feet per year for industrial use; contract term for 40 years from execution.

2. Revised Hydrological Determination: A hydrologic determination was last made for the Upper Colorado River in December 1984 with the principal conclusion that the Upper Basin could support a depletion level of at least 5.8 million acre-feet. Upon the request of the Secretary of the New Mexico Interstate Stream Commission, a review of water availability in the Upper Basin has been undertaken with regard to the water supply available for use in New Mexico.

3. La Plata Conservancy District, Animas-La Plata Project, New Mexico: Repayment contract; 9,900 acre-feet per year for irrigation. Contract terms consistent with binding cost sharing agreement, dated June 30, 1986.

4. San Juan Water Commission, Animas-La Plata Project, New Mexico: M&I repayment contract; 30,800 acre-feet per year. Contract terms consistent with binding cost sharing agreement, dated June 30, 1986.

5. Southern Ute Indian Tribe, Animas-La Plata Project, Colorado: Repayment contract for 26,500 acre-feet per year for M&I use and 2,600 acre-feet per year for irrigation use in Phase One and 3,300 acre-feet in Phase Two. Contract terms to be consistent with binding cost sharing agreement and water rights settlement agreement, in principle.

6. Ute Mountain Ute Tribe, Animas-La Plata Project, Coloado and New Mexico: Repayment contract; 6,000 acre-feet per year for M&I use in Colorado; 26,400 acre-feet per year for irrigation use in Colorado; 900 acre-feet per year for irrigation use in New Mexico. Contract terms to be consistent with binding cost sharing agreement and water rights settlement agreement.

7. Navajo Indian Tribe, Animas-La Plata Project, New Mexico: Repayment contract; 7,600 acre-feet per year for M&I use.

8. Grand Valley Water Users Assocation, Orchard Mesa ID, Grand Valley Project, Colorado: Contract to continue (O&M of Grand Valley powerplant.

9. Ute Mountain Ute Indian Tribe, Dolores Project, Colorado: Agreement for 1,000 acre-feet per year for M&I use and 22,900 acre-feet per year for irrigation.

10. Moon Lake Water Users Association, Moon Lake Project, Utah: Repayment contract for R&B of facilities including replacement of needle value.

11. Currant Creek Irrigation Company, Central Utah Water Conservancy District, Bonneville Unit, CUP, Utah: Option, Operation, Maintenance, and Exchange Agreement, which will allow the United States a perpetual use of Mona Dam and Reservoir, the right to exchange the irrigation company's water with project water, and to modify the company's existing canal.

12. Three separate contracts with (1) Tri-County Water Consevancy District, (2) Menoken Water Company, and (3) Chipeta Water Company, Lower Gunnison Basin Unit, Colorado: Provides for funding, construction, modification, and O&M of each entity's domestic water system.

13. Uintah Water Conservation District, Jensen Unit, CUP, Utah: Amendatory repayment contract to reduce M&I water supply land corresponding repayment obligation.

14. Florida Water Conservancy District, Florida Project, Colorado: Lease of power privileges to develop the hydroelectric power potential of the Florida Project.

Lower Colorado Region: Bureau of Reclamation, P.O. Box 427 (Nevada Highway and Park Street), Boulder City, Nevada 89005, telephone, (702) 293–8536.

1. Amendment to Contract No. 176r–696 between the Bureau of Reclamation and the Department of the Army to increase the maximum amount of water delivered to the Yuma Proving Grounds from 55 acre-feet to 975 acre-feet, pursuant to the recommendation of the Arizona Department of Water Resources.

2. Agricultural and M&I water users, CAP, Arizona: Water service subcontracts; a certain percent of available supply for irrigation entities and up to 640,000 acre-feet per year for M&I use.

3. Southern Arizona Water Rights Settlement Act: sale of up to 28,200 acre-feet per year of municipal effluent to the city of Tucson, Arizona.

4. Contracts with five agricultural entities located near the Colorado River, BCP, Arizona: Water service contracts for up to 1,920 acre-feet per year total.

5. Gila River Indian Community, CAP, Arizona: Water service contract for delivery of up to 173,100 acre-feet per year.

6. ID's and simliar water user entities: Amendatory repayment and water service contracts; purpose is to conform to the Reclamation Reform Act of 1982 (Pub. L. 97–293).

7. Indian and non-Indian agricultural and M&I water users, CAP, Arizona: Contracts for repayment of Federal expenditures for construction of distribution systems.

8. Water delivery contracts, BCP, Arizona: For a yet undetermined amount of Colorado River water for M&I use on State-owned land.

9. Contract with the State of Arizona, BCP: For a yet undetermined amount of Colorado River water for agricultural use and related purposes on State-owned land.

10. Contract with five individual holders of miscellaneous present perfected rights to Colorado River water totalling 66 acre-feet, pursuant to the January 9, 1979, Supplemental Decree of the United States Supreme Court in *Arizona* v. *California* (439 U.S. 419).

11. AK–Chin Indian Community, Maricopa, Arizona: Repayment contract for $6.1 million SRPA escalation loan.

12. Contracts for delivery of surplus water from the Colorado River, when available, with Emilio Soto and Sons, for 1,836 acre-feet per year; Kennedy Livestock, for 480 acre-feet per year.

13. Central Arizona Water Conservation District, CAP, Arizona: Amendatory contract to increase the district's CAP repayment ceiling and to update other provisions of the contract.

14. Maricopa-Stanfield and Central Arizona IDDs, CAP, Arizona: Contract to transfer O&M of the Santa Rosa Canal to Maricopa-Stanfield.

15. Imperial ID and/or the Coachella Valley Water District, BCP, California: Contract providing for exchange of up to 10,000 acre-feet of water per year from a well field to be constructed adjacent to the All-American Canal for an equivalent amount of Colorado River water and for O&M of the well field, Lower Colorado Water Supply Project, California.

16. Lower Colorado Water Supply Project, California: Water service and repayment contracts with nonagricultural users in California for consumptive use of up to 10,000 acre-feet of Colorado River water per year in exchange for an equivalent amount of water to be pumped into the All-American Canal from a well field to be constructed adjacent to the canal.

17. Havasu Water, BCP, Arizona: M&I water service contract for delivery of 993 acre-feet of water per year, pursuant to the recommendation of the Arizona Department of Water Resources.

18. Golden Shores Water Conservation District, BCP, Arizona:

M&I water service for lands within the district and adjacent areas for delivery of up to 2,000 acre-feet of Colorado River water per year pursuant to the recommendation of the Arizona Department of Water Resources.

19. Hutchinson Present Perfected Rights contract amendment to reflect the transfer of part of the right of Winterhaven, California, Supreme Court Decree in *Arizona* v. *California* and BCP.

20. Winterhaven Present Perfected Rights contract for portion of Hutchison Present Perfected Rights transfer to Winterhaven, Supreme Court Decree in *Arizona* v. *California* and BCP.

21. County of San Bernardino, San Bernardino, California: Repayment contract for $28.1 million SRPA loan.

Southwest Region: Bureau of Reclamation, Commerce Building, Suite 201, 714 South Tyler, Amarillo, Texas 79101, telephone (806) 735–5430.

1. Foss Reservoir Master Conservancy District, Washita Basin Project, Oklahoma: Amendatory repayment contract for remedial work.

2. Vermejo Conservancy District, Vermejo Project, New Mexico: Amendatory contract to relieve the district of further repayment obligation, presently exceeding $2 million, pursuant to Pub. L. 96–550.

3. Hidalgo County ID No. 1, Lower Rio Grande Valley, Texas: Supplemental SRPA loan contract for approximately $13,205,000. The contracting process is dependent upon final approval of the supplemental loan reprot.

4. ID's and similar water user entities: Amendatory repayment and water service contracts; Purpose is to conform with the Reclamation Reform Act of 1982 (Pub. L. 97–293).

5. Rio Grande Water Conservation District, Alamosa, Colorado: Contract for the district to be the vender of the Closed Basin Division, San Luis Valley Project, surplus water if available.

6. Carlsbad ID, Carlsbad Project, New Mexico; Repayment contract for the costs incurred by the United States for replacing the needle valves at Fort Sumner Dam.

7. Conejos Water Conservancy District, San Luis Valley Project, Colorado: Amendatory contract to place OM&R costs on a variable basis commensurate with the availability of project water.

8. Arbuckle Master Conservancy District, Arbuckle Project, Oklahoma: Contract for the repayment of costs incurred by the United States for the construction of the Sulphur, Oklahoma, pipeline and pumping plant (if constructed).

9. Town of Bernalillo, New Mexico, San Juan-Chama Project, Colorado-New Mexico: Negotiate a repayment contract with the town of Bernalillo for a municipal water supply of 400 acre-feet of water from the San Juan-Chama Project in New Mexico.

Missouri Basin Region: Bureau of Reclamation, P.O. Box 36900, Federal Building, 316 North 26th Street, Billings, Montana 59107–6900, telephone (406) 585–6413.

1. Individual irrigators, M&I, and miscellaneous water users, Missouri Basin Region, Montana, Wyoming, North Dakota, South Dakota, Colorado, Kansas, and Nebraska: Temporary (interim) water service contracts for surplus project water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for terms up to 5 years; long-term contracts for similar service for up to 1,000 acre-feet of water annually.

2. Nokota Company, Lake Sakakawea, P–SMBP, North Dakota: Industrial water service contract; up to 16,800 acre-feet of water annually; FR notice published May 5, 1982, Vol. 47, Page 19472.

3. Fort Shaw ID, Sun River Project, Montana: R&B loan repayment contract; up to $1.5 million.

4. ID's and similar water user entities: Amendatory repayment and water service contracts; purpose is to conform to the Reclamation Reform Act of 1982 (Pub. L. 97–293).

5. Oahe Unit, P–SMBP, South Dakota: Cancellation of master contract and participating and security contracts in accordance with Pub. L. 97–293 with South Dakota Board of Water and Natural Resources and Spink County and West Brown ID.

6. Owl Creek ID, Owl Creek Unit, P–SMBP, Wyoming: Amendatory water service contract to reflect reduce water supply benefits being received from Anchor Reservoir.

7. Almena ID No. 5, Almena Unit, P–SMBP, Kansas: Deferment of repayment obligation for 1986.

8. Webster ID No. 4, Webster Unit, P–SMBP, Kansas: Deferment of repayment obligation for 1986.

9. Green Mountain Reservoir, Colorado-Big Thompson Project: Water service contract; proposed contract negotiations for sale of water from the marketable yield to water users within the Colorado River Basin of Western Colorado.

10. Ruedi Reservoir, Fryingpan-Arkansas Project, Colorado: Water service contract; second proposed contract negotiations for sale of water from the regulatory capacity of Ruedi Reservoir.

11. Lower South Platte Water Conservancy District, Central Colorado Water Conservancy District, and the Colorado Water Resources and Power Development Authority, Narrows Unit, P–SMBP, Colorado: Water service contracts for repayment of costs and cost sharing agreement.

12. Fryingpan-Arkansas Project, Colorado: East Slope Storage system consisting of Pueblo Reservoir, Twin Lakes, and Turquoise Reservoir; Contract negotiations for temporary and long-term storage and exchange contracts.

13. Cedar Bluff ID No. 6 and the State of Kansas, Cedar Bluff Unit, P–SMBP, Kansas: Repayment contract: Negotiate contract with the State of Kansas for use of all or part of the conservation pool of Cedar Bluff Reservoir for recreation, and fish and wildlife purposes for payment of the irrigation district's cost obligation. Amend the Cedar Bluff ID's contract to relieve it of all contract obligations.

14. Department of Natural Resources and Conservation, SRPA, Montana: Grant and loan contract for rehabilitation of Middle Creek Dam to meet required safety criteria and to increase reservoir storage capacity by 2,334 acre-feet which will be utilized for irrigation and municipal purposes.

15. Garrison Diversion Unit, P–SMBP, North Dakota: Repayment contract; Renegotiation of the master repayment contract with Garrison Diversion Conservancy District to bring the terms in line with the Garrison Diversion Unit Reformulation Act of 1986. Negotiation of repayment contracts with irrigators and M&I users.

16. Southeastern Colorado Water Conservancy District: Amendatory contract to conform to the contract repayment provision to revised State statutes concerning the District's tax levy authority.

17. Gray Goose ID, Gray Goose Unit, P–SMBP, South Dakota: Contract negotiations to integrate Gray Goose ID into the P–SMBP as authorized pursuant to section 1120 of the Water Resource Development Act of January 21, 1986 (Pub. L. 99–662).

18. Pacific Power and Light Company, Glendo Unit, P–SMBP, Wyoming: Contract negotiations for renewal of water storage contract for 2,000 acre-feet of nonproject industrial water.

19. Farwell ID, Farwell Unit, P–SMBP, Nebraska: Contract amendment for relief of repayment obligation under Contract No., 9–07–20–W0363, as amended, as authorized by section 205 of the Act entitled, "Making Continuing Appropriations for the Fiscal Year

Ending September 30, 1988, and for Other Purposes," Pub. L. 100–202.

20. Northern Colorado Water Conservancy District, Colorado-Big Thompson Project, Colorado: Negotiations of supplementary contract for transfer of O&M of Colorado-Big Thompson facilities to the Northern Colorado Water Conservancy District; FR notice published October 30, 1987, Volume 52, page 41783.

21. City of Minot, North Dakota: Amendment to Contract No. 14–06–600–455A to provide repayment relief for the amount of $1,026,489.29 to the city of Minot as authorized in section 209 of the Act entitled "Making Continuing Appropriations for the Fiscal Year Ending September 30, 1988, and for Other Purposes," Pub. L. 100–202. This relief is sought as a result of the deauthorization in the Garrison Diversion Unit Reformulation Act of 1986 of the Velva Canal.

22. City of Dickinson, North Dakota: Cancellation of Contract No. 9–07–60–WR052 pursuant to the Act entitled, "Making Continuing Appropriations for the Fiscal Year Ending September 30, 1988, and for Other Purposes," Pub. L. 100–202. The contract will be replaced with a new contract for the repayment of $1,625,000 over a period of 40 years at 7.21 percent and payment of operation, maintenance, and replacement costs.

Opportunity for public participation and receipt of comments on contract proposals will be facilitated by adherence to the following procedures:

(1) Only persons authorized to act on behalf of the contracting entities may negotiate the terms and conditions of a specific contract proposal.

(2) Advance notice of meetings or hearings will be furnished to those parties that have made a timely written request for such notice to the appropriate regional or project office of the Bureau of Reclamation.

(3) All written correspondence regarding proposed contracts will be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

(4) Written comments on a proposed contract or contract action must be submitted to the appropriate Bureau of Reclamation officials at locations and within the time limits set forth in the advance public notices.

(5) All written comments received and testimony presented at any public hearings will be reviewed and summarized by the appropriate regional office for use by the contract approving authority.

(6) Copies of specific proposed contracts may be obtained from the appropriate Regional Director or his designated public contact as they become available for review and comment.

(7) In the event modifications are made in the form of proposed contract, the appropriate Regional Director shall determine whether republication of the notice and/or extension of the 60-day comment period is necessary.

Factors which shall be considered in making such a determination shall include, but are not limited to: (i) The significance of the impact(s) of the modification, and (ii) the public interest which has been expressed over the course of the negotiations. As a minimum, the Regional Director shall furnish revised contracts to all parties who requested the contract in response to the initial public notice.

Dated: February 5, 1988.

C. Dale Duvall,

Commissioner of Reclamation.

[FR Doc. 88–2859 Filed 2–11–88; 8:45 am]

BILLING CODE 4310–09–M

INTERSTATE COMMERCE COMMISSION

Notice of Intent to Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Huntington Bancshares Incorporated, 41 South High Street, Columbus, Ohio 43215

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

(i) Huntington Bancshares Indiana, Inc. (Ohio)
(ii) The Huntington National Bank of Indiana (national banking association)
(iii) Wainwright Bank and Trust Company (Indiana chartered bank)
(iv) W.B. Corporation (Indiana)
(v) Avon Computer Corporation (Indiana)
(vi) Huntington Bancshares Michigan, Inc. (Ohio)
(vii) Warren bank (Michigan chartered bank)
(viii) Kasco Mortgage Corporation (Michigan)
(ix) Liberty State—Oakland (Michigan chartered bank)
(x) Huntington Bancshares Kentucky, Inc. (Ohio)
(xi) Huntington Bank of Kenton County (Kentucky chartered bank)
(xii) Huntington Bank of Boone County (Kentucky chartered bank)
(xiii) Farmers Bank (Kentucky chartered bank)
(xiv) Commonwealth Banclease, Inc. (Kentucky)
(xv) The Huntington National Bank (national banking association
(xvi) The Huntington Service Company (Ohio)
(xvii) The Huntington State Bank (Ohio chartered bank))
(xviii) The Huntington Leasing Company (Ohio)
(xix) Huntington Bancshares Financial Corporation (Ohio)
(xx) The Huntington Company (Ohio)
(xxi) Union Commerce Leasing Corporation (Ohio)
(xxii) Seventeen Corporation (Ohio)
(xxiii) H.B.I., Inc. (Ohio)
(xxiv) Scioto Life Insurance Company (Arizona)
(xxv) The Huntington Financial Services Company (Ohio)
(xxvi) The Huntington Mortgage Company (Ohio)
(xxvii) Citizens State Bancorp (Ohio)
(xxviii) Citizens State Bank (Ohio chartered bank)

3. The name of the subsidiary that will provide intercorporate hauling services is The Huntington Service Company.

Noreta R. McGee,

Secretary.

[FR Doc. 88–3007 Filed 2–11–88; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–1; Sub-No. 206]

Chicago and North Western Transportation Co.—Abandonment and Discontinuance of Trackage Rights Between Hopkins and Chaska, MN; Findings

The Commission has found that the public convenience and necessity permit Chicago and North Western Transportation Company (CNW) to abandon its 11.0 mile line of railroad between Hopkins (milepost 21.0) and Chaska, MN (milepost 32.0) in Hennepin and Carver Counties, MN, and for Soo Line Railroad Company to discontinue its operations pursuant to trackage rights over the line.

A certificate authorizing abandonment and discontinuance of trackage rights will be issued unless within 10 days after this publication the commission also finds that: (1) A financially responsible person has offered assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation must be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB–OFA". Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Decided: February 4, 1988.

By the Commission, Chairman Gradison, Vice Chairman Andre, Commissioners Sterrett, Simmons and Lamboley. Commmissioners Simmons and Lamboley dissented with separate expressions.

Noreta R. McGee,

Secretary.

[FR Doc. 88–3099 Filed 2–10–88; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–290 (Sub-No. 7X)]

Norfolk and Western Railway Co.; Exemption; Abandonment as Lake Junction, OH and Discontinuance at South Lorain, OH

Applicant has filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments* to abandon its 1.15-mile line of railroad between milepost LW–0.0 and milepost LW–1.15 near Lake Junction, OH and to discontinue its 2.93-mile line of railroad and 0.1 miles of side track between milepost LW–22.32 and milepost LW–25.25 near South Lorain, OH.

Applicant has certified that (1) no local traffic has moved over the line for at least 2 years and that overhead traffic is not moved over the line or may be rerouted, and (2) that no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or any U.S. District Court, or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.-Abandonment-Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

The exemption will be effective March 13, 1988 (unless stayed pending reconsideration). Petitions to stay and formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2) [1] must be filed by February 22, 1988, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by March 3, 1988 with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Virginia K. Young, Norfolk Southern Corp., One Commercial Pl., Norfolk, VA 23510–2191.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio.*

Applicant has filed an environmental report which addresses environmental or energy impacts, if any, from this abandonment.

The Section of Energy and Environment (SEE) will prepare an environmental assessment (EA). SEE will serve the EA on all parties by February 17, 1988. Other interested persons may obtain a copy of the EA from SEE by writing to it (Room 3115, Interstate Commerce Commission, Washington, DC 20423) or by calling Carl Bausch, Chief, SEE at (202) 275–7316.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: February 3, 1988.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 88–2885 Filed 2–11–88; 8:45am]

BILLING CODE 7035–01–M

[1] See Ex Parte No. 274 (Sub-No. 16) *Exemption of Rail Line Abandonments or Discontinuance—Offers of Financial Assistance,* ——— I.C.C. 2d ———, served December 21, 1987, and final rules published in the **Federal Register** on December 22, 1987 (52 FR 48440–48446).

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research Act of 1984; Iodophors Joint Venture

Correction

In notice document 88–767 appearing on page 1074 in the issue of Friday, January 15, 1988, make the following corrections:

1. In each instance where it appears, "West Argo" should read "West Agro".

2. In the 8th line from the bottom of the notice, "Isodophors" should read "Iodophors".

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 88–3011 Filed 2–11–88; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research Act of 1984; Computer Aided Manufacturing-International

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.*, Computer Aided Manufacturing-International, Inc. ("CAM–I") has filed an additional written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in the membership and research and development project areas of CAM–I. CAM–I previously filed a written notification disclosing changes in the membership and research and development project areas of the organization. Notice of this filing was published in the Federal Register on May 4, 1987. Before this, CAM–I filed a written notification disclosing changes in the membership of the organization. Notice of this filing was published in the **Federal Register** on February 26, 1986. The original notice disclosing: (1) The identities of the parties to CAM–I and (2) the nature and objectives of CAM–I was published in the Federal Register on January 24, 1985. These notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the current parties to CAM–I and its current general areas of planned activities are given below.

CAM–I was incorporated as a membership organization in May 1972, for the purpose of sponsoring joint research and development in the use of

computer systems and software to improve the productivity of industry. Its members contribute to, and with the assistance of professional staff, plan and contract for, basic research and development projects in such areas as geometric modeling, process planning, advanced numerical control, sculptured surfaces, cost management systems, quality assurance, factory management, electronics automation, computer integrated enterprise, and expert manufacturing programming systems. Upon completion, including testing and evaluation, the results of the projects are made available to the public for a fee. The members include corporations, government agencies, and educational institutions located in the United States, Europe, and Japan.

The current industrial member companies in the United States are: Allied-Signal Inc., Bendix Kansas City Division; Arthur Andersen & Company; Beckman Instruments, Inc., Harsco Corp., BMY Division; Boeing Computer Services Co.; Caterpillar Inc.; Deere & Company; Deloitte, Haskins & Sells; E.I. Du Pont de Nemours & Co., Inc.; Eastman Kodak Company; Eaton Corporation; Electronic Data Systems Corp.; Ernst & Whinney; Ford Motor Company; Garrett Turbine Engine Co.; Division of The Garrett Corp.; General Dynamics Corp. Fort Worth Division; General Electric Company; Graftek, Inc.; Grumman Corporation Aircraft Systems; GTE Corp. Government Systems Division; Hughes Aircraft Co. Electro-Optical & Data Systems Group; Johnson Controls, Inc.; Klynveld Peat Marwick Goerdeler; Lawrence Livemore National Laboratory; Lockheed Missiles & Space Co., Inc.; Lockheed-Georgia Company; Martin-Marietta Energy Systems, Inc.; McDonnell Douglas Corporation, McDonnell Aircraft Co.; Morton-Thiokol, Inc. Wasatch Division; Northern Telecom Ltd.; Northrop Corporation Aircraft Division; Parker Hannifin Corporation Parker Bertea Aerospace; Price Waterhouse; Rockwell International; Sandia National Laboratories; the Singer Company; Tektronix, Inc.; U.S. Air Force, ASD/PMDI; U.S. Department of Energy; U.S. Navy Office of Naval Acquisition Support; United Technologies Corp. Research Center; Westinghouse Electric Corp.; Williams International; and Xerox Corporation, Xerox Computer Services.

The current industrial member companies in Europe are: Aerospatiale (France); Alcatel NV (Belgium); British Aerospace PLC (United Kingdom); Burgess Group PLC, Coin Controls Ltd. (England); Constructiones Aeronauticas, S.A. (Spain); Daimler-Benz AG (West Germany); Finmeccanica S.p.A. (Italy); GEC Electrical Projects, Ltd. (England); Ingersoll Engineers (England); International Computers, Ltd. (England); Lucas Group Services Limited (England); Messerschmitt-Bolkow-Blohm GmbH (West Germany); Metals Research Institute TNO (The Netherlands); Nuovo Pignone S.p.A. (Italy); Nederlandse Philips Bedrijven B.V. (The Netherlands); RHP Industrial Bearings Ltd. (England); Saab-Scania (Sweden); Siemens AG (West Germany); Swedish Institute of Production Engineering Research IVF (Sweden); The Plessey Company PLC (England); Valmet Corporation (Finland); and Volkswagen AG (West Germany).

Current industrial member companies in the Japan region are: Fujitsu Limited; Hitachi, Ltd.; Honda Engineering Co., Ltd.; Institute of Japan Data Communications Assoc.; NEC Corporation; Oki Electric Industry Co., Ltd.; and the Australian Department of Defence.

Current educational members in the United States are: California Polytechnic State University; Illinois Institute of Technology; Massachusetts Institute of Technology; North Carolina State University; Purdue University; University of Maryland; University of Massachusetts; University of Southern California; and University of Texas at Arlington.

Current educational members in Europe are: Aachen Technical University (West Germany); Cambridge University (England); Cranfield Institute of Technology (England); Dorset Institute (England); Helsinki University of Technology (Finland); Katholieke Universiteit Leuven Crif (Belgium); Loughborough University of Technology (England); Politechnico di Milano (Italy); Royal Institute of Technology (Sweden); and Universitaet Fridericiana (West Germany).

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 88-3012 Filed 2-11-88; 8:45 am]

BILLING CODE 4410-01-M

Notice Pursuant to the National Cooperative Research Act of 1984; Petroleum Environmental Research Forum

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.*, the members of Petroleum Environmental Research Forum ("PERF") who are participating in Project No. 86-09, titled "Microbiological Processing of Petroleum Oily Wastes: Assessment of Promising Approaches", have filed an additional written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in the membership of this project. A written notification disclosing changes in the membership of this project was previously filed. Notice of this filing was published in the **Federal Register** on June 25, 1987. The original notice disclosing (1) the identities of the parties to the project and (2) the nature and objectives of the project was published in the **Federal Register** on March 25, 1987. These notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the current parties to this project and its general area of planned activity are given below.

The current parties to this project are: Amoco Oil Company; Atlantic Richfield Company; Chevron Research Company; Conoco, Inc.; Exxon Research and Engineering Company; Mobil Research and Development; The Standard Oil Company; Texaco Refining and Marketing Inc.; and Union Oil Company of California. The objectives of this project and its members and the area of planned activity in this project are four-fold: (i) Identify existing process research and development as it relates to the question of microbiological degradation of petroleum oily sludges; (ii) once the existing technology is defined, evaluation and ranking of this technology as to its applicability to the degradation of petroleum oily sludges; (iii) comparisons of the three most promising approaches; and (iv) recommendations of the most promising area for further research and development.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 88-3013 Filed 2-11-88; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Manufacturer of Controlled Substances; Application by Ganes Chemicals, Inc.

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on January 13, 1988, Ganes Chemicals, Inc., Industrial Park Road, Pennsville, New Jersey 08070, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of

the basic classes of controlled substances listed below:

Drug	Schedule
Amobarbital (2125)	II
Pentobarbital (2270)	II
Secobarbital (2315)	II
Methadone (9250)	II
Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane (9254)	II
Bulk dextropropoxyphene (non-dosage forms) (9273)	II

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street NW., Washington, DC 20537, Attention: DEA Federal Register Representative (Room 1112), and must be filed no later than March 14, 1988.

Dated: February 8, 1988.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 88-3001 Filed 2-11-88; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Application by Marion Laboratories, Inc.

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on January 5, 1988, Analytical Systems, Division of Marion Laboratories, Inc., 2 Goodyear, Irvine, California 92718, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	*Schedule*
Phencyclidine (7471)	II
1-piperidinocyclohexanecarbonitrile (PCC) (8603)	II
Benzoylecgonine (9180)	II

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street NW., Washington, DC 20537, Attention: DEA Federal Register Representative (Room 1112), and must be filed no later than March 14, 1988.

Dated: February 8, 1988.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 88-3002 Filed 2-11-88; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-18,437 New Tazewell, TN; TA-W-18,437A New York, NY]

Donlin Sportswear, Inc.; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on February 3, 1987 applicable to all workers of Donlin Sportswear, Inc., New Tazewell, Tennessee. The Certification was published in the **Federal Register** on February 19, 1987 (52 FR 5213).

Based on new information furnished to the Department by the company, the certification is amended to include the New York, New York sales office which closed in December, 1987.

The intent of the Certification is to cover all workers at Donlin Sportswear, Incorporated who were affected by the closing of the New Tazewell, Tennessee plant in November, 1987.

The amended notice applicable to TA-W-18,437 is hereby issued as follows:

All workers of Donlin Sportswear, Incorporated, New Tazewell, Tennessee and New York, New York who became totally or partially separated from employment on or after October 7, 1985 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC this 4th day of February 1988.

Robert O. Deslongchamps,

Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 88-3072 Filed 2-11-88; 8:45 am]

BILLING CODE 4510-30-M

Job Training Partnership Act (JTPA) Allotments; Wagner-Peyser Act Preliminary Planning Estimates; Program Year (PY) 1988

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This notice announces States' Job Training Partnership Act (JTPA) allotments for Program Year (PY) 1988 (July 1, 1988-June 30, 1989) for JTPA Titles II-A and III, and for the summer youth program in Calendar Year (CY) 1988 for JTPA Title II-B; and preliminary planning estimates for public employment service activities under the Wagner-Peyser Act for PY 1988.

FOR FURTHER INFORMATION CONTACT: For JTPA allotments, contact Mr. Robert N. Colombo, Director, Office of Employment and Training Programs, Room N4703, 200 Constitution Avenue, NW., Washington, DC 20210; Telephone: 202-535-0577. For Employment Service planning levels contact Mr. Robert A. Schaerfl, Director, U.S. Employment Service, Room N4470, 200 Constitution Avenue, NW., Washington, DC 20210; Telephone: 202-535-0157.

SUPPLEMENTARY INFORMATION: The Department of Labor (DOL) is announcing Job Training Partnership Act (JTPA) allotments for Program Year (PY) 1988 (July 1, 1988-June 30, 1989) for JTPA Titles II-A and III, and for the summer youth program in (CY) 1988 for JTPA Title II-B; and, in accord with section 6(b)(5) of the Wagner-Peyser Act, preliminary planning estimates for public employment service activities under the Wagner-Peyser Act for PY 1988. The allotments and estimates are based on the appropriations to DOL for Fiscal Year (FY) 1987 and FY 1988.

Attached are a list of the allotments for PY 1988 for program under JTPA Titles II-A and III, a list of the allotments for CY 1988 summer youth program under Title II-B of JTPA, and a list of preliminary planning estimates for public employment service activity under the Wagner-Peyser Act. The PY 1988 allotments are based on the funds appropriated by Public Law 100-202 for FY 1988; the CY 1988 allotments are based on funds appropriated by Public Law 99-591 for FY 1987.

These JTPA allotments will not be updated for subsequent unemployment data. The Employment Service preliminary estimates will be updated as final allotments to reflect CY 1987 data, and published in the **Federal Register** at a later date.

JTPA Title II–A Allotments. Attachment No. I shows the PY 1988 JTPA Title II–A allotments by State on a total appropriation of $1,809,486,000. The amount is composed entirely of PY 1988 formula funds. For all States, Puerto Rico, and the District of Columbia, the following data were used in developing these allotments:

- Data for areas of substantial unemployment are averages for the 12-month period, July 1986 through June 1987.
- The number of excess unemployed individuals or the area of substantial unemployment excess (depending on which is higher) are averages for this same 12-month period, July 1986 through June 1987.
- The economically disadvantaged data are from the 1980 Census. The allotments for the Insular Areas and Freely Associated States (FASs) are based on estimated 1986 unemployment. The estimated unemployment data were developed using 1980 Census unemployment as a base. The 1980 data were updated according to relative shifts in the population. A 90-percent relative share hold-harmless of the Title II–A allotments for these areas and a minimum allotment of $125,000 were also applied in determining the allotments.
- *PY 1988 JTPA Title II–A funds are to be distributed among designated service delivery areas (SDAs) in accordance with the revised statutory formula for programs under JTPA Titles II–A and II–B as contained in section 202(a) of the JTPA, as amended.*

JTPA Title II–B Allotments. Attachment No. II shows the CY 1988 JTPA TITLE II–B allotments by State based on a total *FY 1987 available appropriation of $750,000,000.* The data used for these allotments are the same data as were used for JTPA Title II–A allotments. The amount allotted is composed entirely of CY 1988 formula funds.

For the Insular Areas, the amount is based on the percentage of Title II–B funds each area received during the previous summer.

CY 1988 Title II–B summer youth funds are to be distributed among designated SDAs in accordance with the revised statutory formula for programs under JTPA Titles II–A and II–B contained in section 202(a) of the JTPA, as amended.

JTPA Title III Allotments. Attachment No. III shows the PY 1988 JTPA Title III Dislocated Worker Program allotments. Column 3 shows the total appropriation of $287,220,000 which includes the base allotment of Federal funds totaling $215,415,000 and the national reserve of $71,805,000, to be distributed at a later date. The base funds are subject to the matching requirements contained in Section 304 of JTPA. Allotments for Guam, the Virgin Islands, American Samoa, the Republic of Palau/Trust Territories of the Pacific Islands (RP/TTPI), the Federated States of Micronesia, the Republic of the Marshall Islands (RMI), and the Commonwealth of the Northern Marianas are based on the proportion these jurisdictions received of JTPA Title II–A funds. Except for the above-listed Palau, FASs, and Insular Areas, the unemployment data used for determining these allotments, relative numbers of unemployed, and relative numbers of excess unemployed are averages for the September 1986 through August 1987 period. Long-term unemployed data used were for CY 1986.

Column 4 shows a total amount of $148,144,546. This represents the total amount States must provide in matching in accordance with Section 304 of JTPA to be eligible for the Federal allotment listed in Column 3.

Column 5 shows a total of $435,364,546, the sum of Columns 3 and 4. This represents the total resources available for the JTPA Title III Dislocated Worker Program based on PY 1988 allotments.

Wagner-Peyser Act Employment Service Preliminary Planning Estimates. Attachment No. IV shows preliminary Employment Service planning estimates which have been produced using the legislatively-mandated formula. See Wagner-Peyser Act section 6(a) and (b). These estimates are based on preliminary data on each State's relative share of civilian labor force and unemployment for the 12-month period ending September 1987. The methodology for allocating the Secretary's 3-percent setaside is unchanged from that used in the prior year. See Wagner-Peyser Act section 6(b)(4); and 51 FR 8373 (March 11, 1986).

Final Wagner-Peyser allotments will be issued on or before March 28, 1988, based on CY 1987 data, and published in the **Federal Register.** The amount appropriated for public employment service activities is $723,029,000; however, $14 million has been withheld from distribution to finance postage costs associated with the conduct of employment service business, leaving $709,029,000 to be distributed. Ten percent of the planning estimate may be reserved at the discretion of the Governor for activities described in section 7(b) of the Wagner-Peyser Act, as amended.

Signed at Washington, DC, this 5th day of February 1988.

Roberts T. Jones,

Acting Assistant Secretary of Labor.

BILLING CODE 4510-30-M

U.S. DEPARTMENT OF LABOR--EMPLOYMENT AND TRAINING ADMINISTRATION
PY 1988 JTPA TITLE II-A ALLOTMENTS TO STATES
12-30-1987

	ALLOTMENT
Alabama	44,312,172
Alaska	6,243,920
Arizona	24,950,159
Arkansas	23,248,517
California	181,090,920
Colorado	28,853,705
Connecticut	10,694,324
Delaware	4,511,723
District of Columbia	6,103,081
Florida	61,333,371
Georgia	36,509,527
Hawaii	5,244,994
Idaho	9,710,970
Illinois	94,245,623
Indiana	36,999,062
Iowa	19,354,576
Kansas	10,494,920
Kentucky	39,436,067
Louisiana	65,818,325
Maine	6,241,482
Maryland	17,835,626
Massachusetts	22,774,403
Michigan	82,093,681
Minnesota	21,024,858
Mississippi	35,026,382
Missouri	31,210,342
Montana	7,194,703
Nebraska	7,121,158
Nevada	6,350,502
New Hampshire	4,511,723
New Jersey	32,842,341
New Mexico	15,778,838
New York	106,325,814
North Carolina	31,052,778
North Dakota	4,511,723
Ohio	87,851,049
Oklahoma	28,965,117
Oregon	22,420,854
Pennsylvania	80,410,320
Puerto Rico	70,670,088
Rhode Island	4,912,392
South Carolina	21,312,728
South Dakota	4,511,723
Tennessee	40,212,125
Texas	164,186,519
Utah	10,040,146
Vermont	4,511,723
Virginia	28,291,514
Washington	38,757,121
West Virginia	20,814,081
Wisconsin	31,168,120
Wyoming	4,601,302
American Samoa	220,317
Guam	1,106,154
Marshall Islands	485,439
Micronesia	1,142,667
Northern Marianas	125,000
Palau	125,000
Virgin Islands	1,592,191
NATIONAL TOTAL	1,809,486,000

U.S. DEPARTMENT OF LABOR--EMPLOYMENT AND TRAINING ADMINISTRATION
PY 1987 JTPA TITLE II-B ALLOTMENTS TO STATES
12-30-1987

	ALLOTMENT
Alabama	17,478,867
Alaska	2,450,984
Arizona	9,853,195
Arkansas	9,183,707
California	71,638,629
Colorado	11,349,835
Connecticut	6,940,999
Delaware	1,837,780
District of Columbia	5,751,306
Florida	24,316,261
Georgia	14,487,938
Hawaii	2,095,129
Idaho	3,829,111
Illinois	37,136,415
Indiana	15,814,061
Iowa	7,553,152
Kansas	4,166,613
Kentucky	15,554,659
Louisiana	25,861,682
Maine	2,628,037
Maryland	9,819,521
Massachusetts	14,441,851
Michigan	32,335,541
Minnesota	8,302,582
Mississippi	13,809,364
Missouri	12,359,172
Montana	2,842,563
Nebraska	2,824,231
Nevada	2,469,552
New Hampshire	1,837,780
New Jersey	18,744,429
New Mexico	6,227,636
New York	42,834,205
North Carolina	12,653,616
North Dakota	1,837,780
Ohio	34,612,148
Oklahoma	11,411,490
Oregon	8,724,300
Pennsylvania	31,151,501
Puerto Rico	28,010,252
Rhode Island	2,530,488
South Carolina	8,454,716
South Dakota	1,837,780
Tennessee	15,891,619
Texas	64,587,093
Utah	3,970,696
Vermont	1,837,780
Virginia	11,221,157
Washington	15,259,663
West Virginia	8,200,394
Wisconsin	12,304,921
Wyoming	1,837,780
American Samoa	56,935
Guam	694,394
Marshall Islands	20,463
Micronesia	48,494
Northern Marianas	26,634
Palau	8,030
Virgin Islands	393,731
Native Americans	13,639,358
NATIONAL TOTAL	750,000,000

U.S. DEPARTMENT OF LABOR--EMPLOYMENT AND TRAINING ADMINISTRATION
PY 1988 JTPA TITLE III
DISLOCATED WORKER PROGRAM
ALLOTMENTS AND MATCHING REQUIREMENTS
12-30-1987

	UNEMPL RATE	REDUCTION UNITS	ALLOTMENT	REQUIRED MATCH	TOTAL PROGRAM
Alabama	8.9	3	5,429,855	2,171,942	7,601,797
Alaska	10.7	5	935,015	0	935,015
Arizona	7.0	1	2,832,879	2,266,303	5,099,182
Arkansas	8.4	2	2,725,551	1,635,331	4,360,882
California	6.1	0	19,886,291	19,886,291	39,772,582
Colorado	8.1	2	3,947,468	2,368,481	6,315,949
Connecticut	3.4	0	1,017,286	1,017,286	2,034,572
Delaware	3.3	0	193,647	193,647	387,294
District of Columbia	7.0	1	669,706	535,765	1,205,471
Florida	5.5	0	6,222,625	6,222,625	12,445,250
Georgia	5.5	0	3,431,081	3,431,081	6,862,162
Hawaii	4.2	0	409,623	409,623	819,246
Idaho	8.5	2	1,155,777	693,466	1,849,243
Illinois	7.6	1	13,515,551	10,812,441	24,327,992
Indiana	6.4	0	4,694,467	4,694,467	9,388,934
Iowa	5.4	0	2,292,658	2,292,658	4,585,316
Kansas	5.0	0	1,316,042	1,316,042	2,632,084
Kentucky	9.1	3	5,086,020	2,034,408	7,120,428
Louisiana	12.7	7	9,559,398	0	9,559,398
Maine	4.7	0	452,320	452,320	904,640
Maryland	4.3	0	1,732,132	1,732,132	3,464,264
Massachusetts	3.5	0	1,773,069	1,773,069	3,546,138
Michigan	8.3	2	11,924,915	7,154,949	19,079,864
Minnesota	5.1	0	2,310,087	2,310,087	4,620,174
Mississippi	10.7	5	4,245,280	0	4,245,280
Missouri	6.2	0	3,868,509	3,868,509	7,737,018
Montana	7.4	1	934,924	747,939	1,682,863
Nebraska	4.8	0	791,208	791,208	1,582,416
Nevada	5.8	0	688,226	688,226	1,376,452
New Hampshire	2.5	0	223,775	223,775	447,550
New Jersey	4.3	0	3,158,881	3,158,881	6,317,762
New Mexico	9.0	3	1,877,108	750,843	2,627,951
New York	5.2	0	10,527,899	10,527,899	21,055,798
North Carolina	4.9	0	2,824,875	2,824,875	5,649,750
North Dakota	5.2	0	372,314	372,314	744,628
Ohio	7.7	2	13,341,202	8,004,721	21,345,923
Oklahoma	7.9	2	3,964,053	2,378,432	6,342,485
Oregon	6.8	1	2,670,612	2,136,490	4,807,102
Pennsylvania	5.8	0	8,802,940	8,802,940	17,605,880
Puerto Rico	17.4	11	6,273,838	0	6,273,838
Rhode Island	3.9	0	276,380	276,380	552,760
South Carolina	5.8	0	2,402,021	2,402,021	4,804,042
South Dakota	4.2	0	260,060	260,060	520,120
Tennessee	7.2	1	4,699,725	3,759,780	8,459,505
Texas	8.9	3	22,167,595	8,867,038	31,034,633
Utah	6.4	0	1,159,678	1,159,678	2,319,356
Vermont	4.1	0	203,642	203,642	407,284
Virginia	4.8	0	2,325,988	2,325,988	4,651,976
Washington	8.0	2	5,202,213	3,121,328	8,323,541
West Virginia	10.6	4	3,222,731	644,546	3,867,277
Wisconsin	6.3	0	4,174,487	4,174,487	8,348,974
Wyoming	8.7	3	670,329	268,132	938,461
American Samoa	0.0	0	26,228	0	26,228
Guam	0.0	0	131,685	0	131,685
Marshall Islands	0.0	0	57,790	0	57,790
Micronesia	0.0	0	136,032	0	136,032
Northern Marianas	0.0	0	14,881	0	14,881
Palau	0.0	0	14,881	0	14,881
Virgin Islands	0.0	0	189,547	0	189,547
National Reserve	0.0	0	71,805,000	0	71,805,000
NATIONAL TOTAL	6.6		287,220,000	148,144,546	435,364,546

U.S. DEPARTMENT OF LABOR--EMPLOYMENT AND TRAINING ADMINISTRATION
PRELIMINARY PY 1988 WAGNER-PEYSER ALLOTMENTS TO STATES
12-30-1987

	BASIC	3% DISTRIBUTION			TOTAL
	FORMULA	STEP 1*	STEP 2**	TOTAL	ALLOTMENT***
Alabama	11,253,673	0	0	0	11,253,673
Alaska	6,728,126	979,359	0	979,359	7,707,485
Arizona	8,808,199	0	0	0	8,808,199
Arkansas	6,346,875	0	626,101	626,101	6,972,976
California	71,615,729	0	0	0	71,615,729
Colorado	9,766,195	0	0	0	9,766,195
Connecticut	7,944,384	0	0	0	7,944,384
Delaware	1,920,883	0	59,559	59,559	1,980,442
District of Columbia	4,623,443	0	576,820	576,820	5,200,263
Florida	29,407,244	0	0	0	29,407,244
Georgia	15,587,725	0	0	0	15,587,725
Hawaii	2,473,896	0	308,642	308,642	2,782,538
Idaho	5,605,725	815,980	0	815,980	6,421,705
Illinois	32,084,927	0	0	0	32,084,927
Indiana	14,697,252	0	0	0	14,697,252
Iowa	7,894,978	0	984,976	984,976	8,879,954
Kansas	6,139,462	0	0	0	6,139,462
Kentucky	10,220,148	0	0	0	10,220,148
Louisiana	13,651,619	0	0	0	13,651,619
Maine	3,333,672	485,256	0	485,256	3,818,928
Maryland	11,456,250	0	0	0	11,456,250
Massachusetts	13,872,243	0	0	0	13,872,243
Michigan	26,341,378	0	0	0	26,341,378
Minnesota	11,162,113	0	0	0	11,162,113
Mississippi	7,486,798	0	162,921	162,921	7,649,719
Missouri	13,539,998	0	0	0	13,539,998
Montana	4,581,028	666,824	0	666,824	5,247,852
Nebraska	5,505,494	801,391	0	801,391	6,306,885
Nevada	4,453,241	648,223	0	648,223	5,101,464
New Hampshire	2,470,510	0	0	0	2,470,510
New Jersey	18,667,135	0	0	0	18,667,135
New Mexico	5,140,718	748,293	0	748,293	5,889,011
New York	47,639,650	0	5,943,509	5,943,509	53,583,159
North Carolina	15,951,959	0	0	0	15,951,959
North Dakota	4,664,856	679,025	0	679,025	5,343,881
Ohio	29,441,461	0	0	0	29,441,461
Oklahoma	10,892,445	0	1,358,938	1,358,938	12,251,383
Oregon	7,624,258	0	951,201	951,201	8,575,459
Pennsylvania	28,851,734	0	799,872	799,872	29,651,606
Puerto Rico	8,398,134	0	0	0	8,398,134
Rhode Island	2,393,129	0	174,602	174,602	2,567,731
South Carolina	8,372,680	0	0	0	8,372,680
South Dakota	4,311,400	627,575	0	627,575	4,938,975
Tennessee	12,907,481	0	0	0	12,907,481
Texas	50,059,558	0	0	0	50,059,558
Utah	9,429,556	1,372,584	0	1,372,584	10,802,140
Vermont	2,019,707	293,993	0	293,993	2,313,700
Virginia	14,364,067	0	0	0	14,364,067
Washington	12,667,772	0	0	0	12,667,772
West Virginia	4,934,823	718,323	0	718,323	5,653,146
Wisconsin	12,979,040	0	0	0	12,979,040
Wyoming	3,344,993	486,903	0	486,903	3,831,896
FORMULA TOTAL	686,029,764	9,323,729	11,947,141	21,270,870	707,300,634
Guam	331,770	0	0	0	331,770
Virgin Islands	1,396,596	0	0	0	1,396,596
Indicia Postage	14,000,000	0	0	0	14,000,000
NATIONAL TOTAL	701,758,130	9,323,729	11,947,141	21,270,870	723,029,000

* - FUNDS ARE ALLOCATED TO THE 13 STATES WHOSE RELATIVE SHARE DECREASED FROM PY 1987 TO THE PY 1988 BASIC FORMULA AMOUNT AND WHICH HAVE A CIVILIAN LABOR FORCE (CLF) BELOW ONE MILLION AND ARE BELOW THE MEDIAN CLF DENSITY. THESE STATES ARE HELD HARMLESS AT 100% OF THEIR PY 1987 RELATIVE SHARE.

** - THE BALANCE OF THE 3% FUNDS ARE DISTRIBUTED TO THE REMAINING 11 STATES LOSING IN RELATIVE SHARE FROM PY 1987 TO THE PY 1988 BASIC FORMULA AMOUNT.

*** - HOLD HARMLESS PROVISIONS REQUIRED UNDER SECTION 6(B) OF THE WAGNER-PEYSER ACT, AS AMENDED, ARE MAINTAINED AT THE REVISED ALLOTMENT LEVEL.

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination; Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S-3504, Washington, DC 20210.

New General Wage Determination Decisions

The numbers of the decisions being added to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" are listed by Volume, State, and page number(s).

Volume II

Minnesota:
MN88-9—pp. 580a-580b
MN88-10—pp. 580c-580d
MN88-11—pp. 580e-580f
MN88-12—pp. 580g-580j

Modifications to General Wage Determination Decisions

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page number(s). Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Mississippi:
MS88-21 (January 8, 1988)—p. 514
MS88-24 (January 8, 1988)—p. 520
Rhode Island:
RI88-1 (January 8, 1988)—pp. 1018-1020
Tennessee:
TN88-16 (January 8, 1988)—p. 1114

Volume II

Missouri:
MO88-1(January 8, 1988)—pp. 586,594
Listing by Location (index)—pp. xxxiv-xxxvi
Listing by Decision (index)—pp. lv-lvi

Volume III

Idaho:
ID88-1 (January 8, 1988)—pp. 142-143
Montana:
MT88-2 (January 8, 1988)—p. 187
South Dakota:
SD88-1 (January 2, 1988)—p. 323
Utah:
UT88-3 (January 8, 1988)—pp. 348-349,351
Washington:
WA88-1 (January 8, 1988)—p. 360-361,363, pp. 366,372,374
Washington:
WA88-7 (January 8, 1988)—p. 414

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions incude an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, this 5th day of February 1988.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 88-2808 Filed 2-11-88; 8:45 am]

BILLING CODE 4510-27-M

Mine Safety and Health Administration

[Docket No. M-87-299-C]

J & W Coal Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

J & W Coal Company, Inc., P.O. Box 361, Woodbine, Kentucky 40771 has filed a petition to modify the application of 30 CFR 75.313 (methane monitor) to its No. 2 Mine (I.D. No. 15-16226) located in Whitley County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that a methane monitor be installed on any electric face cutting equipment, continuous miner, longwall face equipment and loading machine and shall be kept operative and properly maintained and frequently tested.

2. Petitioner states that no methane has been detected in the mine. The three wheel tractors are permissible DC powered machines, with no hydraulics. The bucket is a drag type, where approximately 30–40 percent of the coal is hand loaded. Approximately 35 percent of the time that the tractor is in use, it is used as a man trip and supply vehicle.

3. As an alternate method, petitioner proposes to use hand held continuous oxygen and methane monitors in lieu of methane monitors on three wheel tractors. In further support of this request, petitioner states that:

(a) Each three wheel tractor will be equipped with a hand held continuous monitoring methane and oxygen detector and all persons will be trained in the use of the detector;

(b) A gas test will be performed, prior to allowing the coal loading tractor in the face area, to determine the methane concentration in the atmosphere. The air quality will be monitored continuously after each trip, provided the elapse time between trips does not exceed 20 minutes. This will provide continuous monitoring of the mine atmosphere for methane to assure any undetected methane buildup between trips;

(c) If one percent of methane is detected, the operator will manually deenergize the battery tractor immediately. Production will cease and will not resume until the methane level is lower than one percent;

(d) A spare continuous monitor will be available to assure that all coal hauling tractors will be equipped with a continuous monitor;

(e) Each monitor will be removed from the mine at the end of the shift, and will be inspected and charged by a qualified person. The monitor will also be calibrated monthly; and

(f) No alterations or modifications will be made in addition to the manufacturer's specifications.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 14, 1988. Copies of the petition are available for inspection at that address.

Dated: February 2, 1988.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 88-3074 Filed 2-11-88; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-87-298-C]

Jim Walter Resources, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Jim Walter Resources, Inc., P.O. Box C-79, Birmingham, Alabama 35283 has filed a petition to modify the application of 30 CFR 75.1002 (location of trolley wires, trolley feeder wires, high-voltage cables and transformers) to its No. 3 Mine (I.D. No. 01-00758) located in Jefferson County, Alabama. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that trolley wires and trolley feeder wires, high-voltage cables and transformers not be located inby the last open crosscut and be kept at least 150 feet from pillar workings.

2. As an alternate method, petitioner proposes to use A.C. high-voltage (2300) cables to be located and used to supply power to permissible longwall face equipment in or in by the last open crosscut, with specific equipment and conditions as outlined in the petition.

3. In order to safely and efficiently mine the coal seam, a 500 horsepower shearing machine, an approximately 1,000 horsepower face conveyor and a stage loader with a crusher unit driven by 150 horsepower motors will be used.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 14, 1988. Copies of the petition are available for inspection at that address.

Dated: February 1, 1988.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 88-3075 Filed 2-11-88; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-87-303-C]

Kerr-McGee Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

Kerr-McGee Coal Corporation, P.O. Box 727, Harrisburg, Illinois 62946 has filed a petition to modify the application of 30 CFR 75.902 (low- and medium-voltage ground check monitor circuits) to its Galatia Mine 56-1, No. 5 Seam Bottom Area (I.D. No. 11-02752) located in Saline County, Illinois. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that low- and medium-voltage resistance grounded systems include a fail-safe ground check circuit to monitor continuously the grounding circuits to assure continuity. The ground check will cause the circuit breaker to open when either the ground or pilot wire is broken.

2. As an alternate method, peititoner proposes to use 480-volt, three phase, power distribution, without the need of the ground check circuit in the No. 5 Seam Bottom Area. In support of this request, petitioner states that—

(a) The bottom area is constructed with concrete floors with the roof and rib wire meshed and sealed with a nonhazardous pressure applied fibrous sealant, along with additional steel supports;

(b) Galvanized rigid conduit will be used throughout the Bottom Area. The conduit will be supported by struts fastened to existing steel supports;

(c) All electrical panels, starters, boxes, will be of type NEMA 12;

(d) All stationary 480-volt, three phase equipment will be connected by galvanized rigid conduit;

(e) All equipment will be bonded to the grounding system through the conduit system and through a ground wire pulled in the conduit system;

(f) Power will be fed to NEMA 12 electrical panels from a mine duty power center by MSHA approved cables and protected at the power center by MSHA approved ground monitor, ground fault, under voltage release, thermal and magnetic overload protection; and

(g) The design and installation of this electrical system will conform to the 1987 National Electrical Code.

3. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 14, 1988. Copies of the petition are available for inspection at that address.

Dated: February 1, 1988.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 88-3076 Filed 2-11-88; 8:45 am]

BILLING CODE 4510-43-M)

[Docket No. M-87-284-C]

Manalapan Mining Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

Manalapan Mining Company, Inc., Route 1, Box 374, Evarts, Kentucky 40828 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Harlan No. 1 Mine (I.D. No. 15-05423) located in Harlan County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. The mine is in the Harlan seam and ranges from 50 to 58 inches in height, with rolls in the top and bottom.

3. Petitioner states that the use of cabs or canopies on the mine's electric face equipment would result in a diminution of safety to the miners affected because the cabs or canopies would dislodge roof bolts and cut the heads off some roof bolts, creating an even greater hazard. The cabs or canopies would also limit the equipment operator's vision and seating position, creating the chances for an accident.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 14, 1988. Copies of the petition are available for inspection at that address.

Dated: February 2, 1988.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 88-3077 Filed 2-11-88; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-87-307-C]

Sandy Fork Mining Co. Inc.; Petition for Modification of Application of Mandatory Safety Standard

Sandy Fork Mining Company, Inc., P.O. Box 68, Beverly, Kentucky 40913 has filed a petition to modify the application of 30 CFR 77.1605(k) (berms or guards) to its No. 16 Mine (I.D. No. 15-16235) located in Bell County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that berms or guards be provided on the outer banks of elevated roadways.

2. Petitioner states that application of the standard would result in a diminution of safety to the miners affected because more than half of the haulage roads are county and state roads which do not have berms or guards and are more hazardous than the petitioner's roads. Berms would prevent the removal of snow and ice from the roadways, causing the road surface to deteriorate.

3. As an alternate method, petitioner states that—

(a) All equipment operators will be trained in the use of haulage equipment and the safety of vehicles on haulage roads;

(b) All haulage vehicles will have original manufacturers brakes, engine or jacob brakes, and an emergency (parking) braking system;

(c) Roadway surfaces will be kept free of debris, excessive water, snow, and ice, and maintained as free as practicable of small ditches (washboard effects);

(d) Warning signs will be posted designating curves, steep grades, where trucks should shift to a lower gear, and where roadways are reduced to one-lane traffic. Stop signs will be posted where one road intersects another, giving main haulage traffic the right of way, and signs will be posted designating passing points;

(e) A traffic system will be put into use for these roads requiring that loaded trucks have the right of way on the highwall side of roads regardless of their direction of travel; and

(f) Adequate supplies of crushed stone or other suitable material will be stored at strategic locations along the haulage roads for use when road surfaces become slippery.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 14, 1988. Copies of the petition are available for inspection at that address.

Dated: February 2, 1988.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances

[FR Doc. 88-3078 Filed 2-11-88; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-87-304-C]

Sequoyah Resources, Ltd.; Petition for Modification of Application of Mandatory Safety Standard

Sequoyah Resources, Ltd., P.O. Box 568, Big Rock, Virginia 24603 has filed a

petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Mine No. 1 (I.D. No. 44–00382) located in Buchanan County, Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that return aircourses be examined in their entirety on a weekly basis.

2. The mine is located above drainage and methane has never been detected.

3. Petitioner states that the mine was developed before 1969 when roof bolts were not used. The mine uses timber for support and due to deterioration of the timber certain areas of the mine cannot be safely traveled.

4. As an alternate method, petitioner proposes to cut into and ventilate sections that cannot be safely traveled and to establish checkpoints where the air quality, and quantity can be evaluated. These areas will be checked by certified persons on a weekly basis and the results will be recorded in a prescribed book.

5. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 14, 1988. Copies of the petition are available for inspection at that address.

Dated: February 2, 1988.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 88–3079 Filed 2–11–88; 8:45 am]

BILLING CODE 4510–43–M

Occupational Safety and Health Administration

Advisory Committee on Construction Safety and Health; Request for Nomination of Members

The Assistant Secretary of Labor for Occupational Safety and Health requests nominations for individuals to be appoir ted to the Advisory Committee on Construction Safety and Health. The Committee is established under section 107(e)(1) of the Contract Work Hours and Safety Standards Act (40 U.S.C 333) and section 7(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656). The function of the Committee is to advise the Assistant Secretary on occupational safety and health matters in the construction industry. The committee meets approximately three to six times per year for one to three days per meeting. Nominations or re-nominations of current members will be accepted in all categories of membership which include: five representatives of employee interests; five representatives of employer interests; two representatives of State interests; two public representatives; and a Federal agency representative. The terms of the present members of the Committee will expire June 30, 1988. The term of office is two years and would end on June 30, 1990.

Nominees must have specific experience and be actively engaged in work related to occupational safety or health in the construction industry. No member of the Committee (other than representatives of employers and employees) shall have an economic interest in any proposed rule. The category of membership for which the candidate is qualified should be specified in the nomination letter which should come from an organization representative of that particular category. A resume of the nominee's background, experience and qualifications with date of birth, current address, telephone number and Social Security number should be included with the letter. In addition, the nomination letter shall state that the nominee is aware of the nomination, is willing to serve as a Committee member, is able to be present at meetings, and has no apparent conflict of interest that would preclude unbiased service on the Committee.

Nominations should be submitted to Tom Hall, OSHA Division of Consumer Affairs, Room N–3647, U.S. Department of Labor, Washington, DC 20210, no later than March 15, 1988. For further information contact Tom Hall at (202) 523–8615.

Signed at Washington, DC this 9th day of February, 1988.

John A. Pendergrass,

Assistant Secretary.

[FR Doc. 88–3086 Filed 2–11–88; 8:45 am]

BILLING CODE 4510–26–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Media Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Media Arts Advisory Panel (Programming in the Arts Section) to the National Council on the Arts, will be held on March 2, 1988 from 9:00 a.m.–6:30 p.m., and on March 3, 1988 from 9:00 a.m.–5:30 p.m. in room 716 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Yvonne M. Sabine,

Acting Director, Council and Panel Operations, National Endowment for the Arts.

February 9, 1988.

[FR Doc. 88–3097 Filed 2–11–88; 8:45 am]

BILLING CODE 7537–01–M

Music Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Recording Section) to the National Council on the Arts will be held on March 2–3, 1988 from 9:00 a.m.–5:00 p.m. in room 714 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

A portion of this meeting will be open to the public on March 3, 1988, from 1:30 p.m.–3:30 p.m. for policy and guidelines discussion.

The remaining sessions of this meeting on March 2, from 9:00 a.m.–5:00 p.m., and on March 3, 1988 from 9:00 a.m.–12:00 p.m., and from 3:30 p.m.–5:00 p.m. are for the purpose of Panel review,

discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and (9)(b) of section 552b of Title 5, United States Code.

If you need special accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5433.

Yvonne Sabine,

Acting Director, Council and Panel Operations, National Endowment for the Arts.

February 9, 1988.

[FR Doc. 88–3098 Filed 2–11–88; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978, P. L. 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act of 1978 at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATE: Interested parties are invited to submit written data, comments, or views with respect to this permit application by March 18, 1988. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESS: Comments should be addressed to Permit Office, Room 627, division of Polar Programs, National Science Foundation, Washington, DC 20550.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers at the above address or (202) 357–7934.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541), has developed regulations that implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora" for all United States citizens. The Agreed Measures, developed in 1964 by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Specially Protected Areas and sites of Special Scientific Interest. Additional information was published in the **Federal Register** on July 24, 1987, (52 FR. 27890).

The application received is as follows:

1. *Applicant:* Bob Reiss, 30 North Street, Katonah, NY 10536.

Activity for Which Permit Requested

Taking, Enter Specially Protected Area, Enter Sites of Special Scientific Interest. The applicant is a member of the news media who is reporting on the U.S. Antarctic Program. He requests permission to enter protected areas and observe at close range scientists working with protected species of birds or mammals.

Dates

March 24–April 24, 1988.

Charles E. Myers,

Permit Office.

[FR Doc. 88–3032 Filed 2–11–88; 8:45 am]

BILLING CODE 7555–01–M

Program Announcement and Guidelines for Undergraduate Curriculum Development In Engineering

Inquiries

Questions of a general nature about this program may be directed to the NSF staff by contacting either:

Office of Undergraduate Science, Engineering, and Mathematics Education, Directorate for Science and Engineering Education, Room 639, National Science Foundation, Washington, DC 20550, Telephone: (202) 357–7051, Electronic Mail: Bitnet: undergrad@nsf, Arpanet, CSnet: undergrad@note.nsf.gov.

or

Office for Engineering Infrastructure Development, Directorate for Engineering, Room 1235, National Science Foundation, Washington, DC 20550, Telephone: (202) 357–9834.

The Program

Purpose

The National Science Foundation announces the establishment of a program in curriculum development in undergraduate engineering education

The program will support the design, development, and testing of innovative approaches for increasing the effectiveness and efficiency of the undergraduate engineering learning experience. The goal is to increase both the depth and breadth of this experience.

Need

Many sources recognize that engineering education faces a number of challenges. The base of engineering fundamentals is both expanding and evolving at a rapid rate along with the overall information explosion. There is a need now to identify and emphasize commonality in the principles from different disciplines to address better the diverse current and future problems in undergraduate engineering education. Engineers need to become more knowledgeable about the total system within which technology operates. Also, there is an increasing demand for engineers to be more informed about risk and uncertainty. Finally, engineers need better skills in problem definition and in communication.

It is now time to take action, since the roots of current problems have been studied in depth by a number of groups including the National Science Board's Task Committee on Undergraduate Science, Mathematics, and Engineering Education; the National Congress on Engineering Education; the Engineering Deans' Council of the American Society for Engineering Education; and a recent Task Force of The American Society for Engineering Education. There is a consensus that all aspects of engineering education should be reexamined including the learning and teaching processes, the effectiveness of engineering education, the preparation of young people for life-long learning, and the use of technology in education.

For this new program, the NSF role will be to encourage and support the intellectual effort necessary to restructure the curricula and teaching methods in light of present-day and near-future technological realities.

Objective

The objective of this program of grants is to study how to improve

curricula structure and content and the transfer, comprehension, retention, and utilization of knowledge by (1) modernizing curricula including putting more emphasis on design oriented education, (2) intergrating material from other disciplines and fields, and (3) implementing new teaching strategies. Emphasis will be given to proposals that include all three approaches to curriculum improvement. Proposals that target other novel approaches to accomplish more effective and efficient curriculum processes will also be considered.

For the purpose of this announcement, the term "curriculum" encompasses all facets of the engineering education experience, including course development and structure, the laboratory experience, the learning process, and teaching methods.

In line with this objective, NSF expects the awardees to undertake activities such as planning and designing innovation in curricula, experimenting in the implementation of such curricula, assessing and evaluating the outcome, and disseminating the results to other educators with common interests.

Although the kinds of awards that are described in this announcement are expected to include the majority of projects supported through this program, additional mechanisms for improving undergraduate engineering curricula will be considered by the NSF.

Needed Improvements in Undergraduate Curricula

A number of factors characterize improved engineering undergraduate curricula. These include:

- Broadly based undergraduate curricula which better integrate the diverse science and engineering disciplines.
- A strong emphasis on knowledge of the entire system within which engineering operates; i.e., the managerial, economic, environmental, and socioplitical environment governing the introduction and impact of technology.
- More emphasis on design and synthesis in the engineering curricula.
- The integration of knowledge of the whole engineering system into engineering practice.
- Hands-on experience in the university laboratory and/or industry.
- The development of good communication skills.
- Preparation for continuing professional education.

Proposal

Proposals are invited from engineering educators and others concerned with engineering education which address these or related issues of curricula and the delivery of engineering education.

The Foundation encourages proposals that address the strengthening of engineering education at primarily minority institutions and that address the increased participation of women, minorities, and the disabled in engineering.

Evaluation of Proposals

Proposals will be evaluated by mail and/or panel review. Criteria used in the evaluation of proposals are:

(a) Those from Grants for Research and Education in Science and Engineering (NSF 83-57, Rev. 1/87). These criteria are:

1. Performance Competence—The capability of the investigator(s), the technical soundness of the proposed work, and the adequacy of the institutional resources avaialble.

2. Intrinsic Merit of the Work—The likelihood that the work will be innovative and lead to discoveries or advances in improving undergraduate engineering education.

3. Utility or Relevance of the Work—The likelihood that the work will serve as a basis for better approaches to undergraduate engineering education, the importance of the work in furthering such education, and its relevance to an engineer's education.

4. Effect of the Effort on the Infrastructure of Engineering—The likelihood that the work will improve the engineering enterprise in ways that will benefit the U.S. in addressing international economic competitiveness, national technological problems and global dimensions of these issues.

(b) Other criteria specifically for this program:

5. Potential for Affecting Engineering Education—Supported activities are expected to be of importance to engineering education as a whole or to disciplines or topics within it. Proposals that deal with topics of limited general impact are not encouraged.

6. Institutional Commitment—(a) Proposers should indicate any commitments such as cost sharing, time, space, and/or equipment. (b) If a project involves experimental testing of a curriculum innovation, proposers should indicate what assurance there is that such testing can be carried out.

7. Plans for Evaluation of the Work—Proposers should indicate measures to be used to evaluate the outcome of their efforts.

8. Plans for Dissemination of the Results of the Effort—Proposers should specify the mechanisms proposed for sharing the results of the work, particularly to educators not directly involved with the project.

Awards

Awards made under this program are expected to be for comprehensive activities that address large segments of the undergraduate engineering experience and focus on restructuring the curricula and teaching methods in light of present-day and near-future technological realities. The anticipated result of the proposed programs should be new curricula of interest and use to wide segments of the undergraduate engineering education community. The proposals should include plans for evaluating and disseminating the results. Proposals are expected to include strong institutional commitment to the project (see Criterion 6 above).

Proposal Format

The proposal should be prepared following the guidelines contained in Grants for Research and Education in Science and Engineering (NSF 83-57, Rev. 1/87). Note that the proposal should be able to be judged against the criteria given above and should particularly address those criteria specific to this program, namely Criteria 5-8.

In developing the budget, include only items that represent new costs. NSF funds may not be used to support expenditures that would have been undertaken in the absence of an award.

Proposal Submission

Proposals for projects should be received in the Foundation before April 15, 1988. Proposals received after this target date will be reviewed, but decisions may be delayed by their late arrival.

Ten (10) copies of the proposal should be submitted to: Proposal Processing, Room 233, Attn: Undergraduate Curriculum Development in Engineering, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

One of the copies of the proposal must be signed by the principal investigator and an offical authorized to commit the institution in business and government affairs.

Additional Information

For program inquiries, contact the Office of Undergraduate Science Engineering and Mathematics Education (202/357-7051) or the Office for Engineering Infrastructure Development

(202/357-9634). Copies of Grants for Research and Education in Science and Engineering (NSF 83-57, Rev 1/87) are available at no cost from Publications, Room 233, National Science Foundation, Washington, DC 20550 or by calling 202/357-7861.

General

The Foundation provides awards for research in the sciences and engineering. The awardee is wholly responsible for the conduct of such research and preparation of the results for publication. The Foundation, therefore, does not assume responsibility for such findings or their interpretations.

The Foundation welcomes proposals on behalf of all qualified scientists and engineers, and strongly encourages women, minorities, and disabled persons to compete fully in any of the research and research-related programs described in this document.

In accordance with Federal statutes and regulations and NSF policies, no person on grounds of race, color, age, sex, national origin, or disability shall be excluded from participation in, denied the benefits of, or be subject to discrimination under, any program or activity receiving financial assistance from the National Science Foundation.

The National Science Foundation has TDD (Telephonic Device for the Deaf) capability, which enables persons with hearing impairments to communicate with the Division of Personnel and Management for information relating to NSF Programs, employment, or general information. This number is (202/357-7492).

Dated: February 9, 1988.

Robert F. Watson,

Acting Head, Office of Undergraduate Science, Engineering and Mathematics Education.

[FR Doc. 88-3023 Filed 2-11-88; 8:45 am]

BILLING CODE 7555-01-M

Earth Sciences Advisory Committee Meeting

The National Science Foundation announces the following meeting:

Name: Advisory Committee for Earth Sciences
Date: February 22, 23, and 24, 1988
Time: 8:30 a.m. to 5:00 p.m. each day
Place: The National Science Foundation, Room 1242, 1800 G Street, NW., Washington, D.C. 20550
Type of Meeting: Open—
February 22—8:30 a.m. to 12:00 noon.
February 23—8:30 a.m. to 5:00 p.m.
February 24—8:30 a.m. to 5:00 p.m.
Closed—February 22—1:00 p.m. to 5:00 p.m.
Contact Person: Dr. Ian MacGregor, Division Director, Earth Sciences, Room 602, National Science Foundation, Washington, DC 20550 Telephone: (202) 357-7958
Summary Minutes: May be obtained from the Contact Person at the above address.
Purpose of meeting: To provide advice, recommendations, and oversight concerning support for research and research-related activities in the Earth Sciences.
Agenda: Closed—Oversight review of the Continental Lithosphere Program, including examination of proposals, reviewer comments, and other privileged material.
Open—Presentations on the Continental Lithosphere Program, review of Long-Range Plan for Earth Sciences, and general discussion.
Reason for Closing: The proposals being reviewed included information of proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 522b(c), Government in the Sunshine Act.
Reason for Late Notice: Original document got lost in the mail.

Dated: February 9, 1988.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 88-3022 Filed 2-11-88; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 40-8911]

Mobil Oil Corp.; Notice of Draft Finding of No Significant Impact

In the Matter of Mobil Oil Corporation draft finding of no significant impact regarding a termination of the source and byproduct material license for operation of Mobil Oil Corporation's Crownpoint, section 9, in SITU pilot test project, McKinley County, New Mexico.

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of Draft Finding of No Significant Impact.

1. *Proposed Action:* The proposed administrative action is to terminate the source and byproduct material license authorizing Mobil Oil Corporation to operate the Crownpoint, Section 9, In Situ Pilot Test Project facility located in McKinley County, New Mexico.

2. *Reasons for Draft Finding of No Significant Impact:* An environmental assessment was prepared by the staff at the U.S. Nuclear Regulatory Commission (NRC) and issued by the Commission's Uranium Recovery Field Office, Region IV. The environmental assessment performed by the Commission's staff evaluated potential impacts onsite and offsite due to radiological releases that may have occurred during the course of the operation. Additionally, an impact assessment was conducted on ground-water restoration efforts at the site. The assessment indicates that ground-water quality at the site was restored to required levels, with the exception of slightly elevated molybdenum concentrations. Documents used in preparing the assessment included the following:

- Environmental and operational information submitted by the licensee to the NRC during the period of October 1, 1986 through November 15, 1987;
- Discussions and written correspondence with the State of New Mexico;
- Site visit by NRC staff on May 11-12, 1987;
- Permit information from the New Mexico Environmental Improvement Division that was transferred to NRC at the time of NRC reassertion of authority over New Mexico licensees in 1986;
- Information derived from professional papers, journals and textbooks; U.S. NRC regulations and regulatory guides; Federal, State and local agencies; and independent consultants; and
- Mobil Oil Corporation's Irrigation Evaluation Report in Suport of the Withdrawal of Discharge Plan DP-26, January 1988.

Based on the review of these documents, the Commission has determined that no significant impact will result from the proposed action.

The following statements support the draft finding of no significant impact and summarize the conclusions resulting from the environmental assessment.

A. The site reclamation and decontamination program proposed by Mobil Oil Corporation is sufficient to meet all requirements as specified in 10 CFR Part 40.

B. The ground-water quality at the site has been restored to required concentrations, with the exception of slightly elevated molybdenum concentrations. The elevated molybdenum concentrations are not considered significant due to the very

small volume of affected ground water, the natural restoration that will continue to occur over time, and the low probability of use due to the depth to the aquifer and the availability of other, more easily accessible water. Further, it is highly unlikely that additional restoration will provide any more reduction in molybdenum concentration at the Mobil site.

In accordance with 10 CFR Part 51.33(a), the Director, Uranium Recovery Field Office, made the determination to issue a draft finding of no significant impact and to accept comments on the draft finding for a period of 60 days after issuance in the Federal Register.

This finding, together with the environmental assessment setting forth the basis for the finding, is available for public inspection and copying at the at the Commission's Uranium Recovery Field Office at 730 Simms Street, Golden, Colorado, and at the Commission's Public Document Room at 1717 H Street, Washington, DC.

Dated at Denver, Colorado, this 4th day of February, 1988.

For the Nuclear Regulatory Commission.

Edward F. Hawkins,

Chief, Licensing Branch 1, Uranium Recovery Field Office, Region IV.

[FR Doc. 88-3025 Filed 2-11-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-361 and 50-362]

Southern California Edison Co. et. al. San Onofre Nuclear Generating Station, Units 2 and 3; Consideration of Issuance of Amendments to Facility Operating Licenses and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating Licenses No. NPF-10 and NPF-15 issued to Southern California Edison Company, *et al.*, (the licensee), for operation of San Onofre Nuclear Generating Station, Units 2 and 3, located in San Diego County, California. The request for amendments was submitted by letter dated December 30, 1987.

The proposed amendments would authorize each facility to possess byproduct and special nuclear materials produced by the operation of San Onofre Nuclear Generating Station Unit 1 (Docket No. 50-206) as well as byproduct and special nuclear materials produced by its own operation.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the request for amendments involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety.

This determination is based upon the staff's review of the licensee's Final Safety Analysis Report (FSAR) and the staff's "Safety Evaluation Report Related to the Operation of San Onofre Nuclear Generating Station Units 2 and 3" (SER), NUREG-0712. As described in the FSAR, the original design of the facility spent fuel pool, spent fuel pool cooling, and fuel handling systems included provisions for storing Unit 1 spent fuel. These designs were reviewed and found acceptable to the NRC staff. Details of the staff's review of storage of Unit 1 byproduct and special nuclear materials at Units 2 and 3 are contained in Sections 9.1.2 and 9.1.3 of the SER. Therefore, the proposed amendments will not change the physical facility, its design, or its function in any way. The proposed change would be in wording only of license condition 2.B.(6) of each license to allow the licensee to use the capability which was provided in the original design and construction of the plant.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice.

By March 14, 1988, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses, and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene must be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board Panel will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene must set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which the petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendments under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the

hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the request for amendments involves no significant hazards consideration, the Commission may issue the amendments and make them effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

Normally, the Commission will not issue the amendments until the expiration of the 30-day notice period. However, should circumstances change during the notice such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendments before the expiration of the 30-day notice period, provided that its final determination is that the amendments involve no significant hazards consideration. The final determination will consider all public and state comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to George W. Knighton: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel-White Flint, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Charles R. Kocker, Assistant General Counsel and James Beoletto, Esq., Southern California Edison Company, P.O. Box 800, Rosemead, California 91770, attorneys for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714 (a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendments which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the General Library, University of California, P.O. Box 19557, Irvine, California 92713.

Dated at Rockville, Maryland, this 8th day of February, 1988.

For the Nuclear Regulatory Commission.

Donald E. Hickman,

Project Manager, Project Directorate V, Division of Reactor Projects—III, IV, V and Special Projects.

[FR Doc. 88–3026 Filed 2–11–88; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

Self-Regulatorty Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Boston Stock Exchange, Inc.

February 8, 1988.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the folliwing stocks:

American Cablesystems Corporation
Class A Common Stock, No Par Value (File No. 7–2090)
American Hoist & Derrick Company
Global Stock, $1.00 Par Value (File No. 7–2091)
ARX, Inc.
Global Stock, $.10 Par Value (File No. 7–2092)
Carolina Freight Corporation
Common Stock, $.50 Par Value (File No. 7–2093)
Computer Consoles, Inc.
Common Stock, $.10 Par Value (File No. 7–2094)
Global Yield Fund, Inc.
Common Stock, $.01 Par Value (File No. 7–2095)
Gull, Inc.
Common Stock, $.10 Par Value (File No. 7–2096)
Italy Fund, (The) Inc.
Common Stock, $.10 Par Value (File No. 7–2097)
Interrepublic Group of Companies, Inc.
Common Stock, $.10 Par Value (File No. 7–2098)
Newell Co.
Common Stock, $1.00 Par Value (File No. 7–2099)
Orange-Company, Inc.
Common Stock, $.05 Par Value (File No. 7–3000)
PNC Financial Corporation
Common Stock, $5.00 Par Value (File No. 7–3001)
QMS, Inc.
Common Stock, $.01 Par Value (File No. 7–3002)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 1, 1988, written data, views and arguments concerning the above-referenced applicatons. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Johathan G. Katz,

Secretary.

[FR Doc. 88–3018 Filed 2–11–88; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Boston Stock Exchange, Inc.

February 8, 1988.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12 (f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

Chart House Enterprises, Inc.
Common Stock, $.01 Par Value (File

No. 7–2079)
Davis Water & Waste Industries, Inc.
Common Stock, $1.00 Par Value (File No. 7–2080)
Enron Oil & Gas Company
Common Stock, No Par Value (File No. 7–2081)
Flexi-Van Corporation
Common Stock, $.01 Par Value (File No. 7–2082)
Galoob (Lewis) Toys, Inc.
Common Stock, No Par Value (File No. 7–2083)
Gworgis Gulf Corporation
Common Stock, $.05 Par Value (File No. 7–2084)
Global Government Plus Fund
Common Stock, $.01 Par Value (File No. 7–2085)
Paco Pharmaceutical Services, Inc.
Common Stock, $.01 Par Value (File No. 7–2086)
Musicland Group, Inc.
Common Stock, $.01 Par Value (File No. 7–2087)
Nuveen Municipal Value Fund, Inc.
Common Stock, $.01 Par Value (File No. 7–2088)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 1, 1988, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 88–3019 Filed 2–11–88; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Boston Stock Exchange, Inc.

February 8, 1988.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

Standard Brands Paint Co.
Common Stock, $1.00 Par Value (File No. 7–2074)
Springs Industries, Inc.
Common Stock, $.50 Par Value (File No. 7–2075)
United Asset Management Corporation
Common Stock, $.01 Par Value (File No. 7–2076)
UDC Universal Development L.P.
Depository Units, No Par Value (File No. 7–2077)
Storage Equities, Inc.
Common Stock, $.10 Par Value (File No. 7–2078)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 1, 1988, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 88–3020 Filed 2–11–88; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–25317; File No. SR-DTC–87–19]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change of the Depository Trust Co.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s (b)(1), notice is hereby given that on December 31, 1987, the Depository Trust Company ("DTC") filed with the Commission a proposed rule change to include Variable Rate Demand Obligations ("VRDOs") [1] as eligible securities in DTC's Same-Day Funds Settlement ("SDFS") Service. The proposed rule change also provides that DTC's mandatory book-entry receipt procedure applies to transactions in VRDOs as well as in zero coupon bonds backed by U.S. Government securities.

The SDFS Service provides full depository and transaction settlement services for certain securities transactions settling in same-day funds.[2] Initially, only transactions involving municipal notes with a maturity of one year or less were eligible for the SDFS Service. To date, DTC has not experienced, nor is it aware that SDFS Participants and Settling Banks have experienced, any significant operational problems in using the SDFS Service. Based upon this initial operational experience and Participant requests, DTC has decided to expand the Service to include municipal bonds with demand ("put") options.[3]

DTC represents that it has acted to assure adequate collateralization of VRDO transactions.[4] Since the interest rate on the subject bonds typically is determined on a daily, weekly or monthly basis, the bonds can be tendered against payment of their par value plus accrued interest on notice of seven days or less, the market value of the bonds should approximate as nearly as practicable their par value. DTC will "haircut" the market value based upon DTC's line-of-credit banks' collateral valuation of these securities for loan purposes. According to DTC, SDFS settlement prices as well as quotations from SDFS Participants would be potential additional information sources for determining the value of these securities.

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[1] VRDOs are municipal bonds with short-term demand ("put") options which permit bond owners to tender their bonds against payment of the bonds' par value plus accrued interest on notice of seven days or less.

[2] *See* Securities Exchange Act Release No. 24689 (July 9, 1987), 52 FR 26613, approving the SDFS Service on a temporary basis. On December 16, 1987, DTC filed and the Commission approved a proposed rule change extending approval of the SDFS Service to June 30, 1988. *See* Securities Exchange Act Release No. 25308 (February 4, 1988), ——— FR ———.

[3] Recently, the SDFS Service was expanded to include zero coupon bonds backed by U.S. Government securities. *See* Securities Exchange Act Release No. 25031 (October 15, 1987), 52 FR 38982.

[4] DTC requires collateralization of each SDFS Service transaction. On each SDFS Service transaction, DTC will "haircut" (or discount the value of) SDFS securities coming into a Participant's account. A receiving Participant must have sufficient collateral to cover the difference between the value paid for the SDFS securities and their discounted value.

The rule change also clarifies that DTC's mandatory book-entry receipt procedure applies to transactions in VRDOs and zero coupon bonds backed by U.S. Government securities. Under DTC's book-entry receipt procedure, DTC's facilities cannot be used to reclaim a book-entry delivery just because the delivery has been by book-entry except where the parties to the trade have agreed to settle the trade by a physical delivery and the trade confirmation so specified.

DTC believes the proposed rule change is consistent with the requirements of the Act. In particular, DTC believes the proposed rule change promotes the prompt and accurate clearance and settlment of securities transactions that settle in same-day funds.

The foregoing change has become effective, pursuant to section 19(b)(3)(A) of the Act. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change, if it appears to the Commission that such action is necessary or apropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Reference should be made to File No. SR-DTC-87-19.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street NW., Washington, DC. Copies of the filing (SR-DTC-87-19) and of any subsequent amendments also will be available for inspection and copying at DTC's principal office.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: February 5, 1988.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 88-3015 Filed 2-11-88; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-25316; File No. SR-NSCC-87-13]

Proposed Rule Change by National Securities Clearing Corp. Relating to an Amendment to National Securities Clearing Corporation's ("NSCC") Fee Structure

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on November 19, 1987 NSCC filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Amend NSCC's SCC Division Rules and Procedures by revising the Fee Structure as follows:

National Securities Clearing Corporation Fee Structure

* * * * *

II Trade Clearance Fees—represents fees for netting, issuance of instructions to receive or deliver, [and] effecting book-entry, deliveries[.], *and related activity.*

* * * * *

H. Reorganizations

1. Mandatory Reorganizations—Mergers, Redemptions and Liquidations ..... $2.50 each

2. Voluntary Reorganizations—

a. Long Broker (per input)

Automated Input ..... $15.00 each

Manual Input ..... $20.00 each

b. Short Broker (per reorganization) ..... $15.00 each

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC included statements concerning the purpose of the basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In File No. NSCC-87-3, a rule change was adopted to allow NSCC to process transactions in certain securities subject to reorganizations in its Continuous Net Settlement ("CNS") System. The purpose of this filing is to establish a fee for the service. The fee is based on NSCC's opening or changing a reorganization sub-account for voluntary reorganizations and processing involuntary offerings; the fee is designed to cover NSCC's costs in developing and operating the system.

The proposed rule change is consistent with the requirement of the Securities Exchange Act of 1934 ("34 Act"), as amended, and the rules and regulations thereunder applicable to a self-regulatory organization in that it allows for the equitable allocation of fees among NSCC Participants. Inasmuch as the proposed rule change relates only to NSCC's Fee Structure, it does not affect the safeguarding of securities and funds in NSCC's custody or control or for which it is responsible.

B. Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule will have an impact or impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received for Members, Participants, or Others

NSCC has received one comment on the proposal. In a letter dated September 10, 1987, the Reorganization Division of the Securities Industry Association commented in favor of the proposal. NSCC will notify the Securities and Exchange Commission of any other written comments received by NSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3) of the 1934 Act and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors,

or otherwise in furtherance of the purposes of the 1934 Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC. Copies of such filings will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by March 4, 1988.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: February 5, 1988.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 88-3016 Filed 2-11-88; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-25318; File No. SR-NSCC-88-2]

Notice of Filing and Immediate Effectiveness of Proposed Rule Change by National Securities Clearing Corp. Relating to an Amendment to National Securities Clearing Corporation's ("NSCC") Fee Structure

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on January 28, 1988 NSCC filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NSCC is amending its fee structure to increase fees for municipal security comparison, envelope services, the commission bill service, the Automated Customer Account Transfer Service, and the Mutual Fund Settlement Entry and Registration Verification Service, in order to bring revenues generated by such services closer to the actual costs of the services.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

NSCC's pricing policy is, to the extent practical, to charge cost-justified fees and to recover, via such fees, the costs of developing new products. After reviewing NSCC's services and related fees, it has become apparent that in a number of instances NSCC has not been recovering the operating and development costs of certain services. Accordingly, NSCC is raising the fees of such services to bring the revenues generated by such fees closer to the actual costs of the services.

First, NSCC is raising its municipal securities comparison fee from $.30 to $.50 per side. At the time NSCC began offering comparison services for municipal securities in July 1982, NSCC charged the corporate bond comparison fee of $.30, which fee had not been changed. The current fee does not cover current operationg costs; there also were substantial development expenditures for the municipal comparison service which were not recognized in the initial pricing of the service. The increased comparison fee of $.50 will generate additional revenues to cover the fully-allocated operationg costs of the service, with the expectation that increased volume will generate sufficient revenue to amortize remaining development costs.[1]

Second, NSCC is raising certain fees pertaining to labor-intensive services, including the envelope services and the commission billing service. Costs for these services have increased significantly since the last fee increase six years ago and volume has declined; thus, the existing fees for these services no longer bear a close relationship to the costs.

Finally, NSCC is raising the fee for use of the Automated Customer Account Transfer ("ACAT") Service and Mutual Fund Settlement Entry and Registration Verification ("Fund/SERV") Service. In both cases, lower volume than original estimates have resulted in revenues that do not cover costs. In addition, the ACATS keypunch fee is being ir creased because ACATS keypunch transactions represent significantly greater effort than typical NSCC keypunch transactions.

Insofar as the proposed rule change will establish a more equitable allocation of fees charged to Members of NSCC and will allow NSCC to move toward its goal of cost-based pricing, it is consistent with the requirements of the Securities Exchange Act of 1934, as amended, and the rules and regulations thereunder applicable to NSCC.

B. Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule will have an impact or impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No comments on the proposed rule change have been solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3) of the 1934 Act and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors,

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[1] While the comparison fee is being increased from $.30 to $.50, the trade correction fees ($.20 and $.35) and security order fee ($.25) are not being increased. Thus, the effect of the fee increase on the cost of processing municipal security transactions will not be limited.

or otherwise in furtherance of the purposes of the 1934 Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC. Copies of such filings will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by March 4, 1988.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: February 5, 1988.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 88-3017 Filed 2-11-88; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Inc.

February 8, 1988.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following securities:

Beverly Enterprises, Inc. (Delaware)
Common Stock $0.10 Par Value (File No. 7-2069)

JWP, Inc (Delaware)
Common Stock, $0.10 Par Value (File No. 7-2070)

McKesson Corporation (Delaware)
Common Stock, $2.00 Par Value (File No. 7-2071)

Wickes Companies, Inc. (New)
Common Stock, $0.10 Par Value (File No. 7-2072)

Wickes Companies, Inc.
Common Stock Purchase Warrants (File No. 7-2073)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 1, 1988, written data, views and arguments concerning the above-referenced application. Person desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 88-3021 Filed 2-11-88; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-25320; File No. SR-AMEX-88-5]

Self-Regulatory Organizations; Proposed Rule Change by the American Stock Exchange, Inc., Relating to the Inclusion of Over-the-Counter Stocks as Components of Stock Index Industry Groups

Pursuant to section 19(b) (1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) ("Act"), notice is hereby given that on January 26, 1988, the American Stock Exchange, Inc. ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposed to amend its policy to allow the inclusion of stocks traded over-the-counter (through the facilities of the National Association of Securities Dealers' Automatic Quotation ("NASDAQ") system as components of stock index industry groups.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In 1983, the Exchange began trading options on select stock index industry groups. Currently, the Exchange trades options on two such industry groups: the Computer Technology Index ("XCI") and the Oil Index ("XOI"). XCI is composed of thirty stocks of widely-held corporations involved in various phases of the computer technology industry and XOI represents fifteen stocks of widely-held corporations involved in the oil industry.

When the stock index industry groups were first developed, stock options on over-the-counter ("OTC") stocks were not traded. Consequently, the component stocks of the industry indexes were limited to listed stocks. Subsequently, in 1985, the Exchange began trading options on OTC stocks. Each OTC stock selected by the Exchange for option trading must be traded through the facilities of NASDAQ and designated as "national market system" ("NMS") security which meets Tier 1 criteria as set forth in Rule 11Aa2-1 under the Act. In addition, two OTC stocks (NMS/Tier 1 Securities) have recently been added to Amex's broad-based Institutional Index option.[1] The Exchange now proposes to allow the inclusion of OTC stocks (NASDAQ/NMS traded) as components of the stock index industry groups.

Stock index industry groups were designed to reflect the character and price movement of the underlying industry. In order for the current

[1] Also note that the Philadelphia Stock Exchange trades an option on the National Over-the-Counter Index, which is composed of only OTC stocks. *See* Securities Exchange Act Release No. 2204 (May 17, 1985), 50 FR 21532.

industry indexes (and any future indexes which may be developed) to continue to maintain the character of the underlying industry, the Exchange believes companies whose stocks are traded over-the-counter should be eligible to be included. A number of OTC traded stocks are major corporations which impact significantly on various industries. Accordingly, an industry index which is designed to represent a cross-section of corporations in various phases of an industry should include all major corporations in that industry, whether the stock is exchange traded or traded over-the-counter.

The proposed change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the Exchange in that it allows the Exchange to develop and continue industry indexes that closely reflect an industry's current character.

Therefore, the proposed rule change is consistent with section 6(b)(5) of the Act which provides in pertinent part, that the rules of the Exchange be designed to promote just and equitable principles of trade and to protect the investing public.

B. Self-Regulatory Organization's Statement on Burden on Competition

The AMEX believes that the proposed rule change will not impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by March 4, 1988.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: February 5, 1988.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 88-3093 Filed 2-11-88; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-25319; File No. SR-CBOE-87-56]

Self-Regulatory Organizations; Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to Certain Membership Requirements

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) ("Act"), notice is hereby given that on January 4, 1988, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

This proposed rule change eliminates as unnecessary the membership requirement that a partnership must have at least two general partners and the requirement that an executive officer, director, principal shareholder or general partner of an organization must register his membership for the organization.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of these two constitutional amendments is to complete the housekeeping type of changes concerning the Exchange's membership rules that were begun in SR-CBOE-87-23. Because these two changes involve the Exchange's constitution, an affirmative membership vote was necessary. The first change eliminates the requirement that Exchange member partnerships have at least two general partners. This requirement is also deleted from Exchange Rule 3.3. Originally, two general partners appear to have been required for continuity in the event of the incapacity or death of one. However, a similar discontinuity can occur in connection with a sole proprietor. In either case, an adjustment period is provided for in Rule 3.17, and the Exchange retains control because it can sell the membership pursuant to Rule 3.14(b). The Exchange has received several requests to eliminate this requirement and has determined to do so, since no harm results. In addition to the affirmative vote, this change and the second change, which is described below, have been approved by the Exchange's Membership Committee, Office of the Chairman and Board of Directors.

The second change amends the Exchange's constitution to eliminate the requirement that an executive officer, director, principal shareholder or general partner of a member organization must register his membership for that organization. The word "shall" is replaced with the word "may," since there is no reason to make such registration mandatory.

The statutory basis for this proposed rule change is Section 6(b) of the Act,

particularly paragraph 6(b)(2) concerning membership.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change imposes a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, ge other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by March 4, 1988.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: February 5, 1988.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 88-3094 Filed 2-11-88; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-25322; File No. SR-NASD-87-41]

Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc., Relating to the Definition of the Term "Branch Office"

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on October 15, 1987, the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed amendment to Article I, section (c) of the NASD By-Laws eliminates the restrictive language "located in the United States," contained in the definition of the term "branch office," making the definition applicable to all member branch offices, wherever located. The amendment would have the effect of requiring branch offices located outside the United States to be assigned to existing NASD districts for purposes of examinations, elections and other district-level functions. The proposed amendment would not affect the availability of the "foreign associate" category of registration for persons associated with foreign branch offices.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C) below of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed amendment to Article I, section (c) of the NASD By-Laws is to eliminate the restrictive language "located in the United States" contained in the definition of the term "branch office," making the definition applicable to all member branch offices, regardless of location.

The restrictive language as it is now contained in the By-Laws is inconsistent with the current environment of increasing internationalization of securities markets and serves no useful purpose. Under the proposed amendment, branch offices located outside the United States will be assigned to existing NASD districts for purposes of examination, elections and other district-level functions. The proposed amendment would not affect the availability of the "foreign associate" category of registration for persons associated with foreign branch offices.

The proposed rule change is consistent with the provisions of section 15A(b)(6) of the Securities Exchange Act of 1934, which requires that the rules of a registered securities association promote just and equitable principles of trade; foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, and, in general protect investors and the public interest in that it will clarify that the term "branch office" includes all branch offices, wherever located and will assure that branch offices located outside the United States are regulated in a manner similar to those located within the United States.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD does not foresee any impact on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on the Proposed Rule Change Received From Members, Participants, or Others

The proposed amendment was published for comment in NASD Notice to Members 87-14 (March 2, 1987). Pursuant to its request, the NASD received four comment letters regarding the proposed rule change. All four of the commentators approved of the amendment.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552 will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing will also be available for inspection and copying at the prinicpal office of the NASD. All submissions should refer to file number SR–NASD–87–41 should be submitted by March 4, 1988.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Dated: February 5, 1988.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 88–3095 Filed 2–11–88; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: February 8, 1988.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments 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: 1512–0149
Form Number: ATF F 2900 (5100.21)
Type of Review: Revision
Title: Application Report & Permit—Beer & Wine (Puerto Rico)
Description: ATF F 5100.21 (2900) is used to document shipments of beer and wine into the U.S. from Puerto Rico. The form describes the shipment for tax purposes, the tax to be imposed, calculation and the verification of the tax computation which is certified by both Puerto Rican and U.S. officials.
Respondents: Businesses or other-for profit, Small businesses or organizations
Estimated Burden: 100 hours

OMB Number: 1512–0210
Form Number: ATF F 5110.51
Type of Review: Revision
Title: Application, Permit and Report-Distilled Spirits Products (Puerto Rico)
Description: ATF F 5110.51 is used to document shipments of distilled spirits from Puerto Rico into the U.S. The form describes the shipment for tax purposes, the tax to be imposed and its calculation and the verification of the tax computation which is certified by both Puerto Rican and U.S. Treasury officials.
Respondents: Businesses or other for-profit, Small businesses or organizations
Estimated Burden: 208 hours

OMB Number: 1512–0462
Form Number: ATF REC 5110/9
Type of Review: Extension
Title: Registration and Records of Vinegar Vaporizing Plants
Description: Data is necessary to identify persons producing and using distilled spirits in the manufacture of vinegar and to account for spirits so produced and used.
Respondents: Businesses or other for-profit, Small businesses or organizations
Estimated Burden: 1 hour
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. 88–2981 Filed 2–11–88; 8:45 am]

BILLING CODE 4810–25–M

Public Information Collection Requirements Submitted to OMB for Review

Date: February 8, 1988.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments 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.

Internal Revenue Service

OMB Number: 1545–0137
Form Number: 2032
Type of Review: Extension
Title: Contract Coverage Under Title II of the Social Security Act
Description: American employers can enter into an agreement to extend social-security coverage to U.S. citizens and resident aliens employed abroad by foreign affiliates.
Respondents: Individuals or households, Businesses or other for-profit, Federal agencies or employees, Small businesses or organizations
Estimated Burden: 80 hours

OMB Number: 1545–0914
Form Number: None
Type of Review: Extension
Title: Exclusion From Gross Income for Certain Foster Care Payments
Description: Section 131 of the Internal Revenue Code excludes difficulty of care payments from gross income, provided the payor of such payments designates them as difficulty of care payments. The regulations explain how to make the designation.
Respondents: Individuals or households, State or local governments, Non-profit institutions
Estimated Burden: 1 hour
Clearance Officer: Garrick Shear (202) 535–4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue NW., Washington, DC 20224

OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503

Dale A. Morgan,

Departmental Reports Management Officer.

[FR Doc. 88–2982 Filed 2–11–88; 8:45 am]

BILLING CODE 4810-25-M

Public Information Collection Requirements Submitted to OMB for Review

Date: February 8, 1988.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments 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.

Internal Revenue Service

OMB Number: New.
Form Number: None.
Type of Review: New.

Title: Focus Group Study on Potential Underwithholding.

Description: The group interviews are necessary to obtain input on taxpayer reactions to possible unexpected underwithholding situations. The results will provide guidance for corrective actions taken by affected Service functions during the 1987 filing season. Affected public is 64 participants.

Respondents: Individuals or households.

Estimated Burden: 128 hours.

Clearance Officer: Garrick Shear (202) 535–4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,

Departmental Reports Management Officer.

[FR Doc. 88–3014 Filed 2–11–88; 8:45 am]

BILLING CODE 4810-25-M

Treasury Department Announces U.S. and France Discuss Revisions to Income Tax Treaty

The Treasury Department today announced that representatives of the United States and France will meet in Paris during the week of March 7, 1988 to negotiate a protocol revising the U.S.-France income tax treaty. The present treaty was signed in 1967, and has been amended twice by protocols signed in 1978 and 1983, respectively. Preliminary talks were held in Washington during December 1987.

It is expected that the protocol, among other matters, will revise the treaty in several respects necessary to accommodate the Tax Reform Act of 1986, including provision for the U.S. branch profits tax and modification of the treaty's anti-treaty-shopping rules. The protocol also will address, at the suggestion of the French Government, the French income taxation of certain U.S. source investment income of U.S. citizens resident in France.

Persons wishing to offer comments or suggestions regarding the proposed negotiations are invited to send their comments in writing to Leonard Terr, International Tax Counsel, U.S. Treasury Department, Room 3064, Washington, DC 20220.

O. Donaldson Chapoton,

Assistant Secretary (Tax Policy).

[FR Doc. 88–3096 Filed 2–11–88; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register
Vol. 53, No. 29
Friday, February 12, 1988

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Wednesday, February 17, 1988, See Times Below.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS:

MATTERS TO BE CONSIDERED:

Closed to the Public—10:00 a.m.

1. Enforcement Matter OS# 5747.

The staff will brief the Commission on Enforcement Matter OS# 5747.

Open to the Public—10:30 a.m.

2. Lawn Darts: Options

The staff will brief the Commission on comments received in response to the Advance Notice of Proposed Rulemaking (ANPR) recently published on lawn darts, as well as the results of compliance efforts dealing with this product.

Closed to the Public—Following the above

3. Enforcement Matter OS# 3726

The staff will brief the Commission on Enforcement Matter OS# 3726.

4. Enforcement Matter OS# 5192

The Commission will consider Enforcement Matter OS# 5192.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 301–492–6800.

Sheldon D. Butts,

Deputy Secretary.

February 10, 1988.

[FR Doc. 88–3200 Filed 2–10–88; 3:34 pm]

BILLING CODE 6355–01–M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

February 9, 1988.

TIME AND DATE: 10:00 a.m., Thursday, February 11, 1988.

PLACE: Room 600, 1730 K Street NW., Washington, DC.

STATUS: Closed [Pursuant to 5 U.S.C. 552b(c)(10)]

MATTERS TO BE CONSIDERED: In addition to the previously announced item, the Commissioners will consider and act upon the following:

2. *Greenwich Collieries, Division of Pennsylvania Mines Corporation,* Docket Nos. PENN 85–188–R, etc. (Issues include consideration of the Secretary of Labor's Petition for Interlocutory Review.)

It was determined by a unanimous vote of Commissioners that this item be included in the agenda and that no earlier announcement of the addition was possible.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653–5629/(202) 566–2673 for TDD Relay.

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 88–3136 Filed 2–10–88; 12:37 pm]

BILLING CODE 6735–01–M

Corrections

Federal Register
Vol. 53, No. 29
Friday, February 12, 1988

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.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 80-90]

Radio Broadcasting Services

Correction

In rule document 87-23983 beginning on page 39774 in the issue of Friday, October 23, 1987, make the following corrections:

§ 73.202 [Corrected]

The following corrections are made to § 73.202(b), the Table of FM Allotments.

1. On page 39776, in the first column, in entry "Riverside", channel "25B" should read "256B".

2. On page 39778, in the first column, entry "DeKalb" was misspelled.

3. On page 39779, in the first column, in entry "Clinton", channel "2241C1" should read "241C1".

4. On page 39780, in the third column, entry "Amherst" was misspelled.

5. On page 39782, in the second column, in entry "Mexico", channel "238C" should read "239C".

6. On page 39784, in the first column, "Oneida" was misspelled.

7. On page 39785, in the first column, entry "Mount Vernon" was misspelled; and in the second column "Urbana" was misspelled.

8. On page 39787, in the first column, entry "La Follette" was misspelled; in the second column, entry "Manchester" was misspelled; and in the third column, entry "Diboll" was misspelled..

9. On page 39788, in the second column, entry "Tyle" should read "Tye"; and entry "Tyer" should read "Tyler".

10. On page 39789, in the third column, "Sun Prairie" was misspelled.

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

Federal Allotments to States for Social Services Expenditures Pursuant to the Title XX, Social Services Block Grant Act; Revised Promulgation for Fiscal Year 1989

Correction

In notice document 87-2207 appearing on page 3079 in the issue of Wednesday, February 3, 1988, make the following correction:

In the second column, under **EFFECTIVE DATE**, "October 1, 1989" should read "October 1, 1988".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 139

[Docket No. 24812; Amdt. No. 139-14]

Airport Certification; Revision and Reorganization

Correction

In rule document 87-26419 beginning on page 44276 in the issue of Wednesday, November 18, 1987, make the following corrections:

§139.3 [Corrected]

1. On page 44283, in the second column, in § 139.3, in the definition for "Airport", in the first line, "as" should read "an".

§ 139.205 [Corrected]

2. On page 44285, in the first column, in § 139.205(b)(10), in the second line, "umpaved" should read "unpaved".

§ 139.313 [Corrected]

3. On page 44287, in the second column, § 139.313(b)(2), in the fourth line, "snowdraft" should read "snowdrift".

§ 139.317 [Corrected]

4. On page 44288, in the second column, § 139.317(g)(3), in the seventh line, "meet" should read "met".

5. On the same page, in the third column, in § 139.317(i)(3), in the first line, insert a hyphen after "Sodium".

§ 139.319 [Corrected]

6. On page 44289, in the first column, in § 139.319(e), "(21)" should read "(2)".

7. On the same page, in the second column, in § 139.319(i)(2)(i), in the fifth line, insert "aircraft" after "carrier".

8. In the third column, in § 139.319(j)(2), the paragraph after (ix) should read "(x) Aircraft cargo hazards."; and remove the next two lines beginning with "(x)" and ending with "plan.".

§ 139.325 [Corrected]

9. On page 44921, in the first column, in § 139.325(c)(6), in the second line, insert "and" after "airport;"; and in paragraph (c)(7), replace the semicolon with a period and remove "and".

§ 139.339 [Corrected]

10. On page 44292, in the third column, in § 139.339(c)(8), the last line should read "§ § 139.317 and 139.319."

NOTE: For a Federal Aviation Administration correction to this document, see the Rules section of this issue.

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Customs Service

A Significant New Information Dissemination Product Pursuant to OMB Circular A-130; Customs Automated Commercial System

Correction

FR Doc. 88-781 which was originally published in the issue of Friday, January 15, 1988, at page 1097, was republished in the issue of Tuesday, February 2, 1988, at page 2906. In the table of contents the wrong page number appeared, it should have read "2906".

BILLING CODE 1505-01-D

DEPARTMENT OF AGRICULTURE

Forest Service

33 CFR Part 222

Grazing Fees on National Forests in the 16 Western States

Correction

In rule document 87-2085 beginning on page 2978 in the issue of Tuesday,

February 2, 1988, make the following correction:

1. On page 2978, in the third column, and continuing on the top of page 2979 the formula should read as follows:

$$\text{Economic value per head month} = \$1.23 \times \frac{\text{FVI}+\text{BCPI}-\text{PPI}}{100}$$

1988 Calculated Grazing fee per Head Month:

$$\text{Economic value fee per head month} = \$1.23 \times \frac{234+272-381}{100} = \$1.54/\text{Head Month.}$$

BILLING CODE 1505-01-D

Federal Register

Friday
February 12, 1988

Part II

Department of Labor

Employment and Training Administration

20 CFR Part 626 et al.

Job Training Partnership Act: Implementation of 1986 Amendments; Technical Corrections; Final Rule

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Parts 626, 627, 628, 629, 630, and 631

Job Training Partnership Act; Implementation of 1986 Amendments; Technical Corrections

AGENCY: Employment and Training Administration, Labor.

ACTION: Final rule.

SUMMARY: The Employment and Training Administration is amending its regulations to implement the Job Training Partnership Act Amendments of 1986. The final rule includes a number of technical corrections and other clarifications.

EFFECTIVE DATE: March 14, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. Robert N. Colombo, Director, Office of Employment and Training Programs, Employment and Training Administration, U.S. Department of Labor, Room N4469, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: (202) 535-0577.

SUPPLEMENTARY INFORMATION: On June 24, 1987, the Employment and Training Administration (ETA) of the Department of Labor (DOL or Department) published a Notice of Proposed Rulemaking (NPRM) to amend the Job Training Partnership Act (JTPA) regulations to implement the Job Training Partnership Act Amendments of 1986 and to make other technical corrections. 52 FR 23681.

After full consideration of public comments received in response to the NPRM, ETA is publishing this final rule.

Rulemaking History

On October 13, 1982, the President signed the Job Training Partnership Act, Pub. L. 97-300 (JTPA or the Act). Amendments to JTPA were enacted in the Job Training Partnership Act Amendments, Pub. L. 97-404 (December 31, 1982); the Carl D. Perkins Vocational Education Act, Pub. L. 98-524 (October 19, 1984); the Job Training Partnership Act Amendments of 1986, Pub. L. 99-496 (October 16, 1986); and the Homeless Eligibility Clarification Act, Title XI of the Anti-Drug Abuse Act of 1986, Pub. L. 99-570 (October 27, 1986). See also Section 713(b) of Pub. L. 99-159, National Science, Engineering, and Mathematics Authorization Act of 1986, which contains technical amendments to the Carl D. Perkins Vocational Education Act that in turn amend JTPA.

Final regulations promulgated by the Department of Labor to implement the provisions of the Act were published in the **Federal Register** at 48 FR 11078 (March 15, 1983); 48 FR 48753 (October 20, 1983); 48 FR 49198 (October 24, 1983); and 48 FR 52438 (November 18, 1983). See 20 CFR Parts 626-636 and 684.

These regulations have been amended by **Federal Register** publication on two additional occasions: on April 26, 1985, at 50 FR 16473, as corrected on June 13, 1985, at 50 FR 24764; and on August 29, 1986, at 51 FR 30856. The enactment of the Job Training Partnership Act Amendments of 1986 establishes the need for further modification of the JTPA regulations to incorporate the revisions contained in the amended legislation.

On January 16, 1987, an Advance Notice of Proposed Rulemaking (ANPR) was published in the **Federal Register** as part of this rulemaking. 52 FR 1932. The ANPR invited comments on the overall approach and actions proposed. Comments received in response to the ANPR and ETA's discussion of those comments were set out in the NPRM. 52 FR 23681 (June 24, 1987). The comments on the ANPR were taken into consideration in development of the NPRM.

Discussion of Comments on Proposed Rule

Fourteen sets of comments were received in response to the NPRM. Seven were received from public interest groups, five from State-level agencies, and two from Private Industry Councils (PICs). The following is a summary of the major comments received and DOL's response.

Definitions

The proposed rule would amend § 626.4 to include a definition of "participant" that had previously been issued administratively. One commentator suggested that "participant" be defined to include those persons engaging in "pre-enrollment activity", and specify that such activities constitute services to which costs may be allocated among the various cost categories. The intent of the definition of "participant" is (1) to incorporate into the regulations the definition that has been in use administratively, and which is contained in the reporting instructions; (2) to make clear that certain pre-enrollment activities, such as outreach, intake, and initial assessment, which may be provided to a large number of individuals, do not constitute participant status; and (3) to make clear that individuals who have started receiving employment, training, or services (except post-termination services) following intake are participants. No further change is being made to the definition of "participant" as proposed.

State Incentive Grants

The proposed regulation at § 627.24 provides guidance for States' use of incentive grant funds.

Two commentators questioned the need for the reference to § 629.39(f) of the regulations, and stated that incentive grant funds received by the service delivery area (SDA) for exemplary performance should have no special restrictions on their use beyond those imposed upon other JTPA funding. In addition, the commentators stated that only technical assistance funds should require special restrictions. The proposed rule at new § 629.39(f) implements JTPA section 202(b)(3)(B) which provides that funds which are used by the Governor or an SDA to develop a data collection system to track the post-program experience of Title II-A participants are not subject to the limitation on certain costs provisions of Section 108 of the Act for a period of not more than 2 program years (PYs). The amendatory language, in conjunction with the Congressional Joint Explanatory Statement of Compromise (132 Cong. Rec. H 8809, October 1, 1986), defines the 2-year period that applies to the amendments to JTPA. The Statement indicated that the amendments pertaining to the use of incentive grant funds are effective retroactive to the beginning of PY 1986 (i.e., July 1, 1986). Thus, the 2-year exemption began on July 1, 1986, and ends on June 30, 1988. The effect of the proposed rule at § 629.39(f) is to provide the exemption and indicate that, after the 2-year period, the limitation on certain costs provisions of § 629.39 are reinstated and apply once again to technical assistance funds and incentive funds made available to an SDA under section 202(b)(3) of JTPA. The proposed rule, however, inadvertently cited only paragraph (d) of § 629.39 which refers to the exclusion of 6-percent funds used for technical assistance from the 70/30 minimum and maximum cost limitation provisions of § 629.39(c) of the regulations. A correction is being made to § 629.39(f) in the final rule to indicate that after the 2-year period the provisions of § 629.39 (a) through (e) are reinstated and apply, as appropriate. One commentator questioned whether incentive funds made available to SDAs could be used for post-program followup after June 30, 1988. DOL does not believe that regulatory clarification is needed on this matter, since other JTPA activities, including post-program followup, may

be provided during the 2-year exemption period permitted for the development of post-program data collection systems or after that time, subject to the provisions of 20 CFR 629.39(c). In other words, costs attendant to post-program followup data collection may be charged to incentive funds received by an SDA after June 30, 1988, so long as they are charged to administrative expenditures and are within the prescribed limits on administrative expenditures.

Three commentators suggested changes to the proposed language at § 627.24(b), which precludes the expenditure of technical assistance funds to support ongoing maintenance of management information systems or other activities that should be charged to the overall administration of JTPA programs. All stated that the language in the proposed rule was ambiguous and too restrictive. The commentators suggested that the terms "ongoing maintenance of management information systems," "overall administration," and "other activities" should be clarified in the final regulations. Two of the commentators stated that the use of technical assistance funds for one-time projects or costs to upgrade information systems, train staff, and acquire additional hardware or software should be allowable, even if not directly associated with post program data collection activities. They argued that such activities provide added efficiency to the overall management information system (MIS) which would have a positive impact on performance. The statutory amendments and Congressional Joint Explanatory Statement are clear on the use of technical assistance funds, in that "technical assistance" means activities directly related to program performance, including "preventative technical assistance." Further, the intent of providing for preventative technical assistance is to enable States to anticipate program deficiencies and take corrective action prior to the failure of an SDA to meet the Secretary's performance standards. The Department considers the activities suggested by the commentators to be in the nature of ongoing operational support of MIS, not directly associated with post-program data collection activities, and not "technical assistance" in the meaning of the statutory amendments and the Congressional Joint Explanatory Statement. No change is being made to the proposed language concerning "ongoing maintenance of management information systems." One of the commentators also suggested that the term "overall administration" was too broad and needed clarification. Similarly, another of the commentators expressed a like concern with respect to the term "other activities." The intent of the proposed language is to provide added emphasis regarding the use of technical assistance funds. It is clear that the Congress does not intend that 6-percent technical assistance funds be used to pay for costs which are associated with the normal, day-to-day, overall administration of JTPA programs. DOL does agree that the term "other activities" may be too general and is, therefore, adding language to § 627.24(b) in the final rule to indicate that the limitation on the use of technical assistance funds applies to other activities that provide for the ongoing operational support of Title II–A programs. DOL is not including an exhaustive list of activities constituting technical assistance, or costs considered ongoing operational support costs of JTPA Title II–A programs. These are matters appropriately under the purview of the Governor pursuant to the provisions of § 627.1 and the Governor/Secretary Agreement, as well as the provisions of § 629.37 on allowable costs and § 629.38 on classification of costs.

Two commentators suggested that the final regulations should provide greater flexibility for single statewide SDAs on the use of 6-percent funds, in particular with respect to 6-percent funds used for technical assistance funds. The commentators cited H.R. Rep. No. 99–754 on the House's bill (H.R. 5185, 99th Cong., 2d Sess.) to amend JTPA in support of their recommendations. The language contained in the House Committee's report indicates that, in the case of single statewide SDA States, technical assistance funds "may be used to improve program performance in general within the state or to help in meeting program requirements such as the requirement to expend forty percent of funds on youth." The enacted legislation (Pub. L. 99–496) and the Congressional Joint Explanatory Statement does not include the House report language. They do indicate the purpose and intent of technical assistance funds, making no exception for single statewide SDA States. The statutory amendments expand the use of funds for technical assistance to permit such assistance to be provided to all SDAs, not just to SDAs which fail to meet the Secretary of Labor's performance standards. The Congressional Joint Explanatory Statement also clarifies that technical assistance means activities directly related to program performance. The legislative change was enacted to enable States to anticipate deficiencies and take corrective action prior to failure to meet performance standards. Where the House report is expansive in the uses of technical assistance funds, the joint statement is more focused and clear on the use of such funds. DOL agrees that single statewide SDA States do have flexibility to develop policies and the methodology for distributing 6-percent incentive funds to subrecipients. It does not follow, however, that such States have the authority to use technical assistance funds to undertake activities which would not be permissible in multi-SDA States. The provisions on the use of technical assistance funds apply equally to single statewide SDA States and multi-SDA States alike. No change is being made to the proposed regulation.

Statewide SDA Plan Submission

The proposed regulation at § 628.6 provides that when the SDA is the State the Governor shall submit to the Secretary a 2-program-year job training plan. Two commentators asked that the current language contained in this section regarding approximate plan/modification submission dates be retained. The Department agrees that existing language within § 628.6(a) adequately addresses the matter of statewide plan/modification submission dates and that portion of § 628.6(a) is being retained in the final rule. In addition, the final rule also retains that portion of the language in § 628.6(b) stipulating that a plan will be considered approved, unless within 30 days the Secretary notifies the Governor otherwise in writing.

Credit for 14- and 15-Year Olds Toward 40-Percent Youth Requirement

One commentator requested that funds expended on youth ages 14 and 15 enrolled under any portion of JTPA Title II–A be used to meet the 40-percent expenditure requirement for youth. The Act, as amended, is explicit in that only individuals 14- and 15-years old enrolled in pre-employment skills training pursuant to JTPA Section 205(c)(1) may be included in meeting the 40-percent requirement. Therefore, no change is being made to the proposed regulatory addition to § 630.1(b)(1).

Summer Youth Employment Training Program (SYETP)

At § 630.2, the proposed regulations specify the instructions and schedules to be used by the Governor to ensure that each SDA has a Summer Youth Employment and Training Program

(SYETP) plan which includes assessment, description of program activities, and written program goals and objectives.

Two commentators suggested that the proposed rule clarify that the SYETP under Title II–B be included under JTPA, the SDA's JTPA Title II–A job training plan.

DOL does not believe that this is something that should be prescribed in the regulations given the nature of Title II–B summer programs. A State may wish to provide for a separate planning cycle for SYETP programs (e.g., annual) to respond to fluctuations in funding levels or other changes that may occur from one year to another. States may provide for the Title II–B SYETP plan to be included as part of the SDAs Title II–A job training plans, but there is no requirement that they do so. No change is being made in the final rule.

A comment was received that § 630.2 should be revised to permit flexibility in the assessment of Title II–B participants and should authorize use of a sampling methodology. Assessment of SYETP participants does not require that new tests or tests separate from local educational agencies be conducted, since existing information and data may be used. The use of sampling methodology is not consistent with the intent of the amended Act which provides for assessment of reading and mathematics skill levels of eligible participants. The objective is to determine an individual's needs and respond to them. Sampling does not permit that.

One commentator suggested that in § 630.2(c)(3) language should be added to make clear that the SYETP must include a description of evaluation criteria and procedures used to evaluate the effectiveness of SYETP programs. DOL believes this is a constructive suggestion that is consistent with the statutory amendments and, therefore, the final rule is revised accordingly.

Also, § 630.2(c)(2) is being amended as a result of comments to provide that the SYETP plan will, based on the assessment of reading and mathematics skill levels of eligible participants, describe SDA basic and remedial education programs which enhance the basic education skills of youth.

One commentator suggested that the SYETP plan should contain an expenditure plan and demonstrate that the SDA will expend at least 90 percent of the total funds available. The amended legislation does not provide authority for DOL to establish such a requirement. DOL believes that such matters should appropriately be determined by the Governor pursuant to the provisions of 20 CFR 627.1 and the Governor/Secretary Agreement.

Identification of Dislocated Workers

Two commentators noted that the phrase "or who have received a notice of termination or lay-off" is missing in § 631.30(a)(1) of the proposed regulations, which is inconsistent with the provisions of JTPA Section 302(a)(1). The exclusion of this phrase in the proposed regulation was an inadvertent omission and was not intended to indicate any change in the statutory provisions of JTPA Section 302(a)(1). The missing phrase is restored in the final regulation at § 631.30(a)(1).

Two commentators recommended that the word "failure" be deleted from proposed regulations at § 631.30(b)(2)(iv) and (v) pertaining to the identification of self-employed farmers and others to be eligible to participate in dislocated worker programs under JTPA Title III. It was suggested that the term "failure" was too broad and could include persons who, regardless of ability, fail or refuse to make payments or obtain capital and, as such, they should not be eligible for services. The Department agrees that the term "failure" is too broad, and that it is really the inability to make payments on loans or to obtain capital that is key in identifying individuals eligible for Title III services under § 631.30(b)(2)(iv) and (v). The term "failure" is being deleted from the proposed provisions of § 631.30(b)(2)(iv) and (v) in the final rule.

In addition, one commentator suggested that the regulations provide clarification in § 631.30(a)(4)(i) with respect to individuals who become unemployed due to natural disasters or as a result of general economic conditions in "the community in which they reside," since not all business people necessarily live in the community in which their businesses are located. The proposed regulation at § 631.30(a), as in the existing regulation, provides that the Governor is authorized to establish procedures to identify substantial groups of eligible individuals for JTPA Title III based on the criteria contained in the regulations. The language in the proposed regulation is intended to be illustrative rather than limiting and Governors may, pursuant to the provisions of § 627.1 and the Governor/Secretary Agreement, establish definitions, guidelines, and interpretations which reflect and respond to local conditions. DOL believes that the language contained in the proposed regulations accurately reflects congressional intent on this matter. No change has been made to the proposed provisions of § 631.30(a)(4)(i) in the final rule.

Technical Corrections and Other Clarifying Rules

On occasion over the past four years, by separate **Federal Register** notices, the Department has announced changes in the implementation of JTPA. These changes have been largely necessitated by provisions of other Federal statutes that contain requirements that amended JTPA or applied to programs under JTPA. Other JTPA clarifying notices have also been published. The Department is taking this opportunity to incorporate some of these previously published changes and interpretations (in addition to those included in the proposed rule) into the basic JTPA Titles I, II, and III regulations.

The following is a summary of the incorporated changes:

In Part 631, Subpart B of the existing regulations the terms "allotment" and "allocation," and their variations, are used interchangeably. The proper term is "allotment," and its variations, which conforms to the Act. Accordingly, the final rule contains technical corrections to nomenclature at Part 631, Subpart B to reflect the proper term.

Other minor changes to reflect current nomenclature and citations also are made in various sections of the regulations.

Freely Associated States and Republic of Palau

Pursuant to the Compact of Free Association Act, Pub. L. 99–239 (Janaury 14, 1986), the Republic of the Marshall Islands and the Federated States of Micronesia, formerly trust territories, are now freely associated states (FASs). However, the Republic of Palau currently remains a trust territory. See Pub. L. 99–658 (November 14, 1986). Therefore, in the final rule a nomenclature change has been made in § 631.11(b). The reference to the "Trust Territory of the Pacific Islands" has been revised to refer to "the Republic of Palau/Trust Territory, the Federated States of Micronesia, and the Republic of the Marshall Islands * * * ." These three entities are eligible for proportional allotments of the allotment which would have gone to the Trust Territory of the Pacific Islands had the Compact not existed.

Republication of JTPA Titles I, II, and III Regulations

The proposed rule set forth individual proposed amendments to the JTPA regulations. However, to provide a single, complete source for these

regulations, the final rule is publishing the entire set of JTPA Titles I, II, and III regulations, as revised.

Regulatory Impact

The final rule implements the Job Training Partnership Act Amendments of 1986, makes technical changes, and clarifies existing regulations to reflect continuing policies. It does not have the financial or other impact to make it a major rule and, therefore, the preparation of a regulatory impact analysis is not necessary. See Executive Order No. 12291, 3 CFR, 1981 Comp., p. 127, 5 U.S.C. 601 note.

At the time the NPRM was published, the Department of Labor notified the Chief Counsel for Advocacy, Small Business Administration, and made the certification pursuant to the Regulatory Flexibility Act at 5 U.S.C. 605(b), that the rule would not have a significant economic impact on a substantial number of small entities. No significant economic impact would be imposed by the rule.

Catalog of Federal Domestic Assistance Numbers

These programs are listed in the *Catalog of Federal Domestic Assistance* at No. 17.246, "Employment and Training Assistance—Dislocated Workers" (JTPA, Title III, Programs); and No. 17.250, "Job Training Partnership Act (JTPA)" (JTPA, Titles I and II, Programs).

List of Subjects in 20 CFR Parts 626 Through 631

Grant programs, Labor, Manpower training programs.

Final Rule

Accordingly, 20 CFR Chapter V is amended as follows:

1. Part 626 is revised to read as follows:

PART 626—INTRODUCTION TO THE REGULATIONS UNDER THE JOB TRAINING PARTNERSHIP ACT

Sec.

Authority: 29 U.S.C. 1579(a).

§ 626.1 Scope and purpose of the Act.

It is the purpose of the Act to:

(a) Established programs to prepare youth and unskilled adults for entry into the labor force; and

(b) Afford job training to those economically disadvantaged individuals and others facing serious barriers to employment who are in special need of such training to obtain productive employment (section 2).

§ 626.2 Format of these regulations.

(a) Regulations promulgated by the Department of Labor to implement the provisions of the Act are set forth in Parts 626 through 638 of Title 20 of the Code of Federal Regulations, with the exception of Job Corps regulations, which are set forth in Part 684 of Title 20.

(b) Nondiscrimination and equal opportunity requirements and procedures, including complaint processing and compliance reviews, will be governed by the provisions of 29 CFR Parts 31 and 32 and will be administered by the DOL Directorate of Civil Rights.

(c) General authority for the regulations is found at section 169 of the Act. Specific statutory authorities other than section 169 are noted throughout the regulations.

§ 626.3 Table of contents for the regulations under the Job Training Partnership Act.

The table of contents for the regulations under the Job Training Partnership Act, Parts 626–638 and 684, is as follows:

§ 626.4 Definitions.

In addition to the definitions contained in section 4 of the Act, the following definitions apply to programs under Titles I, II, and III of the Act.

"Family" shall be defined by the Governor. An adult handicapped individual shall be considered a family of one when applying for programs under the Act (section 4(8)).

"Family income" shall be defined by the Governor, consistent with the definition of family income for other State administered needs-based programs.

"Participant" means any individual who has (a) been determined eligible for participation upon intake; and (b) started receiving employment, training, or services (except post-termination services) funded under the Act following intake. Individuals who receive only outreach and/or intake and initial assessment services or post-program followup are excluded from this definition.

"Recipient" means the Governor.

"SDA grant recipient" means the entity that receives JTPA funds for a service delivery area (SDA) directly from the Governor.

"Secretary" means the Secretary of Labor or the Secretary's designated representative(s).

"Subrecipient" means any person, organization or other entity which receives JTPA funds either directly or indirectly from the Governor. Depending

on local circumstances the Private Industry Council (PIC), local elected official, or administrative entity may be a subrecipient. SDA grant recipients are particular types of subrecipients.

2. Part 627 is revised to read as follows:

PART 627—STATE RESPONSIBILITIES UNDER THE JOB TRAINING PARTNERSHIP ACT

Subpart A—State Planning Procedures

Subpart B—Statewide Programs

Authority: 29 U.S.C. 1579(a).

Subpart A—State Planning Procedures

§ 627.1 Eligible grant recipients.

To establish a continuing relationship under the Act, the Governor and the Secretary shall sign a Governor/Secretary Agreement. The agreement shall consist of a statement assuring that the State shall comply with the Job Training Partnership Act, as amended, and the applicable rules and regulations and the Wagner-Peyser Act, as amended, and all applicable rules and regulations. The agreement shall specify that guidelines, interpretations and definitions adopted by the Governor shall, to the extent that they are consistent with the Act and applicable rules and regulations, be accepted by the Secretary.

§ 627.2 Governor's coordination and special services plan.

(a) *Submittal.* By a date established by the Secretary, any State seeking financial assistance under the Act shall submit to the Secretary a Governor's coordination and special services plan (section 121(a)(2)).

(b) *Plan review.* The Secretary shall review the plan for overall compliance with the provisions of the Act. If the plan is disapproved, the Secretary shall notify the Governor in writing within 30 days of submission of the reasons for disapproval so that the Governor may modify the plan to bring it into compliance with the Act (section 121(d)).

§ 627.3 Funding.

The Secretary will allot funds to the States in accordance with section 162 of the Act. The Secretary will obligate such allotments through a Notification of Obligation.

§ 627.4 State job training coordinating council.

The Governor shall appoint a State job training coordinating council (SJTCC) pursuant to section 122 of the Act. The SJTCC shall have the specific functions and responsibilities outlined in sections 122 and 501 of the Act.

§ 627.5 Interstate agreements.

The Secretary hereby grants authority to the several States to enter into interstate agreements and compacts in accordance with section 127 of the Act.

Subpart B—Statewide Programs

§ 627.21 Distribution of State funds.

(a) The funds made available to the Governor under section 202(b) of the Act shall be used to carry out activities and services in this subpart.

(b) Funds provided to the Governor under section 202(b)(4) of the Act may be used to conduct auditing activities, administrative activities, and other activities described in sections 121 and 122 of the Act (section 202(b)(4)).

§ 627.22 State education coordination and grants.

(a) Expenditures for programs pursuant to section 123(c)(2)(B) of the Act shall be subject to § 629.39(a).

(b) Not less than 75 percent of the funds shall be expended for activities for economically disadvantaged individuals (section 123(c)(3)).

§ 627.23 Training programs for older individuals.

(a) Expenditures for administration and participant support services for programs pursuant to section 124 of the Act shall be subject to § 629.39 of this chapter.

(b) Recipients should coordinate development and delivery of services under section 124 with community service employment programs for older Americans under Title V of the Older Americans Act of 1965, as amended.

§ 627.24 State incentive grants.

(a) Funds available under section 202(b)(3) shall be used by the Governor to provide incentive grants for programs exceeding performance standards established pursuant to section 106 of the Act, including incentives for serving hard-to-serve individuals. Incentive grant funds shall be distributed among SDAs within the State exceeding their performance in an equitable proportion based on the degree by which the SDAs exceed their performance standards. Incentive grant funds made available to an SDA may be used for post-program data collection activities, subject to the provisions of § 629.39(f) of this chapter (section 202(b)(3)(B)).

(b) Funds available under section 202(b)(3) that are not needed for incentive grants shall be used by the Governor to provide technical assistance to SDAs within the State (or to subrecipients in single statewide SDAs). For the purposes of this section, technical assistance means activities directly related to program performance, including preventative technical assistance to enable the State to anticipate program deficiencies and take corrective action. Subject to the provisions of § 629.39(f) of this chapter, funds available for technical assistance may be retained by the Governor and used for post-program data collection activities. Technical assistance funds shall not be expended to support ongoing maintenance of management information systems or other ongoing operational support activities that should be charged to the overall administration of JTPA Title II–A programs (section 106(h)(1)).

3. Part 628 is revised to read as follows:

PART 628—SERVICE DELIVERY AREAS DESIGNATED UNDER THE JOB TRAINING PARTNERSHIP ACT

Authority: 29 U.S.C. 1579(a).

§ 628.1 Service delivery areas.

(a) The SJTCC shall make recommendations to the Governor on proposed SDA designations in a form and by a date established by the Governor (section 101(a) (1) and (2)).

(b) Pursuant to section 101 of the Act, the Governor shall designate service delivery areas (SDAs) for the State. All areas within the State must be covered by designated SDAs. Requests for designation shall be submitted in a form and by a date established by the Governor.

(c) Pursuant to section 101(a)(4)(C) of the Act, an entity described in section 101(a)(4)(A) may appeal the Governor's denial of service delivery area designation to the Secretary of Labor.

(1) Appeals shall be submitted to the Secretary, U.S. Department of Labor, Washington, DC 20210, ATTENTION: ASET. A copy of the appeal shall simultaneously be provided to the Governor.

(2) The Secretary shall not accept an appeal dated later than 30 days after receipt of written notification of the denial from the Governor.

(3) The appealing party shall explain why it believes the denial is contrary to the provisions of section 101 of the Act.

(4) The Secretary shall accept the appeal and make a decision only with regard to determining whether or not the denial is inconsistent with section 101 of the Act. The Secretary may consider any comments submitted by the Governor. The Secretary shall make a final decision within 30 days after this appeal is received (section 101(a)(4)(C)).

§ 628.2 Private industry council.

(a) The chief elected official(s) of the SDA shall establish and the Governor shall certify the private industry council (PIC) pursuant to section 102 of the Act.

(b) Pursuant to section 103 of the Act, the PIC shall provide policy and program guidance for all activities under the job training plan for the SDA. In accordance with agreements negotiated with the appropriate chief elected official(s), the PIC shall determine the procedures for development of the job training plan and select the grant recipient and administrative entity for the SDA. The PIC may exercise independent oversight over activities under the job training plan, and oversight shall not be circumscribed by agreements with the appropriate chief elected official(s) of the SDA.

(c) The employment service shall develop jointly with each appropriate PIC and chief elected official(s) for the SDA those components of the plans required under the Wagner-Peyser Act, as amended, applicable to the SDA (Wagner-Peyser Act section 8(b)(1)).

§ 628.3 Selection of SDA grant recipient, administrative entity and service providers.

(a) Pursuant to section 103(b)(1) of the Act, a selection shall be made of the SDA grant recipient and the entity to administer the job training plan developed pursuant to section 104 of the Act. These may be the same or different entities. The specific functions and responsibilities of these entities shall be spelled out in accordance with the agreement(s) between the PIC and the chief elected official(s), which should specifically address the provisions of section 141(i) of the Act.

(b) Service providers shall be selected in accordance with—

(1) The agreement negotiated pursuant to section 103(b)(1) of the Act, and

(2) The provisions of sections 107, 181(j)(2) and 205(b)(4) of the Act.

§ 628.4 Job training plan.

The Governor may issue instructions and schedules that will assure that job training plans and modifications for SDAs within the State conform to all requirements of the Act.

§ 628.5 Review and approval.

(a)(1) If the Governor disapproves the SDA job training plan or modification, the Governor shall notify the PIC and the appropriate chief elected official(s) for the SDA in writing as provided in section 105(b)(2) of the Act.

(2) The Governor shall provide the PIC and the appropriate chief elected official(s) for the SDA 20 days to correct the deficiencies and resubmit the plan or modification. The Governor shall make a final decision and shall notify the PIC and the appropriate chief elected official(s) for the SDA of the final disapproval or approval within 15 days after the plan or modification was resubmitted.

(b) Pursuant to section 105(b)(2) of the Act, any final disapproval of the job training plan or modification may be appealed to the Secretary.

(1) Appeals to the Secretary shall be submitted jointly by the PIC and the appropriate chief elected official(s) for the SDA to the Secretary, U.S. Department of Labor, Washington, DC 20210, ATTENTION: ASET. A copy of the appeal shall be simultaneously provided to the Governor.

(2) The Secretary shall not accept an appeal dated later than 30 days after receipt of the final disapproval from the Governor.

(3) The Secretary shall accept the appeal and make a decision only with regard to determining whether or not the disapproval is clearly erroneous within the context of section 105(b)(1) of the Act. The Secretary may consider any comments submitted by the Governor. In accordance with section 105(b)(2) of the Act, the Secretary shall make a final decision within 45 days after the appeal is received.

(c) Pursuant to section 164(b)(1) of the Act, a notice of intent to revoke approval of all or part of a plan may be appealed to the Secretary. Such appeals shall be subject to the terms and conditions of paragraph (b) of this section, except, that the revocation shall not become effective until—

(1) The time for appeal has expired, or

(2) The Secretary has issued a decision.

§ 628.6 State SDA submission.

(a) Pursuant to section 105(d) of the Act, when the SDA is the State, the Governor shall, not less than 60 days before the beginning of the first of the two program years covered by the job training plan and in accordance with instructions issued by the Secretary, submit to the Secretary a 2-program-year job training plan. When the SDA is the State, modifications to the plan shall be submitted to the Secretary for approval.

(b) The Secretary shall review the plan or modification for overall compliance with the provisions of the Act. The State's plan shall be considered approved unless, within 30 days of receipt of the submission described in paragraph (a) of this section, the Secretary notifies the Governor in writing of discrepancies between the submission and specific provisions of the Act. If the plan or modification is disapproved, the Governor may appeal the decision by requesting a hearing before an administrative law judge pursuant to § 629.57(c) of this chapter.

4. Part 629 is revised to read as follows:

PART 629—GENERAL PROVISIONS GOVERNING PROGRAMS UNDER TITLES I, II, AND III OF THE JOB TRAINING PARTNERSHIP ACT

Subpart A—Program Design Requirements

Sec.

Subpart B—Payments, Benefits and Working Conditions

Subpart C—Administrative Standards and Procedures

Subpart D—Grievances, Investigations and Hearings

Authority: 29 U.S.C. 1579(a).

Subpart A—Program Design Requirements

§ 629.1 General program requirements.

(a) The conditions prescribed in sections 141, 142 and 143 of the Act apply to all programs under Titles I, II, and III of the Act, except as provided elsewhere in the Act or this chapter.

(b) Programs operated under Titles I, II, and III of the Act are subject to the provisions of 29 CFR Part 96, which implement the Single Audit Act of 1984, except as provided elsewhere in this chapter.

(c) Recipients shall ensure that an individual enrolled in a JTPA program meets the requirements of section 167(a)(5) of the Act, section 3 of the Military Selective Service Act (50 U.S.C. App. 453) and other requirements applicable to programs funded under the specific section or title of the Act under which the participant is enrolling (section 504).

(d) Recipients shall ensure that individuals are enrolled within 45 days of the date of application or a new application must be taken, except that eligible summer program applicants under Title II–B may be enrolled within 45 days into a summer youth enrollee pool, and no subsequent application need be taken prior to participation.

(e) Programs operated under Titles I, II, and III of the Act are not subject to the provisions of 41 CFR Part 29–70, except as otherwise explicitly provided in this chapter.

§ 629.2 Public service employment prohibition.

No funds available under Titles I, II–A, or III of the Act may be used for public service employment (section 141(p)).

§ 629.3 Nondiscrimination and nonsectarian activities.

(a) Recipients, SDA grant recipients and other subrecipients shall comply with the nondiscrimination provisions of section 167 of the Act.

(b) Pursuant to section 167(a) of the Act, the employment or training of participants in sectarian activities is prohibited.

Subpart B—Payments, Benefits and Working Conditions

§ 629.21 Needs-based payments.

(a) Subject to the provisions of sections 108 and 142(a)(1) of the Act and in accordance with a locally developed formula or procedure, payments based on need may be provided to individual participants in cases where such payments are necessary to enable individuals to participate in a training program funded under the Act (section 204(27)).

(b) Documentation supporting the locally developed formula or procedure for needs-based payments shall be maintained in accordance with instructions from the Governor (section 204(27)).

(c) The formula or procedure shall provide for the maintenance of an individual record of the determination of the need for, and the amount of, any participant's needs-based payment.

§ 629.22 Benefits and working conditions.

(a) Where participants are not covered under a State's workers' compensation law, they shall be provided with adequate on-site medical and accident insurance. Income maintenance coverage is not required for these participants (section 143(a)(3)).

(b) Where participants are engaged in activities not covered under the Occupational Safety and Health Act of 1970, they shall not be required or permitted to work, be trained, or receive services in buildings or surroundings or under working conditions which are unsanitary, hazardous or dangerous to the participants' health or safety. Participants employed or trained for inherently dangerous occupations, e.g., fire or police jobs, shall be assigned to work in accordance with reasonable safety practices (section 143(a)(2)).

Subpart C—Administrative Standards and Procedures

§ 629.31 Grant payments.

(a) JTPA grant payments will be made to the Governor in accordance with section 203 of the Intergovernmental Cooperation Act (42 U.S.C. 4213) and Treasury Circular No. 1075 (31 CFR Part 205).

(b) The Governor shall establish procedures that will minimize the time elapsing between the receipt of advanced funds and disbursement. Failure to establish such procedures or to take action to correct deficiencies in—

(1) Financial management systems, or

(2) Fund drawdown and advance payment procedures

may result in the Governor being funded through reimbursement by Treasury check payment.

§ 629.32 Program income.

Income generated under any program shall be used to further program objectives and may be retained by that program, unless the Governor requires that such income be turned over to the State. Program income may be used to satisfy the matching requirements of sections 123(b) and 304 of the Act.

§ 629.33 Insurance.

(a) *General.* Each Governor, SDA grant recipient or subrecipient shall follow its normal insurance procedures except as otherwise indicated in this section.

(b) The DOL assumes no liability with respect to bodily injury, illness or any other damages or losses, or with respect to any claims arising out of any activity under a JTPA grant or agreement whether concerning persons or property in the Governor's, SDA grant recipient's or other subrecipient's organization or any third party.

(c) Governors, SDA grant recipients and subrecipients shall secure insurance coverage for injuries suffered by participants who are not covered by existing workers' compensation. Contributions to a reserve for a self-insurance program, to the extent that the type and extent of coverage and the rates and premiums would have been allowed had insurance been purchased to cover the risks, are allowable and are chargeable to participant support or training as appropriate (section 143(a)(3)).

§ 629.34 Procurement.

Subject to the provisions of section 107 of the Act, recipients and subrecipients shall administer procurement systems that reflect applicable State and local law, rules and regulations as determined by the Governor.

§ 629.35 Management systems, reporting and recordkeeping.

(a) The Governor shall ensure that financial systems within the State provide fiscal control and accounting procedures sufficient to—

(1) Permit preparation of required reports;

(2) Permit the tracing of funds to a level of expenditure adequate to establish that funds have not been used in violation of the restrictions on the use of such funds; and

(3) Demonstrate compliance with matching requirements. (sections 104(b)(9), 164(a)(1), 165(a)(1), 165(c)(2), and 182).

(b) The financial management system and the participant data system shall provide federally required records and reports that are uniform in definition, accessible to authorized Federal and State staff, and verifiable for monitoring, reporting, audit and evaluation purposes (sections 165(a)(1), 165(a)(2), and 182).

(c) Pursuant to section 165(a) of the Act, the Governor shall ensure that records shall be maintained of each participant's enrollment in a JTPA program in sufficient detail to demonstrate compliance with the relevant eligibility criteria attending a particular activity and with the restrictions on the provision and duration of services and specific activities authorized by the Act.

(d) The Governor shall ensure that records shall be maintained of such participant information as may be necessary to develop and measure the achievement of performance standards established by the Secretary.

(e) The Governor shall insure that procedures are developed for retention of all records pertinent to all grants and agreements, including financial, statistical, property and participant records and supporting documentation, for a period of 3 years from the date of obligation of funds. Records for nonexpendable property shall be retained for a period of 3 years after final disposition of the property.

(f) The aforementioned records will be retained beyond the 3 years if any litigation or audit is begun or if a claim is instituted involving the grant or agreement covered by the records. In these instances, the records will be retained until the litigation, audit or claim has been finally resolved.

(g) In the event of the termination of the relationship with a subrecipient, the Governor or SDA grant recipient shall be responsible for the maintenance and retention of the records of any subrecipient unable to retain them.

§ 629.36 Reports required.

The Governor shall report to the Secretary pursuant to instructions issued by the Secretary. Reports shall be required by the Secretary no more frequently than semiannually. Reports shall be submitted to the Secretary within 45 calendar days after the end of the report period (section 165(a)(2)).

(Approved by the Office of Management and Budget under OMB control number 1205–0200)

§ 629.37 Allowable costs.

(a) *General.* To be allowable, a cost must be necessary and reasonable for proper and efficient administration of the program, be allocable thereto under these principles, and, except as provided herein, not be a general expense required to carry out the overall responsibilities of the Governor or subrecipient. Costs charged to the program shall be consistent with those normally allowed in like circumstances in nonfederally sponsored activities and with applicable State and local law, rules or regulations, as determined by the Governor.

(b) Direct and indirect costs shall be charged in accordance with 41 CFR 29–70.102 (1984).

(c) The Governor shall issue guidelines on allowable costs for SDA and statewide programs that shall include provisions that:

(1) Costs resulting from violations of, or failure to comply with, Federal, State or local laws and regulations are not allowable;

(2) Entertainment costs are not allowable;

(3) Insurance policies offering protection against debts established by the Federal Government are not allowable JTPA costs; and

(4) Personal liability insurance for PIC members is allowable.

(d) The cost of legal expenses required in the administration of grant programs is allowable. Legal services furnished by the chief legal officer of a State or local government or staff solely for the purpose of discharging general responsibilities as a legal officer are unallowable. Legal expenses for the prosecution of claims against the Federal Government are unallowable.

§ 629.38 Classification of costs.

(a) To comply with the limitations on certain costs contained in section 108 of the Act, allowable costs shall be charged against the following cost categories: training; administration; and participant support.

(b) Costs are allocable to a particular cost category to the extent that benefits are received by such category.

(c) For State-administered programs, the Governor is required to plan, control and charge expenditures against the aforementioned cost categories.

(d) The Governor is responsible for ensuring that SDA grant recipients and other subrecipients plan, control, and charge expenditures against the aforementioned cost categories.

(e) In assigning costs to the training category pursuant to paragraph (a) of this section, the Governor shall ensure that:

(1) Training costs include: the costs associated with on-the-job training services; employer outreach necessary to obtain job listings or job training opportunities; salaries, fringe benefits, equipment and supplies of personnel directly engaged in providing training (including remedial education; job related counseling for participants; employability assessment and job development; job search assistance; including preparation for work and labor market orientation); books and other teaching aids; equipment and materials used in providing training to participants; classroom space and utility costs; and tuition and entrance fees that represent instructional costs which have a direct and immediate impact on participants. In addition, 50 percent of the costs of a limited work experience program, and 250 hours of youth tryout employment, are considered allowable training costs. A limited work experience program is one that meets the requirements of section 108(b)(3) of the Act. Youth tryout employment is that which meets the requirements of section 205(d)(3)(B) of the Act.

(2) Costs which are billed as a single unit charge do not have to be allocated or prorated among the several cost categories but may be charged entirely to training when the agreement:

(i) Is for training;

(ii) Is fixed unit price; and

(iii)(A) Stipulates that full payment for the full unit price will be made only upon completion of training by a participant and placement of the participant into unsubsidized employment in the occupation trained for and at not less than the wage specified in the agreement; or

(B) In the case of youth, payment for training packages purchased competitively pursuant to section 141(d)(3) of the Act shall include payment for the full unit price if the training results in either placement in unsubsidized employment or the attainment of an outcome specified in section 106(b)(2) of the Act.

(3) Training costs shall not include the direct or indirect costs associated with the supervision and management of the program.

(4) Training costs do not include supportive service costs as defined in section 4 of the Act or other participant support costs which are determined to be necessary at the local level.

(5) All costs of employment generating activities to increase job opportunities

for eligible individuals in the area and the remaining 50 percent of the costs of a limited work experience program, as well as 100 percent of the costs of other work experience programs, are not allowable training costs (section 108(b)(2)(A)).

(6) The salaries and fringe benefits of project directors, program analysts, labor market analysts, supervisors and other administrative positions shall not be charged to training. The compensation of individuals who both instruct and supervise other instructors shall be prorated among the training and administration cost categories based on time records or other verifiable means.

(7) Construction costs may be allowable training or participant support costs only when funds are used to:

(i) Purchase equipment, materials and supplies for use by participants while on the job and for use in the training of such participants. Examples of such equipment, materials and supplies are handtools, workclothes and other low cost items; and

(ii) Cover costs of a training program in a construction occupation, including costs such as instructors' salaries, training tools, books, and needs-based payments and compensation to participants.

(8) The cost of incorporating a PIC or consortium administrative entity for the purpose of carrying out programs under the Act shall not be charged to training but may be charged to other cost categories as appropriate.

(9) Any single cost which is properly chargeable to training and to one or more other cost categories shall be prorated among training and the other appropriate cost categories.

§ 629.39 Limitations on certain costs.

(a)(1) Not less than 85 percent of the funds for programs under Titles I, II, and III of the Act may be expended for the cost of training and participant support, except as provided in paragraph (b) of this section.

(2) Administrative costs are limited to 15 percent of funds available. The 15 percent limitation on administrative costs may not be waived.

(b) Funds allotted under the following sections of the Act are exclusions to the paragraph (a) of this section requirement:

(1) Section 202(b)(4);

(2) Section 202(b)(1), to carry out activities pursuant to section 123(c)(2)(A);

(3) Section 202(b)(3); and

(4) Section 301(a).

(c)(1) Not less than 70 percent of the funds for programs under Titles I, II–A, and III of the Act may be expended for the costs of training, except as provided in paragraphs (d) and (e) of this section.

(2) There is an established 30 percent limitation on combined administrative and participant support costs. This limitation may be waived by the Governor only in accordance with paragraph (e) of this section.

(d) Funds allotted under the following sections of the Act are exclusions to the paragraph (c) of this section requirement:

(1) Section 202(b)(4);

(2) Section 202(b)(1), to carry out activities pursuant to section 123(c)(2);

(3) Section 202(b)(3), to provide technical assistance to SDAs within the State;

(4) Section 251; and

(5) Section 301(a).

(e) Expenditures may not be in excess of the limitation contained in paragraph (c) of this section except as provided for in section 108(c).

(f) Notwithstanding the limitations on certain costs contained in section 108 of the Act and paragraphs (a) through (e) of this section, funds available under section 202(b)(3) of the Act may be used by the Governor or SDA during not more than 2 program years, ending June 30, 1988, to develop and implement a data collection system to track the post-program experience of participants. Thereafter, the provisions of paragraphs (a) through (e) of this section shall apply to incentive and technical assistance funds under section 202(b)(3) of the Act, as appropriate.

(g) The provisions of this section do not apply to any designated SDA which served as a concentrated employment program grantee for a rural area under the Comprehensive Employment and Training Act (section 108(d)).

(h) Administrative funds within a SDA may, at the discretion of and pursuant to requirements established by the Governor, be pooled and used for all administrative costs of programs within the SDA assisted with funds under the Act.

§ 629.40 Matching funds.

The Governor shall define and assure the provision of adequate resources to meet the matching requirements of sections 123(b) and 304 of the Act.

§ 629.41 Property management standards.

(a) Personal or real property procured with JTPA funds or transferred from programs under the Comprehensive Employment and Training Act must be used for purposes authorized by the Act. Subject to the Secretary's rights to such property, the Governor shall maintain accountability for property in accordance with State procedures and the records retention requirements of § 629.35.

(b) The JTPA program must be reimbursed the fair market value of any unneeded property retained by the Governor for use in a non-JTPA program. The proceeds from the sale of any property or transfer of property to a non-JTPA program must be used for purposes authorized under the Act.

§ 629.42 Audits.

(a) The requirements of 29 CFR Part 96, which implement Office of Management and Budget Circular A–128, "Audits of State and Local Governments," apply to JTPA programs administered by recipients and subrecipients, and shall be followed for audits of all program years beginning after July 1, 1985.

(b) Within a timely period after the State submits the audit report to the appropriate Federal official, the Governor shall submit an audit resolution report documenting the Governor's disposition of the reported questioned costs, i.e., whether allowed or disallowed, the basis for allowing questioned costs, and corrective actions taken.

(c) If the Governor intends to request waivers of liability under section 164(e)(2) of the Act, such requests must accompany the audit resolution report along with supporting documentation.

(d) After receiving the audit resolution report, the Secretary shall review the report(s), the Governor's disposition, and any liability waiver request. If the Secretary is in agreement with all aspects of the Governor's disposition of the audit(s), the Secretary shall so notify the Governor, constituting final agency action on the audit(s). If the Secretary is in disagreement with the Governor's conclusion on specific points in the audit(s), the Secretary shall resolve the audit(s) through the initial and final determination process described in Subpart D of this part.

(e) Audits conducted or arranged by the Inspector General will generally supplement rather than duplicate audits of recipients, PICs, SDAs, or other subrecipients.

§ 629.43 Oversight and monitoring.

(a) The Secretary is authorized to monitor and investigate pursuant to section 163 of the Act.

(b) The Governor is responsible for oversight of all SDA grant recipient activities and State supported programs.

(c) The PIC and local elected official(s) may conduct such oversight as they, individually or jointly, deem necessary or delegate to an appropriate

entity pursuant to their mutual agreement.

§ 629.44 Sanctions for violations of the Act.

(a) Pursuant to sections 164 (b), (d), (e), (f), (g), and (h) of the Act, the Secretary may impose appropriate sanctions and corrective actions for violations of the Act, regulations, or grant terms and conditions. Additionally, sanctions may include the following:

(1) Offsetting debts, arising from misexpenditure of grant funds, against amounts to which the Governor is or may be entitled under the Act, except as provided in section 164(e)(1) of the Act. The debt shall be fully satisfied when the Secretary reduces amounts allotted to the Governor by the amount of the misexpenditure; and

(2) Determining the amount of Federal cash maintained by the Governor or subrecipient in excess of reasonable grant needs, establishing a debt for the amount of such excessive cash, and charging interest on that debt.

(b) Except for actions under sections 164(f) and 167 of the Act, to impose a sanction or corrective action, the Secretary shall utilize initial and final determination procedures outlined in Subpart D of this part.

(c) To impose a sanction or corrective action regarding a violation of section 167 of the Act, the Secretary shall utilize the procedures of 29 CFR Part 31.

(d)(1) The Secretary shall hold the Governor responsible for all funds under the grant. The Governor shall hold subrecipients, including SDA grant recipients, responsible for JTPA funds received through the grant.

(2) The Secretary shall determine the liability of the Governor for misexpenditures of grant funds in accordance with section 164(e) of the Act, including the requirement that the Governor shall have taken prompt and appropriate corrective actions for misexpenditures by a subrecipient.

(3) Prompt, appropriate, and aggressive debt collection action to recover any funds misspent by subrecipients ordinarily shall be considered a part of the corrective action required by section 164(e)(2)(D) of the Act. In this regard, the Governor may request advance approval from the Secretary for contemplated corrective actions. Such requests may address debt collection actions or options which the Governor plans to initiate or to forego. The Governor's request shall include a description and assessment of all actions taken by the subrecipient to collect the misspent funds.

(4) In making the determination required by section 164(e)(2) of the Act, the Secretary may determine, based on a request from the Governor, that the Governor may forego certain collection actions against a subrecipient where that subrecipient was not at fault with respect to the liability criteria set forth in section 164(e)(2)(A) through section 164(e)(2)(D) of the Act. The Secretary shall consider such requests in assessing whether the Governor's corrective action was appropriate in light of section 164(e)(2)(D) of the Act. At that time, the Secretary shall also consider advance approvals (previously granted pursuant to paragraph (d)(3) of this section) in light of the Governor's demonstrated efforts to undertake the approved course of action.

(5) The Governor shall not be released from liability for misspent funds under the determination required by section 164(e) of the Act until the Secretary determines that further collection action, either by the Governor or subrecipient, would be inappropriate or would prove futile.

(e) The Governor shall have the authority to reduce allocations to a service delivery area if—

(1) The Secretary offsets a debt against funds allotted to the Governor and

(2) The debt resulted from a misexpenditure by the SDA grant recipient, or its subrecipients.

(f) Nothing in this section shall preclude the Secretary from imposing a sanction directly against a subrecipient as authorized in section 164(e)(3) of the Act. In such a case, the Secretary shall inform the Governor of the Secretary's action.

§ 629.45 Closeout. [Reserved]

§ 629.46 Performance standards.

(a) The Secretary shall prescribe performance standards for adults and youth under Title II–A and dislocated workers under Title III in accordance with section 106 of the Act. Standards for youth employment competencies shall prescribe the framework for competency development.

(b) The Governor shall establish SDA standards within the parameters set annually by the Secretary pursuant to section 106 of the Act and apply the standards in accordance with section 202(b)(3) of the Act.

(c) Pursuant to initial and annual instructions issued by the Secretary, the Governor shall:

(1) Collect the data necessary to set standards pursuant to section 165 of the Act; and

(2) Submit reports according to sections 106 and 121(b)(3) of the Act.

(d) Pursuant to section 106(h)(1) of the Act, the Governor shall, after exhaustion of remedies below, impose a reorganization plan if a subrecipient fails to meet performance standards for 2 consecutive years.

(1) Prior to imposition of a reorganization plan, the Governor must offer the subrecipient opportunity for a hearing.

(2) Should the hearing determination uphold the Governor's imposition of a reorganization plan, the subrecipient may appeal to the Secretary.

(3) Appeals shall be submitted to the Secretary, U.S. Department of Labor, Washington, DC 20210, ATTENTION: ASET. A copy of the appeal shall simultaneously be provided to the Governor.

(4) The Secretary shall not accept an appeal dated later than 30 days after receipt of written notification from the Governor.

(5) The appealing party shall explain why it believes the Governor's decision is contrary to the provisions of section 106 of the Act.

(6) The Secretary shall accept the appeal and make a decision only with regard to determining whether or not the Governor's decision is inconsistent with section 106 of the Act. The Secretary may consider any comments submitted by the Governor. The Secretary shall make a final decision within 60 days after this appeal is received section 106(h)).

Subpart D—Grievances, Investigations, and Hearings

§ 629.51 Scope and purpose.

(a) *General.* This subpart establishes the procedures to receive, investigate and resolve grievances, and conduct hearings to adjudicate disputes under the Act. Complaints of discrimination pursuant to section 167(a) of the Act will be handled under 29 CFR Parts 31 and 32.

(b) *Non-JTPA remedies.* Whenever any person, organization or agency believes that a Governor, SDA grant recipient or other subrecipient has engaged in conduct that violates the Act and that such conduct also violates a Federal statute other than JTPA, or a State or local law, that person, organization or agency may, with respect to the non-JTPA cause of action, institute a civil action or pursue other remedies authorized under other Federal, State, or local law against the Governor, SDA grant recipient or other subrecipient without first exhausting the

remedies in this subpart. Nothing in the Act or this chapter shall:

(1) Allow any person or organization to join or sue the Secretary with respect to the Secretary's responsibilities under JTPA except after exhausting the remedies in this subpart;

(2) Allow any person or organization to file a suit which alleges a violation of JTPA or these regulations without first exhausting the administrative remedies described in this subpart; or

(3) Be construed to create a private right of action with respect to alleged violations of JTPA or the JTPA regulations.

§ 629.52 State grievance and hearing procedures for non-criminal complaints at the Governor and subrecipient level.

(a) *Policy.* This section deals with the handling of non-criminal complaints. Criminal complaints are to be handled as specified in § 629.55 of this part.

(b) *Procedures at Governor and SDA levels.*

(1) Pursuant to section 144(a) of the Act, each Governor shall maintain a State level grievance procedure and shall insure the establishment of procedures at the SDA grant recipient level for resolving any complaint alleging a violation of the Act, regulations, grant or other agreements under the Act. The procedures must include the handling of complaints and grievances arising in connection with JTPA programs operated by each SDA grant recipient and subrecipient under the Act. These procedures must also provide for resolution of complaints arising from actions, such as audit disallowances or the imposition of sanctions, taken by the Governor with respect to audit findings, investigations, or monitoring reports (section 144(a)).

(2) The grievance hearing procedure shall include written notice of the date, time and place of the hearing, an opportunity to present evidence, and a written decision.

(c) *State review.*

(1) If a complainant does not receive a decision at the SDA grant recipient level within 60 days of filing the complaint or receives a decision unsatisfactory to the complainant, the complainant then has a right to request a review of the complaint by the Governor. The request for review shall be filed within 10 days of receipt of the adverse decision or 10 days from the date on which the complainant should have received a decision. The Governor shall issue a decision within 30 days. The Governor's decision is final.

(2) The Governor shall also provide for an independent State review of a complaint initially filed at the State level on which a decision was not issued within 60 days or on which the complainant has received an adverse decision. A decision shall be made within 30 days. The Governor's decision is final.

(d) *Federal review of local level complaints without decision.*

(1) Should the Governor fail to provide a decision as required in paragraph (c) of this section, the complainant may then request from the Secretary a determination whether reasonable cause exists to believe that the Act or its regulations have been violated.

(2) The Secretary shall act within 90 days of receipt of the request and where there is reasonable cause to believe the Act or regulations have been violated shall direct the Governor to issue a decision adjudicating the dispute pursuant to State and local procedures. The Secretary's action does not constitute final agency action and is not appealable under the Act (sections 166(a) and 144(c)). If the Governor does not comply with the Secretary's order within 60 days, the Secretary may impose a sanction upon the Governor for failing to issue a decision.

(3) The request shall be filed no later than 10 days from the date on which the complainant should have received a decision as required in paragraph (c) of this section. The complaint should contain the following:

(i) The full name, telephone number (if any), and address of the person making the complaint;

(ii) The full name and address of the respondent against whom the complaint is made;

(iii) A clear and concise statement of the facts, including pertinent dates, constituting the alleged violation;

(iv) The provisions of the Act, regulations, grant or other agreements under the Act believed to have been violated;

(v) A statement disclosing whether proceedings involving the subject of the request have been commenced or concluded before any Federal, State or local authority, and, if so, the date of such commencement or conclusion, the name and address of the authority and the style of the case; and

(vi) A statement of the date the complaint was filed with the Governor, the date on which the Governor should have issued a decision, and an attestation that no decision was issued.

(4) A request will be considered to have been filed when the Secretary receives from the complainant a written statement sufficiently precise to evaluate the complaint and the grievance procedure used by the State and SDA grant recipient.

§ 629.53 Non-criminal grievance procedure at employer level.

(a) Governors, SDA grant recipients and other subrecipients shall assure that other employers, including private-for-profit employers of participants under the Act, also have a grievance procedure relating to the terms and conditions of employment available to their participants (section 144(b)).

(b) Employers under paragraph (a) of this section above may operate their own grievance system or may utilize the grievance system established by the Governor or SDA grant recipient under § 629.52 of this part. Employers shall inform participants of the grievance procedure they are to follow.

(c) An employer system shall provide for, upon request by the complainant, a review of an employer's decision by the SDA grant recipient and the Governor, if necessary, in accordance with § 629.52(b) of this part.

§ 629.54 Federal handling of administrative and civil complaints.

(a)(1) The Comptroller General's and Inspector General's authority to conduct audits, evaluations and investigations is as specified in § 629.42 of this part.

(2) The Secretary is authorized to monitor States (section 163(a)).

(3) The Secretary shall each fiscal year investigate several States to evaluate whether the use of funds received under the Act is in compliance with the provisions of the Act (section 165(b)(1)(A)).

(4) The Secretary may receive complaints alleging violations of the Act or regulations through the Department's incident reporting system.

(b) As a result of the findings or content of any of the activities listed in paragraph (a) of this section, the Secretary may:

(1) Direct the Governor to handle a complaint through local grievance procedures established under § 629.52 of this part; or

(2) Investigate and determine whether the Governor or subrecipients are in compliance with the Act and regulations (section 163 (b) and (c)).

(c)(1) The Secretary shall notify the Governor of the findings of the Secretary's investigation and shall give the Governor a period of time, not to exceed 60 days, depending on the nature of the findings, to comment and to take appropriate corrective actions.

(2) The Governor shall offer an opportunity for a hearing at the State level to those subrecipients adversely affected by the results of an investigation, audit or monitoring activity as specified in § 629.52(b) of this

part. The Governor shall inform the Secretary of actions undertaken, including any disposition of an audit conducted by the State to deal with the Secretary's findings if one was undertaken within the time frame specified by the Secretary.

(3) The Secretary shall review the complete file of the investigation and the Governor's actions. The Secretary's review shall take into account the provisions of § 629.44 of this part. If the Secretary is in agreement with the Governor's handling of the situation, the Secretary shall so notify the Governor. This notification shall constitute final agency action.

(d) *Initial and final determination.*— (1) *Initial determination.* If the Secretary is dissatisfied with the Governor's disposition of an audit as specified in § 629.42 or other resolution of costs, with the Governor's response to findings pursuant to paragraph (c) of this section, or if the Governor failed to comply with the Secretary's decision pursuant to § 629.52(d)(2) of this part, the Secretary shall make an initial determination of the matter in controversy including the allowability of questioned costs or activities. Such determination shall be based upon the requirements of the Act, regulations, grants, contracts or other agreements, under the Act.

(2) *Informal resolution.* The Secretary shall not revoke a Governor's grant in whole or in part, nor institute corrective actions or sanctions, without first providing the Governor with an opportunity to present documentation or arguments to resolve informally those matters in controversy contained in the Secretary's initial determination. In the case of an initial determination pursuant to an audit, the informal resolution period shall be at least 60 days from issuance of the initial determination and no more than 170 days from the receipt by the Secretary of the final approved audit report. If the matters are resolved informally, the Secretary shall issue a final determination pursuant to paragraph (d)(3) of this section which notifies the parties in writing of the nature of the resolution and may close the file.

(3) *Final determination.* (i) If the Governor and the Secretary do not resolve any matter informally, the Secretary shall provide each party with a final written determination by certified mail, return receipt requested. In the case of audits, the final determination shall be issued not later than 180 days after the receipt by the Secretary of the final approved audit report.

(ii) The final determination shall:

(A) Indicate that efforts to informally resolve matters contained in the initial determination have been unsuccessful;

(B) List those matters upon which the parties continue to disagree;

(C) List any modifications to the factual findings and conclusions set forth in the initial determination;

(D) Establish a debt if appropriate;

(E) Determine liability, method of restitution of funds and sanctions; and

(F) In the case of a final determination imposing a sanction or corrective action, offer an opportunity for a hearing in accordance with § 629.57 of this part.

(iii) The final determination constitutes the final agency action unless a hearing is requested.

(e) Nothing in this section shall preclude the Secretary from issuing an initial and final determination directly to a subrecipient in accordance with the authority of section 164(e)(3) of the Act. In such a case, the Secretary shall inform the Governor of the Secretary's action.

§ 629.55 Federal handling of criminal complaints and reports of fraud, abuse and other criminal activity.

All information and complaints involving fraud, abuse or other criminal activity shall be reported directly and immediately to the Secretary of Labor.

§ 629.56 Opportunity for informal review.

(a) Parties to a complaint under § 629.57 of this part may choose to waive their rights to an administrative hearing before the Office of Administrative Law Judges (OALJ) by choosing to transfer the settlement of their dispute to an individual acceptable to all parties for the purpose of conducting an informal review of the stipulated facts and rendering a decision in accordance with applicable law. A written decision will be issued within 60 days after the matter is submitted for informal review.

(b) The waiver of the right to request a hearing before the OALJ will automatically be revoked if a settlement has not been reached within the 60 days provided in paragraph (a) of this section.

(c) The decision rendered under this informal review process shall be treated as a final decision of an Administrative Law Judge pursuant to section 166(b) of the Act.

§ 629.57 Hearings before the Office of Administrative Law Judges.

(a) *Jurisdiction.* The jurisdiction of the OALJ extends only to those complainants identified in sections 164(f) and 166(a) of the Act. All other disputes arising under the Act shall be adjudicated under the appropriate recipient or subrecipient grievance procedures or other applicable law.

(b) *Sanctions.* For the purpose of this section, "sanctions" will not include actions required by authority other than this Act. For example, the imposition of interest charges where required by the Debt Collection Act of 1982 is not a sanction for the purpose of this section.

(c) *Procedures for filing request for hearing.*

(1) Within 21 days of receipt of the determination imposing the sanction or corrective action, or denying financial assistance, the applicant, Governor, SDA grant recipient or other subrecipient of funds may transmit by certified mail, return receipt requested, a request for hearing to the Chief Administrative Law Judge, United States Department of Labor, Room 700, Vanguard Building, 1111 20th Street, NW., Washington, DC 20036, with one copy to the departmental official who issued the determination and one copy to the Administrator, Office of Financial and Administrative Management, Employment and Training Administration, Washington, DC 20210.

(2) The 21-day filing requirement is jurisdictional; failure to timely request a hearing acts as a waiver of the right to hearing.

(3) The request shall specifically state those issues of the determination upon which review is requested. Those provisions of the determination not specified for review, or the entire determination when no hearing has been requested within the 21 days, shall be considered resolved and not subject to further review. Only alleged violations of the Act, regulations, grant or other agreements under the Act fairly raised in the determination and the request for hearing are subject to review.

(4) The same procedure set forth in paragraphs (c) (1) through (3) of this section applies in the case of a complainant who has not had a dispute adjudicated by the informal review process of § 629.56 of this part within the 60 days, except that the request for hearing before the OALJ must be filed within 15 days of the conclusion of the 60-day period. In addition to including the determination upon which review is requested, the complainant must include a copy of any Stipulation of Facts and a brief summary of proceedings.

(d) *Service and filing.* Copies of all papers required to be served on a party or filed with the OALJ shall be filed simultaneously with the OALJ and served upon the parties of record or their representatives, and shall contain proof of such service.

(e) *Rules of procedure.* The rules of practice and procedure promulgated by the OALJ (29 CFR Part 18) shall govern the conduct of hearings under this section, except that a request for hearing under this section shall not be considered a complaint to which the filing of an answer by DOL or a DOL agency or official is required.

(f) *Prehearing procedures.* In all cases, the OALJ should encourage the use of prehearing procedures to simplify and clarify facts and issues.

(g) *Subpoenas.* Subpoenas necessary to secure the attendance of witnesses and the production of documents or things at hearings shall be obtained from the OALJ and shall be issued pursuant to the authority contained in section 163(b) of the Act, incorporating 15 U.S.C. 49.

(h) *Timely submission of evidence.* The OALJ shall not permit the introduction at the hearing of documentation relating to the allowability of costs if such documentation has not been made available for review either at the time ordered for any prehearing conference, or, in the absence of such an order, at least 3 weeks prior to the hearing date.

(i) *Burden of production.* The Department shall have the burden of production to support the Secretary's decision. To this end, the Secretary shall prepare and file an administrative file in support of the decision. Thereafter, the party or parties seeking to overturn the Secretary's decision shall have the burden of persuasion.

(j) *Relief.* In ordering relief, the OALJ shall have the full authority of the Secretary under section 164 of the Act, except with respect to the provisions of section 164(e) of the Act.

(k) *Timing of decisions.* The OALJ should render a written decision not later than 90 days after the closing of the record.

§ 629.58 Other Authority.

Nothing contained in this subpart shall be deemed to prejudice the separate exercise of other authorities in pursuit of remedies and sanctions available outside the Act.

5. Part 630 is revised to read as follows:

PART 630—PROGRAMS UNDER TITLE II OF THE JOB TRAINING PARTNERSHIP ACT

Sec.

Authority: 29 U.S.C. 1579(a).

§ 630.1 Adult and youth programs under Part A of Title II.

(a) Funding for programs under this section shall be provided in accordance with sections 162, 201, and 202 of the Act. Funds may be used to provide services specified in section 204 of the Act to persons meeting eligibility criteria specified in sections 141(e) and 203 of the Act.

(b)(1) Pursuant to section 203(b) of the Act, not less than 40 percent of funds shall be expended for services to eligible youth. For the purposes of this paragraph (b)(1), the term "eligible youth" includes individuals who are 14 and 15 years of age and enrolled pursuant to Section 205(c)(1) of the Act.

(2) To the extent that the ratio of economically disadvantaged youth to economically disadvantaged adults in the SDA differs from the ratio of such individuals nationally as published by the Secretary, the percentage specified in paragraph (b)(1) of this section shall be reduced or increased by a local adjustment factor. This factor, which may be obtained by dividing the SDA ratio of economically disadvantaged youth to economically disadvantaged adults by the national ratio as published by the Secretary, may be multiplied by 40 percent to derive the youth service level for the SDA. The Governor may provide for an alternative methodology to develop the local adjustment factor depending on the availability of data (section 203(b)(2)).

(c) Funds may be used to conduct exemplary youth programs under section 205 of the Act, as follows:

(1) Except for tryout employment authorized under section 205(d)(3)(B) of the Act, exemplary youth programs may be modified to accommodate local conditions as specified in the job training plan (section 205(a)); and

(2) Tryout employment in private for-profit worksites may be conducted only in accordance with section 205(d) of the Act (section 141(k)).

§ 630.2 Summer youth employment and training programs under Part B of Title II.

(a) The purposes of Title II–B summer programs are to:

(1) Enhance the basic educational skills of eligible youth;

(2) Encourage school completion, or enrollment in supplementary or alternative school programs; and

(3) Provide eligible youth with exposure to the world of work.

(b) Funding for program under this section shall be provided in accordance with sections 162 and 252 of the Act to provide services specified in section 253 of the Act to economically disadvantaged youth meeting eligibility criteria set forth in sections 141(e) and 254 of the Act.

(c) The Governor shall issue instructions and schedules to assure that each SDA describes its planned summer youth employment and training program (SYETP) activities in an SYETP plan. The SYETP plan shall include a description of assessment plans and arrangements, a description of program activities and services to be provided, and written program goals and objectives which shall be used to evaluate the effectiveness of programs, and a description of evaluation criteria and process used to evaluate the effectiveness of programs conducted under this section. The Governor may specify other elements that are to be contained in the SYETP plan. The SYETP plan shall:

(1) Describe how the reading and mathematics skill levels of eligible participants will be assessed;

(2) Include the provision of basic and remedial education (other allowable activities specified at section 253 of the Act may also be provided) and based on the results of the assessment conducted under paragraph (c)(1) of this section describe SDA basic and remedial education programs which enhance the basic education skills of youth; and

(3) Describe the written goals and objectives established by the SDA to evaluate the effectiveness of its SYETP as specified at section 255 of the Act, and the evaluation methods which measure the effectiveness of its summer program.

(d) Pursuant to section 254 of the Act, an SDA may offer SYETP activities and services with funds under this section to participants during a vacation period designated as the equivalent of a summer vacation if the local educational agency operates its schools on a year-round full-time basis.

(e) Not more than 15 percent of the funds available for programs under this section may be used for the costs of administration.

6. Part 631 is revised to read as follows:

PART 631—PROGRAMS UNDER TITLE III OF THE JOB TRAINING PARTNERSHIP ACT

Subpart A—General Provisions

Sec.

Subpart B—Formula Allotted Programs

Sec.

Subpart C—Discretionary Program

Subpart D—Program Design and Management

Authority: 29 U.S.C. 1579(a).

Subpart A—General Provisions

§ 631.1 Scope and purpose.

This part contains the regulations governing programs designed to serve dislocated workers as authorized under Title III of the Act. Programs are operated pursuant to two allotments: At least 75 percent of the funds appropriated for Title III shall be allotted by formula to the Governors; and up to 25 percent of the funds appropriated for Title III may be reserved for distribution to Governors at the Secretary's discretion. Planning, application and other requirements applicable to formula funded programs are set forth in Subpart B of this part. Requirements applicable to discretionary programs are set forth in Subpart C of this part. Program design and management requirements applicable to all programs operated under Title III of the Act are set forth in Subpart D of this part.

Subpart B—Formula Allotted Program

§ 631.11 General.

(a) The Secretary shall allot at least 75 percent of the funds appropriated for Title III among the States pursuant to the formula in section 301(b) of the Act.

(b) The allotment for the Virgin Islands, Guam, the Northern Mariana Islands, American Samoa, and the Republic of Palau/Trust Territory, the Federated States of Micronesia, and the Republic of the Marshall Islands shall be based on the following computation: allotments for these areas, pursuant to section 201(a) of the Act, as a proportion of total allotments pursuant to Section 201 of the Act, applied to total funds available for allotment, pursuant to section 301(b) of the Act.

§ 631.12 State plan.

(a) To receive financial assistance for formula allotted programs under Title III of the Act, the Governor shall include in the Governor's coordination and special services plan, submitted pursuant to section 121 of the Act, a statement of intent to operate programs in compliance with matching provisions of section 304 of the Act.

(b) If the Governor has stated, pursuant to paragraph (a) of this section, an intent to operate formula allotted programs under Title III and subsequently determines not to operate such programs during the period covered by the Governor's coordination and special services plan, the Governor shall notify the Secretary of such a determination in writing on a timely basis.

§ 631.13 Limitations on use of funds.

(a) Subject to paragraph (b) of this section, no more than 15 percent of the funds allotted pursuant to section 301(b) of the Act may be used for administrative costs. In addition, the total of administrative costs and participant support costs may not exceed 30 percent (section 307(a)).

(b) These limitations apply to that amount of Federal funds which is equivalent to no more than 50 percent of the total combined amount of Federal and non-Federal funds allotted to the formula funded State programs (section 307(b)).

§ 631.14 Matching funds.

To qualify for financial assistance under Title III of the Act, the Governor shall provide matching funds pursuant to section 304 of the Act as defined at § 629.40 of this chapter.

Subpart C—Discretionary Program

§ 631.21 General.

Of the funds appropriated for Title III, up to 25 percent may be awarded to Governors submitting applications for such funds based upon selection criteria determined by the Secretary pursuant to the provisions of this subpart.

§ 631.22 Funding for discretionary program.

The Secretary shall make available to Governors funds reserved under section 301(a) of the Act to serve individuals who are affected by mass layoffs, natural disasters, Federal Government actions (such as relocations of Federal facilities), high unemployment areas or designated enterprise zones. These circumstances must be sufficiently severe so that:

(a) The needs cannot be met by other JTPA programs or other State and local programs; and

(b) A substantial number of individuals concentrated in a labor market area or industry is affected.

§ 631.23 Application for funding and selection criteria.

To qualify for consideration for funding under this subpart, Governors shall submit applications to the Secretary pursuant to instructions issued by the Secretary on an annual basis specifying application procedures, selection criteria, and approval process.

Subpart D—Program Design and Management

§ 631.30 Participant eligibility.

(a) The Governor is authorized to establish procedures to identify substantial groups of eligible individuals who:

(1) Have been terminated or laid off or who have received a notice of termination or layoff from employment, are eligible for or have exhausted their entitlement to unemployment compensation, and are unlikely to return to their previous industry or occupation;

(2) Have been terminated, or who have received a notice of termination of employment, as a result of any permanent closure of a plant or facility;

(3) Are long-term unemployed and have limited opportunities for employment or reemployment in the same or a similar occupation in the area in which such individuals reside, including any older individuals who may have substantial barriers to employment by reason of age; or

(4)(i) Were self-employed (including farmers and ranchers) and are unemployed:

(A) Because of natural disasters, subject to the provisions of paragraph (c) of this section; or

(B) As a result of general economic conditions in the community in which they reside.

(ii) For the purposes of paragraph (a)(4)(i) of this section, categories of economic conditions resulting in the dislocation of a self-employed individual may include, but are not limited to:

(A) Failure of one or more businesses to which the self-employed individual supplied a substantial proportion of products or services;

(B) Failure of one or more businesses from which the self-employed individual obtained a substantial proportion of products or services;

(C) Large-scale layoff(s) from, or permanent closure(s) of, one or more plants or facilities that support a significant portion of the State or local economy;

(D) Depressed price(s) or market(s) for the article(s) produced by the self-employed individual; and/or

(E) Generally high levels of unemployment in the local area.

(b) The Governor is authorized to establish procedures to determine the following categories of individuals to be eligible to participate in programs under this part:

(1) Self-employed farmers, ranchers, professionals, independent tradespeople and other businesspersons formerly self-employed but presently unemployed.

(2) Self-employed individuals designated in paragraph (b)(1) of this section who are in the process of going out of business, if the Governor determines that the farm, ranch, or business operations are likely to terminate, as evidenced by one or more of the following events or circumstances:

(i) The issuance of a notice of foreclosure or intent to foreclose;

(ii) The failure of the farm, ranch or business to return a profit during the preceding 12 months;

(iii) The entry of the self-employed individual into bankruptcy proceedings;

(iv) The inability to make payments on loans secured by tangible business assets;

(v) The inability to obtain capital necessary to continue operations;

(vi) A debt-to-asset ratio sufficiently high to be indicative of the likely insolvency of the farm, ranch or business; and/or

(vii) Other events indicative of the likely insolvency of the farm, ranch or business.

(3) Family members of individuals identified above under paragraphs (b)(1) and (2) of this section, to the extent that their contribution to the farm, ranch, or business meets minimum requirements as established by the Governor.

(c) The Governor is authorized to establish procedures to identify individuals permanently dislocated from their occupations or fields of work, including self-employment, because of natural disasters. For the purposes of this paragraph (c), categories of natural disasters include, but are not limited to, any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snow storm, drought, fire, explosion, or other catastrophe.

§ 631.31 Allowable activities, coordination and consultation, planning and review.

(a) Allowable activities are specified in section 303 of the Act. They shall be coordinated with other programs in accordance with section 308 of the Act. Affected labor organizations shall be consulted pursuant to section 306 of the Act.

(b) Governors shall involve appropriate PICs and local elected officials in planning and providing opportunities for review in accordance with sections 302 and 305 of the Act.

§ 631.32 Reallotment of funds based on non-utilization.

(a) The Secretary may reallot any amount of any allotment under this part to the extent that it is determined that the Governor will not be able to obligate such amount within one year of allotment (Section 301(d)).

(b) When the Secretary determines that a reallotment from a Governor is appropriate, the Governor and the general public shall be given a notice of the proposed action to remove funds. Such notice shall include specific reasons for the actions being taken and shall invite the Governor and the general public to submit comments on the proposed reallotment of funds. These comments shall be submitted to the Secretary within 30 days from the date of the notice. After considering any comments received, the Secretary shall notify the Governor of any decision to reallot funds.

(c) The procedures set out in this section are in lieu of any other procedures which might otherwise be applicable under the Grievances, Investigations and Hearings provisions in Part 629, Subpart D, of this chapter.

(d) The Secretary may reallot funds using:

(1) The formula allocation described at Subpart B of this part; or

(2) Procedures established in Subpart C of this part.

§ 631.33 Reporting requirements.

The reporting requirements in § 629.36 of this chapter apply to programs operated under this part, except that the Secretary may establish special requirements for discretionary programs operated under Subpart C of this part as part of the annual announcement of fund availability and selection criteria.

§ 631.34 Role of Title III training in determining unemployment benefit eligibility.

Whenever training opportunities pursuant to section 302(c) of the Act are identified, information concerning the opportunities shall be made available to the individuals. Pursuant to section 302(d) of the Act, the acceptance of training assisted under JTPA Title III shall be deemed to be acceptance of training with the approval of the State within the meaning of any other provision of Federal law relating to unemployment benefits.

Signed at Washington, DC, this 3rd day of February, 1988.

Ann McLaughlin,

Secretary of Labor.

[FR Doc. 88-2789 Filed 2-11-88; 8:45am]

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federal register

Friday
February 12, 1988

Part III

Environmental Protection Agency

Federal Agency Hazardous Waste Compliance Docket; Initial List; Notice

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3327-4]

Federal Agency Hazardous Waste Compliance Docket

AGENCY: Environmental Protection Agency.

ACTION: EPA initial list of Federal facilities under CERCLA section 120(c).

SUMMARY: Section 120(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), requires the Environmental Protection Agency (EPA) to establish a Federal Agency Hazardous Waste Compliance Docket that contains certain information regarding Federal facilities which manage hazardous waste or have potential hazardous waste problems. The following list identifies the Federal facilities to be included in the initial docket. This list of facilities will be updated every six months as new facilities are reported to EPA by Federal agencies. For each Federal facility that appears on the docket, the responsible Federal agency must complete a Preliminary Assessment to determine if response actions are necessary.

DATE: This list is current as of January 12, 1988.

FOR FURTHER INFORMATION CONTACT: RCRA/Superfund Hotline Telephone: (800)424-9346 toll-free, or 382-3000 Washington, DC and FTS.

SUPPLEMENTARY INFORMATION:

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I. Introduction

The Federal Agency Hazardous Waste Compliance Docket ("docket") is required to be established under section 120(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. 9620(c), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA). The docket will contain information on Federal facilities that is submitted by Federal agencies to the U.S. Environmental Protection Agency ("EPA" or "the Agency") under sections 3005, 3010, and 3016 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6925, 6930, and 6937, and under section 103 of CERCLA. The initial list of Federal facilities to be included in the docket is being published today. This list will be updated every six months, beginning with the publication of this notice, to include new facilities on the docket that are subsequently reported to EPA by Federal agencies. The information submitted to EPA on each Federal facility, as required by the above provisions, will be contained in docket repositories located in the EPA Regional office where the facility is found. A complete national index of the information found in the Regional docket repositories will be maintained at EPA Headquarters in Washington, DC, and made available to the public. Although the Regional docket repositories are not yet in place, the Agency plans to have the Region I repository open to the public by January 1988, Region II by February 1988, and the remaining Regional repositories opened in a phased manner thereafter, with all ten repositories due to be open to the public by late spring. Additional information on how to access information found in the docket repositories will be published later. Until that time, interested parties should contact the RCRA/Superfund Hotline for information on how to arrange for review and copying of specific documents.

II. Purpose of the Docket

The purpose of the docket is three-fold: (1) To identify the universe of Federal facilities that must be evaluated to determine if they pose risk to public health and the environment; (2) to compile and maintain the information submitted to EPA on these facilities under the provisions listed in section 120(c) of CERCLA; and (3) to provide a mechanism to make this information available to the public.

It is important to clarify that the docket represents those Federal facilities that may be contaminated with hazardous substances. For instance, some facilities may have been reported under RCRA section 3010 simply because they manage or have managed hazardous waste, and not necessarily because contamination has occurred. Federal agencies have been delegated the authority under Executive Order 12580 to conduct a Preliminary Assessment (PA) for each of their facilities on the docket within 18 months of the date of enactment of SARA (i.e., April 17, 1988) as set forth in CERCLA section 120(d). The Agency has alerted Federal agencies of this requirement. EPA must ensure that the PAs are completed. This initial assessment will help determine if a release has occurred or if a significant threat of a release is present, and whether or not the facility should be evaluated for inclusion on the CERCLA National Priorities List (NPL). Thus, the docket list is not intended to serve as an NPL for Federal facilities. It will, however, identify those Federal facilities that must be assessed. If the PA indicates that additional evaluation of the facility is necessary, the responsible Federal agency must provide to EPA, by April 1988, all the information necessary for EPA to perform a full Hazard Ranking System (HRS) evaluation of the facility. EPA will then propose the facility for inclusion on the NPL if it meets the established criteria.

III. Definition of Facility for Docket Purposes

EPA has defined a "Federal facility," for the purpose of docket listing, based primarily on the RCRA definition of facility (see 47 FR 32288-9 (1982) and 50 FR 28712 (1985)). This property-based definition encompasses all contiguous land that is owned by a department, agency, or instrumentality of the United States. The definition includes all individual sites or units on the owner's property, including Government-owned, contractor-operated sites. EPA believes that the PA should be completed for the entire Federal facility as defined, not just for the portions or units that may have been reported. The PA should also address contamination which may be emanating from the facility onto adjacent property, consistent with CERCLA section 120(b).

EPA's use of the property-based definition is an attempt to reconcile the definition of "facility" in RCRA with the definition under CERCLA. This was necessary because information from both programs will be contained in the docket. The use of this definition also stems from the designations that are employed by the Federal agencies themselves when carrying out their programs. Most Federal agencies have specific landholdings under their jurisdiction that are confined within property boundaries, such as national parks and Department of Defense installations. Defining a Federal facility in these terms will also aid its identification by the public.

The Bureau of Land Management (BLM) appears to be the only Federal agency whose property does not conform well to EPA's facility definition. BLM owns extensive and scattered lands, particularly in the western United States, which are difficult to divide into small units of property that can be

termed "facilities" as defined above. Therefore, EPA has decided to list the individual sites owned by BLM (including sites leased to private parties) that are potentially contaminated. EPA also believes that the public can more readily identify BLM's property in the docket if individual sites are listed.

IV. Process for Establishing the Docket

In compiling the list which is being published today, EPA extracted the names and addresses of facilities from three EPA data bases which contain Federal facility information submitted under the four provisions listed in section 120(c). All Federal agencies were given the opportunity to comment on the draft list to ensure its accuracy. EPA has begun compiling the information submitted for each listed facility for inclusion in the appropriate EPA Regional docket repository. Confidential business information, as defined in 40 CFR Part 2, Subpart B (1986), will not be available for public inspection.

The following is a brief description of the four provisions that require Federal agencies to report information to EPA:

1. RCRA section 3005 establishes a permitting system for hazardous waste treatment, storage, and disposal (TSD) facilities based on EPA standards to protect human health and the environment. Information submitted under RCRA section 3005 consists of the TSD facility permit application materials.

2. RCRA section 3010 requires waste generators, transporters, and TSD facility owner/operators to notify EPA of their hazardous waste activities.

3. RCRA section 3016 requires Federal agencies to submit to EPA an inventory of hazardous waste sites that the Federal agencies own or operate, or have owned or operated in the past.

4. CERCLA section 103(a) requires the owner or operator of a vessel or facility to notify the National Response Center (NRC) of a release of reportable quantities of hazardous substances. The NRC conveys this information to all appropriate government agencies, including EPA. In addition, CERCLA section 103(c) required an initial reporting by June 9, 1981 of known or suspected hazardous waste sites.

V. Facilities Not Included

EPA has decided not to include in the docket at this time the following three categories of facilities:

1. Facilities formerly owned by a Federal agency and now privately owned. However, facilities that are now owned by another Federal agency will remain on the docket with the responsibility resting with the current owner.

2. Small Quantity Generators (SQG's) reported under RCRA section 3010 that have never produced more than 1000 kg/month of hazardous waste.

3. Facilities that are solely transporters as reported under RCRA section 3010.

The Agency will be collecting additional information in the coming months on whether or not to include one or more of these categories in future updates to the docket, and may solicit public comment on the issues at a later date.

VI. Information Contained on Docket Listing

The list below is organized by State and then grouped alphabetically within each State by the Federal agency responsible for the facility. This information is then followed by the facility name and address (as verified by the Federal agency), the statutory provision(s) under which the facility was reported to EPA (indicated by an "x" in the appropriate column(s)), and the EPA Region where the facility is located.

J.W. McGraw,

Acting Assistant Administrator, Office of Solid Waste and Emergency Response.

Date: February 8, 1988.

FEDERAL FACILITIES DOCKET

AGENCY	FACILITY NAME	FACILITY ADDRESS	CITY	STATE	ZIP CODE	RCRA 3005	RCRA 3010	RCRA 3016	CERCLA 103	EPA REGION
AIR FORCE	CAPE NEWENHAM AFS	11 TCG/CC BAY	ELMENDORF AFB	AK	99506				X	10
AIR FORCE	CAPE ROMANZOF AFS	11 TCG/CC	ELMENDORF	AK	99506				X	10
AIR FORCE	EIELSON AFB	5010 CSG/DE	EIELSON AFB	AK	99702				X	10
AIR FORCE	ELMENDORF AFB	215 CSG/DEEV	ANCHORAGE	AK	99506		X			10
AIR FORCE	GALENA AIR FORCE STATION.	5072 CSS/CC	GALENA AFS	AK	99741		X		X	10
AIR FORCE	INDIAN MOUNTAIN AFS	11 TCG/CC	ELEMENDORF AFB	AK	99506		X		X	10
AIR FORCE	MURPHY DOME AFS	11 TCG/CC	ELMENDORF AFB	AK	99506		X			10
AIR FORCE	SHEMYA AFB	5073RD ABG/CC	SHEMYA AFB	AK	98736				X	10
AIR FORCE	SPARRENVOHN AFS	11 TCG/CC	ELMENDORF AFB	AK	99506		X		X	10
AIR FORCE	TATALINA AFS	11 TCG/CC	ELMENDORF AFB	AK	99506				X	10
AIR FORCE	TIN CITY AFS	11 TCG/CC	ELMENDORF AFB	AK	99506				X	10
AIR FORCE	USAF CAPE LISBOURNE AFS.	40 MILES NE OF POINT HOPE.	CAPE LISBOURNE	AK	99766		X			10
ARMY	US ARMY NATIONAL GUARD 1ST BN SCT HQ.	433 FRONT ST	NOME	AK	99762		X		X	10
ARMY	US ARMY GERSTLE RIVER TEST SITE.	T13S R14E SEC 9, 15, 16	FORT GREELY	AK	98733				X	10
ARMY	US ARMY NATIONAL GUARD 2ND BN SCT HQ.	THE ARMORY 370 4TH AVE.	BETHEL	AK	99559		X			10
ARMY	US ARMY NATIONAL GUARD 4TH SCT BN HQ.	THE ARMORY	JUNEAU	AK	99801		X			10
ARMY	US ARMY NATIONAL GUARD 5TH SCT BN HQ.	4902 JEWEL LAKE RD	ANCHORAGE	AK	99502		X			10
ARMY	US ARMY NATIONAL GUARD ALASKA CSMS.	5300 E TUDOR RD	ANCHORAGE	AK	99507		X			10
ARMY	US ARMY NATIONAL GUARD ALAKSA USPFO.	ARMY GUARD RD & DAVIS HWY.	FORT RICHARDSON	AK	99505		X			10
ARMY	US ARMY WHITTIER OIL STORAGE TANK.	3/4 MI N OF TOWN	WHITTIER	AK	99693				X	10
CORPS OF ENGINEERS, CIVIL	US ARMY—COE PORT MOLLER.	55 59'22" N 160 34' 29.374" W.	PORT MOLLER	AK	99999		X			10
CORPS OF ENGINEERS, CIVIL	US—COE AMCHITKA ISLAND.	51-32 N 179-00 E	AMCHITKA ISLAND	AK	99502		X			10
CORPS OF ENGINEERS, CIVIL	US ARMY—COE LONG ISLAND.	LONG ISLAND (FT. TIDBALL).	LONG ISLAND	AK	99506		X			10
CORPS OF ENGINEERS, CIVIL	US ARMY—COE PORT HEIDEN.	56 57'53"N158 36'36"W	PORT HEIDEN	AK	99549		X			10
INTERIOR	BLM—FORT YUKON WHITE ALICE SITE	E. OF TOWN	FORT YUKON	AK	99740			X	X	10

FEDERAL FACILITIES DOCKET—Continued

AGENCY	FACILITY NAME	FACILITY ADDRESS	CITY	STATE	ZIP CODE	RCRA 3005	RCRA 3010	RCRA 3016	CERCLA 103	EPA REGION
INTERIOR	BLM—ICY CAPE DEW LINE SITE.	WAINWRIGHT, 50 MI NE	WAINWRIGHT	AK	99782				X	10
INTERIOR	BLM—KOGRU RIVER DEW LINE SITE.	WEST SIDE OF HARRISON BAY	BARROW & PRUDHOE BAY	AK	99723				X	10
INTERIOR	BLM—LORAN STATION ON SITKINAK.	SITKINAK ISLAND	SITKINAK ISLAND	AK	99615				X	10
INTERIOR	BLM—PEARD BAY DEW-LINE SITE.	BARROW, 50 MI SW	BARROW	AK	99723				X	10
INTERIOR	BLM—PUMP STATION 12 DUMP SITE.	T.4.S.,R.1.E.,SEC 26		AK					X	10
INTERIOR	BLM—RED DEVIL MINE WASTE PONDS.	L61-10-12 L149-56-48		AK					X	10
INTERIOR	BLM—SAGWON AIRSTRIP	T5R4ESEC10-11	SAGWON	AK				X	X	10
INTERIOR	BLM-SLANA DUMP SITE	MILE 67 OF DENALI HWY		AK					X	10
INTERIOR	BLM—TANACROSS AIR-FIELD.	TANACROSS AIRFIELD	TANACROSS	AK	99776				X	10
INTERIOR	BLM—TANGLE LAKES DUMP SITE.	MILE 22 DENALI HWY		AK					X	10
INTERIOR	FWS—KENAI NATIONAL WILDLIFE REFUGE.	SKI HILL ROAD	SOLDOTNA	AK	99669				X	10
INTERIOR	NPS MALASPINA DRILLING MUD SITE.	WRANGELL-ST ELIAS NATIONAL PARK.	GLENNALLEN	AK	99588				X	10
INTERIOR	USDOI—FWS BROWNLOW POINT DEWLINE SITE.	BARROW, 265 MI SE	BARROW	AK	99723				X	10
INTERIOR	USDOI—FWS DEMARCATION POINT DEWLINE SITE.	BARROW, 380 MI SE	BARROW	AK	99723				X	10
INTERIOR	USDOI—NPS NAGLATUK HILL.	CAPE KRUSENSTERN NAT MONUMENT	KOTZEBUE	AK	99752				X	10
NAVY	US NAVY—NAVAL ARCTIC RESEARCH LAB.	MAIN ST, 4 MI N OF CY	BARROW	AK	99723				X	10
NAVY	US NAVY ADAK NAVAL STATION.	51-54N, 176-45W	ADAK ISLAND	AK	99599				X	10
TRANSPORTATION	FAA—LAKE MINCHUMINA ARPT	RAMP AT LK MINCHUMINA ARPT.	LAKE MINCHUMINA	AK	99757				X	10
TRANSPORTATION	US COAST GUARD CUTTER SEDGE (WLB-402).	HOMER SPIT	HOMER	AK	99603		X			10
TRANSPORTATION	US COAST GUARD CUTTER SWEETBRIAR WLB-405.	COAST GUARD DOCK	CORDOVA	AK	99574				X	10
TRANSPORTATION	US COAST GUARD CUTTER WOODRUSH WLB-407	GOVERNMENT PIER	SITKA	AK	99835		X			10
TRANSPORTATION	USDOT—CG KETCHICAN BASE.	S TONGASS HWY—S CY LIMITS.	KETCHIKAN	AK	99901		X			10
TRANSPORTATION	USDOT—CG KODIAK SUPPORT CTR.	WOMANS BAY KODIAK ISL	KODIAK	AK	99619				X	10
TRANSPORTATION	USDOT—FAA FIRE IS AIR WARNING STATION.	COOK INLET SECTION 7 & 8 RNGE.	ANCHORAGE	AK	99506				X	10
TRANSPORTATION	USDOT—FAA NORTHWAY STAGING FIELD.	NORTHWAY VILLAGE	NORTHWAY VILLAGE	AK	99764				X	10
TRANSPORTATION	USDOT—FAA UMIAT AIR-STRIP STAGING AREA.	N BANK COLVILLE RIVER	UMIAT	AK	99723				X	10
ARMY	ALABAMA ARMY AMMUNITION PLANT.	PO BOX 368	CHILDERSBURG	AL	35044	X	X	X	X	4
ARMY	ANNISTON ARMY DEPOT	SDSAN-DS-FE	ANNISTON	AL	36201	X	X	X	X	4
ARMY	FORT MCCLELLAN CHEMICAL & MP CTRS.	OFF AL HWY 202	FORT MCCLELLAN	AL	36205	X	X	X	X	4
ARMY	FORT RUCKER	BLDG 1404	FORT RUCKER	AL	36362	X	X	X	X	4
ARMY	US ARMY PHOSPHATE DEVELOPMENT WORKS.	NATL FERTILIZER DEV CENTER.	MUSCLE SHOALS	AL	35660				X	4
NASA	MARSHALL SPACE FLIGHT CENTER.	AB 44	MARSHALL SPACE FLIGHT CTR.	AL	35812	X	X	X	X	4
TENNESSEE VALLEY AUTHORITY	TVA BELLEFONTE NUCLEAR PLT.	OFF US HWY 72	HOLLYWOOD	AL	36401				X	4
TENNESSEE VALLEY AUTHORITY	TVA BROWNS FERRY NUCLEAR PLANT.	US HWY 72	ATHENS	AL	35611		X			4
TENNESSEE VALLEY AUTHORITY	TVA GUNTERSVILLE HYDRO PLANT	OFF US HWT 431,11 MI NW OF.	GUNTERSVILLE	AL	35976		X			4
TENNESSEE VALLEY AUTHORITY	TVA MUSCLE SHOALS POWER STORES.	AL HWY 133	MUSCLE SHOALS	AL	35660		X		X	4
TENNESSEE VALLEY AUTHORITY	TVA NATIONAL FERTILIZER DEV CTR.	WILSON DAM ROAD	MUSCLE SHOALS	AL	35660		X	X	X	4
TENNESSEE VALLEY AUTHORITY	TVA WIDOWS CREEK STEAM PLANT	OFF US HWY 72 W	STEVENSON	AL	35772		X		X	4
TENNESSEE VALLEY AUTHORITY	TVA WILSON HYDRO PLANT.	AL HWY 133	FLORENCE	AL	35660				X	4
NAVY	NAVAL MAGAZINE GUAM	APRA HBR HTS AREA BY FENA RESV.	APRA HARBOR	AQ	96910				X	9
ARMY	MILLWOOD RESERVOIR	ROUTE 1	ASHDOWN	AR	71822				X	6
ARMY	PINE BLUFF ARSENAL	HIGHWAY 65	PINE BLUFF	AR	71602	X	X	X	X	6
ARMY	US ARMY FORT CHAFFEE		FORT CHAFFEE	AR	72905	X	X	X	X	6
EPA	COMBUSTION RESEARCH FACILITY	NCTR BLDG. 45	JEFFERSON	AR	72079	X	X	X		6
AIR FORCE	AIR FORCE PLANT 44	EMERY PORT STATION	TUCSON	AZ	85734			X		9
AIR FORCE	DAVIS-MONTHAN AFB	836 CSG/CC	TUCSON	AZ	85707	X	X	X	X	9
AIR FORCE	LUKE AIR FORCE BASE	832 CSG/DE	LUKE AIR FORCE BASE	AZ	85309	X	X		X	9
AIR FORCE	WILLIAMS AIR FORCE BASE.	82ABG/DE	WILLIAMS AIR FORCE BASE.	AZ	85240	X	X	X	X	9

FEDERAL FACILITIES DOCKET—Continued

AGENCY	FACILITY NAME	FACILITY ADDRESS	CITY	STATE	ZIP CODE	RCRA 3005	RCRA 3010	RCRA 3016	CERCLA 103	EPA REGION
ARMY	161ST AREFG AIR NATIONAL GUARD.	2001 S 32ND STREET	PHOENIX	AZ	85034		X			9
ARMY	FT HUACHUCA, US ARMY		FORT HUACHUCA	AZ	85613		X		X	9
ARMY	NAVAJO ARMY DEOT	I-40	FLAGSTAFF	AZ	86001	X	X		X	9
ARMY	YUMA PROVING GROUND, US ARMY	US ARMY YUMA PROVING GROUND.	YUMA	AZ	85364	X	X		X	9
INTERIOR	ARIZONA PROJECTS OFFICE.	7TH St	PHOENIX	AZ	85068			X		9
INTERIOR	BLM-ASARCO INC., SILVER BELL MINE & MILL.	T12SR8ESEC2		AZ	85658				X	9
INTERIOR	BLM—CONGRESS CON. GOLD MINE.	T10NR6WSEC22,23		AZ	85332				X	9
INTERIOR	BLM—CYPRUS BAGDAD COPPER CO.	T14NR9WSEC8,9		AZ	86321				X	9
INTERIOR	BLM—DATELAND LANDFILL.	T7SR13WSEC3		AZ	85333				X	9
INTERIOR	BLM—DOME LANDFILL	T8SR20WSEC13		AZ	85369				X	9
INTERIOR	BLM—DUVAL CORP., MINERAL PARK PROP	T23NR17WS18-20,30,31		AZ	86431				X	9
INTERIOR	BLM—DUVAL CORP., SIERRITA/ESP.	T18SR12ESEC1-22		AZ	85640				X	9
INTERIOR	BLM—GOLDEN VALLEY LANDFILL.	T21NR17WSEC17		AZ	86401				X	9
INTERIOR	BLM—INSPIRATION CON. CHRISTMAS.	T4SR16ESEC17-29		AZ	85235				X	9
INTERIOR	BLM—INSPIRATION CON. COPPER—OXHIDE AREA.	T1NR15ES2,5,13,15,18		AZ	85501				X	9
INTERIOR	BLM—INSPIRATION CON. CPPER—INSPIR ARE.	T1NR14ES2,7,9		AZ	85532				X	9
INTERIOR	BLM—KENCOTT MINERALS CO MINES PLT.	T2SR13ESEC36		AZ	85273				X	9
INTERIOR	BLM—LAKE HAVASU SAN. DISTRICT.	T14NR20WSEC13,14		AZ	86403				X	9
INTERIOR	BLM—RANCHERS EXPLO & DEV CORP., BLUEBIRD.	T1NR14ESEC35, 36		AZ	85501				X	9
INTERIOR	BLM—ROLL LANDFILL	T7SR17WSEC34	AZ		85343			X		9
INTERIOR	BLM—ZONIA COPPER MINE.	T11NR4WSEC12,13,14		AZ	86332				X	9
INTERIOR	YUMA DESALTING PLT	7301 CALLE AGUA SALADO.	YUMA	AZ	85364		X			9
INTERIOR	YUMA PROJECTS OFFICE USDI.	3800 AVENUE SE	YUMA	AZ	85365		X			9
NAVY	MARINE CORPS AIR STATION, YUMA.	AVE 3-E	YUMA	AZ	85364	X	X	X		9
AGRICULTURE	USDA SHAFTER	17053 SHAFTER AVENUE	SHAFTER	CA	93263		X			9
AIR FORCE	AIR FORCE PLANT 19	4297 PACIFIC COAST HWY	SAN DIEGO	CA	92101				X	9
AIR FORCE	AIR FORCE PLANT 42	20TH STREET & E AVES D & M.	PALMDALE	CA	93550	X	X		X	9
AIR FORCE	BEALE AIR FORCE BASE	9 CSG/CC	BEALE AFB	CA	95903	X	X	X	X	9
AIR FORCE	CASTLE AFB	93 CSG/CC	CASTLE AFB	CA	95342	X	X	X	X	9
AIR FORCE	EDWARDS AIR FORCE BASE.	AFFTC EDWARDS AFB	EDWARDS	CA	93523	X	X	X	X	9
AIR FORCE	GEORGE AIR FORCE BASE	331 CSG/DE	VICTORVILLE	CA	92392	X	X	X	X	9
AIR FORCE	MARCH AFB	22CSG/CC	MARCH AFB	CA	92518	X	X		X	9
AIR FORCE	MATHER AIR FORCE BASE	MATHER AFB	SACRAMENTO	CA	95655	X	X	X	X	9
AIR FORCE	MCCLELLAN AFB	SM-ALC/EM	MCCLELLAN AFB	CA	95652	X	X	X	X	9
AIR FORCE	MOFFETT FIELD ANG	129 ARRG/CC	SUNNYVALE	CA	94031		X			9
AIR FORCE	NORTON AIR FORCE BASE	63ABG/DE	NORTON AFB	CA	92409	X	X		X	9
AIR FORCE	POINT ARENA AIR FORCE STATION.	26 ADS/DE	PT ARENA AFS	CA	95468				X	9
AIR FORCE	SUNNYVALE AIR FORCE STATION.	6594 ABS/CC	SUNNYVALE	CA	94088		X		X	9
AIR FORCE	TRAVIS AIR FORCE BASE	60 ABG/CC	TRAVIS AFB	CA	94535	X	X	X	X	9
AIR FORCE	VANDENBERG AFB	1 STRAD/ET	LOMPOC	CA	93436	X	X	X	X	9
ARMY	DEFENSE DEPOT TRACY	CHRISMAN ROAD	TRACY	CA	95376-5000	X	X	X	X	9
ARMY	FORT HUNTER LIGGETT	FORT HUNTER LIGGETT	JOLON	CA	93928	X	X		X	9
ARMY	FORT ORD	FORT ORD	FORT ORD	CA	93941	X	X		X	9
ARMY	FT IRWIN NAT TRAINING CENTER.	DEH BLDG. 365	FT IRWIN	CA	92311	X	X	X	X	9
ARMY	HAMILTON AFB	HAMILTON AIR FORCE BASE.	NOVATO	CA	94947				X	9
ARMY	LAWRENCE LIVERMORE NATL LAB—CAMP PARKS.	CAMP PARKS	PLEASANTON	CA	94566		X			9
ARMY	NI IND INC RIVERBANK PLT.	5300 CLAUS RD	RIVERBANK	CA	95367	X	X			9
ARMY	OAKLAND ARMY BASE	BLDG-1 ALASKA ST	OAKLAND	CA	94626		X		X	9
ARMY	PRESIDIO OF MONTEREY CA.	PRESIDIO OF MONTEREY CA.	PACIFIC GROVE	CA	93941				X	9
ARMY	RIVERBANK ARMY AMMUNITION DEPOT	5300 CLAUS RD	RIVERBANK	CA	95367-0676				X	9
ARMY	SACRAMENTO ARMY DEPOT	8350 FRUITRIDGE RD	SACRAMENTO	CA	95813	X	X		X	9
ARMY	SHARPE ARMY DEPOT	ROTH RD	LATHROP	CA	95331	X	X	X	X	9
ARMY	SIERRA ARMY DEPOT	COUNTY ROUTE A26	HERLONG	CA	96113	X	X	X	X	9
DEFENSE	DEFENSE FUEL SUPPLY CENTER, NORWALK	15306 NORWALK BLVD	NORWALK	CA	90650		X	X	X	9
DEFENSE	DEFENSE FUEL SUPPLY CENTER OZOL.	CARQUINEZ SCENIC DRIVE	MARTINEZ	CA	94553		X	X		9
DEFENSE	DEFENSE FUEL SUPPLY CENTER, SAN PEDRO.	3171 N. GAFFEY STREET	SAN PEDRO	CA	90731		X	X	X	9

FEDERAL FACILITIES DOCKET—Continued

AGENCY	FACILITY NAME	FACILITY ADDRESS	CITY	STATE	ZIP CODE	RCRA 3005	RCRA 3010	RCRA 3016	CERCLA 103	EPA REGION
ENERGY	ENERGY TECHNOLOGY ENGINEERING CENTER.	WOOLSEY CANYON	VENTURA COUNTY	CA	93063	X				9
ENERGY	LAWRENCE BERKELEY LAB.	1 CYCLOTRON RD	BERKELEY	CA	94720	X	X	X		9
ENERGY	LAWRENCE LIVERMORE LAB—SITE 300.	CORRAL HOLLOW RD	SAN JOAQUIN/ALAMEDA COUNTIES.	CA	94550	X	X		X	9
ENERGY	LAWRENCE LIVERMORE NATL LAB.	7000 EAST AVE	LIVERMORE	CA	94550	X	X	X	X	9
ENERGY	STANFORD LINEAR ACCELERATOR CTR.	2575 SANDHILL RD	MENLO PARK	CA	94305		X	X	X	9
ENERGY	US DOE SANDIA NATL LAB.	7261 EAST AVENUE	LIVERMORE	CA	94550	X	X	X	X	9
GENERAL SERVICES ADMIN	GENERAL SERVICES ADMINISTRATION.	ROUGH & READY ISLAND BLDG 414.	STOCKTON	CA	95203		X			9
GENERAL SERVICES ADMIN	GSA FEDERAL BUILDING	450 GOLDEN GATE AVENUE.	SAN FRANCISCO	CA	94102		X			9
GENERAL SERVICES ADMIN	US BORDER PATROL STATION.	225 KENNEY	EL CAJON	CA	92020		X			9
HOUSING AND URBAN DEVELOPMENT	OAKLAND CITY OF HOUSING AUTHORITY.	1180 25TH AVE	OAKLAND	CA	94601		X			9
INTERIOR	BLM CA DESERT DISTRICT	T10NR2WSEC7	BARSTOW	CA	92311				X	9
INTERIOR	BLM HORSE CORRALS	T29NR15ESEC9 .6 MI NW OF SUSANVILLE.	SUSANVILLE	CA	96130				X	9
INTERIOR	BLM—AFTERTHOUGHT MINE.	T35N, R2W, SEC.10&11	BELLAVISTA	CA	96008				X	9
INTERIOR	BLM—ATLAS ASBESTOS CO.	T18SR13ESEC.30,31,32	COALINGA	CA	93210			X	X	9
INTERIOR	BLM-EL CAPITAN QUARRY	T15SR1ESEC1	LAKESIDE	CA	92040			X	X	9
INTERIOR	BLM—FT SODA DISPOSAL SITE.	T12NR8ESEC11	BAKERSFIELD	CA	92390				X	9
INTERIOR	BLM—MOLYCORP INC	T15NR15ESEC3	MOUNTAIN PASS	CA	92366				X	9
INTERIOR	BLM—NEEDLES LANDFILL	T89R25ESEC18	NEEDLES	CA	92363				X	9
INTERIOR	BLM—SHELL OIL CO. OF CALIFORNIA GORE B.	T31SR22ESEC21	TAFT	CA			X	X	X	9
INTERIOR	BLM—UNION CARBIDE, JOE MINE.	T18SR12ESEC24&25	COALINGA	CA	93210				X	9
INTERIOR	BLM—VALLECITOS OILFIELD.	T16S R11E SEC 25	HOLLISTER	CA	95023				X	9
INTERIOR	BLM—WASHINGTON MINE	T33NR7WSEC17	FRENCH GULCH	CA	96033				X	9
INTERIOR	NATIONAL PARK SERVICE, YOSEMITE.	YOSEMITE NATL PARK	YOSEMITE	CA	95389		X			9
INTERIOR	PARKER DAM		PARKER	CA	92267		X			9
INTERIOR	PINNACLES NATIONAL MONUMENT.	PINNACLES NATIONAL MONUMENT	PAICINES	CA	95023		X			9
INTERIOR	US BUREAU OF RECLAMATION.	5520 KNOXVILLE RD	NAPA	CA	94558		X			9
NASA	H.L. DRYDEN FLIGHT RESEARCH FACILITY.	PO BOX 273	EDWARDS	CA	93523-5000	X	X			9
NASA	JET PROPULSION LAB	4800 OAK GROVE DR	PASADENA	CA	91109		X	X		9
NASA	NASA AMES RESEARCH CTR.	ENVIRONMENTAL HEALTH & SAFETY.	MOFFETT FIELD	CA	94035		X			9
NASA	NASA JPL GOLDSTONE TACKING FACIL.	36 MI N OF BARSTOW & FT. IRWIN.	BARSTOW	CA	92311		X			9
NASA	ROCKWELL INTL—ROCKETDYNE DIV (NASA).	WOOLSEY CANYON RD	SIMI HILLS	CA	93063	X	X	X		9
NAVY	CIVIL ENGINEERING LABORATORY.	NCBC	PORT HUENEME	CA	93043		X			9
NAVY	DEPT OF DEFENSE HOUSING FACILITY.	BRANCH HSG OFFICE BLDG. 1000.	NOVATO	CA	94939		X			9
NAVY	FLEET ANTI-SUBMARINE WARFARE TRAINING CTR.	HARBOR DRIVE	SAN DIEGO	CA	92147				X	9
NAVY	MARINE CORPS BASE, CAMP PENDLETON.	BLDG 2631	CAMP PENDLETON	CA	92055	X	X	X	X	9
NAVY	MARINE CORPS AIR STATION, EL TORO.	EEPB FAC MGMT DEPT	SANTA ANA	CA	92709		X	X	X	9
NAVY	MARINE CORPS AIR STATION, TUSTIN.	MCAS TUSTIN	TUSTIN	CA	92719			X		9
NAVY	MARINE CORPS AIR STATION, TUSTUN.	USMC AIR STATION	TUSTIN	CA	92710-5001	X			X	9
NAVY	MARINE CORPS AIR-GROUND COMBAT CTR.	END OF ADOBE ROAD	TWENTYNINE PALMS	CA	92278		X	X	X	9
NAVY	MARINE CORPS LOGISTICS BASE, BARSTOW.	BARSTOW	BARSTOW	CA	92311	X	X	X	X	9
NAVY	MARINE CORPS MOUNTAIN WARFARE TRAINING CENTER.	PICKLE MEADOWS	BRIDGEPORT	CA	92517		X		X	9
NAVY	MARINE CORPS RECRUIT DEPOT, SAN DIEGO.	BARNETT AVE & PACIFIC HWY.	SAN DIEGO	CA	92140		X		X	9
NAVY	NAV WEAPONS STATION, SEAL BEACH-FALLBROOK.	600 FALLBAROOK W/AMMUNITION RD.	FALLBROOK	CA	92028		X			9
NAVY	NAVAL AIR FACILITY, EL CENTRO.	ROUTE 80	EL CENTRO	CA	92234	X	X			9
NAVY	NAVAL AIR LOGISTICS FORCE, CROWS LAND.	NALF CROWS LANDING	CROWS LANDING	CA	95313		X			9
NAVY	NAVAL AIR STATION, ALAMEDA.	W END CITY OF ALAMEDA	ALAMEDA	CA	93550	X	X	X	X	9
NAVY	NAVAL AIR STATION, LEMOOR.	NAVAL AIR STATION	LEMOOR	CA	93245		X		X	9
NAVY	NAVAL AIR STATION, MIRAMAR.	MIRAMAR NAVAL AIR STATION.	SAN DIEGO	CA	92145		X		X	9

FEDERAL FACILITIES DOCKET—Continued

AGENCY	FACILITY NAME	FACILITY ADDRESS	CITY	STATE	ZIP CODE	RCRA 3005	RCRA 3010	RCRA 3016	CERCLA 103	EPA REGION
NAVY	NAVAL AIR STATION, MOFFETT FIELD.		MOFFETT FIELD	CA	94035	X	X		X	9
NAVY	NAVAL AIR STATION, NORTH ISLAND.	P.O. BOX 14	SAN DIEGO	CA	92136-5118	X	X	X	X	9
NAVY	NAVAL AMPHIBIOUS BASE, CORONADO.	ON ROUTE 75 ON THE STRAND.	SAN DIEGO	CA	91255		X		X	9
NAVY	NAVAL COMMUNICATION STATION, DIXON.	RADIO STATION ROAD	DIXON	CA	95620				X	9
NAVY	NAVAL COMMUNICATION STATION, STOCKTON.	ROUGH & READY ISLAND	STOCKTON	CA	95203	X	X		X	9
NAVY	NAVAL COMMUNICATIONS STATION, IMPERIAL BEACH.	OUTLYING LANDING FIELD BLDG 162 RT 75 & PALM AVE.	IMPERIAL BEACH	CA	92032	X	X		X	9
NAVY	NAVAL CONSTRUCTION BATTALION CTR.	PORT HUENEME	VENTURA	CA	93043	X	X	X	X	9
NAVY	NAVAL FACILITIES ENGINEERING COMMAND.	WESTERN DIVISION	SAN DIEGO	CA	92136				X	9
NAVY	NAVAL HOSPITAL, SAN DIEGO.	CAMP PENDLETON NAVAL STATION.	SAN DIEGO	CA	92055		X		X	9
NAVY	NAVAL OCEAN SYSTEMS CENTER.	HWY 39	AZUSA	CA	91702		X			9
NAVY	NAVAL PETROLEUM RESERVE #1.	ELK HILLS	TUPMAN	CA	93276	X	X	X		9
NAVY	NAVAL POSTGRADUATE SCHOOL, MONTEREY.	DEL MONTE AVE	MONTEREY	CA	93943		X			9
NAVY	NAVAL REGIONAL MEDICAL CENTER, OAKLAND.	8750 MOUNTAIN BLVD	OAKLAND	CA	94627		X		X	9
NAVY	NAVAL SECURITY GROUP ACTIVITY, SKAGGS ISLAND.	SKAGGS ISLAND	SONOMA	CA	95476		X	X		9
NAVY	NAVAL SHIPYARD, HUNTERS POINT.		SAN FRANCISCO	CA	94593		X		X	9
NAVY	NAVAL SHIPYARD, LONG BEACH.	TERMINAL ISLAND NAVAL COMPLEX.	LONG BEACH	CA	90822	X	X	X		9
NAVY	NAVAL SHIPYARD, MARE ISLAND.	W. END OF TENNESSEE ST.	VALLEJO	CA	94592	X	X		X	9
NAVY	NAVAL STATION, LONG BEACH.	SEASIDE AVE	LONG BEACH	CA	90822		X		X	9
NAVY	NAVAL STATION, SAN DIEGO.	BLDG 3275, P.O. BOX 113	SAN DIEGO	CA	92136	X	X			9
NAVY	NAVAL STATION, TREASURE ISLAND.	TREASURE ISLAND	SAN FRANCISCO	CA	94130	X	X		X	9
NAVY	NAVAL SUBMARINE BASE, SAN DIEGO.	NAVAL STATION	SAN DIEGO	CA			X	a	p	9
NAVY	NAVAL SUPPLY CENTER, OAKLAND.	7TH & MARITIME BUILDING 311 EAST.	OAKLAND	CA	94623	X	X		X	9
NAVY	NAVAL SUPPLY CENTER, OAKLAND-ALAMEDA FAC.	2155 MARINER SQUARE LOOP.	ALAMEDA	CA	94501	X	X			9
NAVY	NAVAL SUPPLY CENTER, POINT LOMA ANNEX.	NAVSUBSUPPFAC SAN DIEGO.	SAN DIEGO	CA	92152	X	X		X	9
NAVY	NAVAL SUPPLY CTR, OAKLAND-PT MOLATE STE.	END WESTERN DR. OFF SR 17.	RICHMOND	CA	94801	X	X			9
NAVY	NAVAL TRAINING CENTER, CAMP NIMITZ.		SAN DIEGO	CA	92133				X	9
NAVY	NAVAL TRAINING CENTER, SAN DIEGO.	ROSENCRANZ & NIMITZ BLVDS.	SAN DIEGO	CA	92133		X		X	9
NAVY	NAVAL WEAPONS STATION, CHINA LAKE.	CODE 2632	CHINA LAKE	CA	93555	X	X		X	9
NAVY	NAVAL WEAPONS STATION, CONCORD.	PORT CHICAGO HWY	CONCORD	CA	94520	X			X	9
NAVY	NAVAL WEAPONS STATION, FALLBROOK ANNEX.	SEAL BEACH	FALLBROOK	CA	92028				X	9
NAVY	NAVY PUBLIC WORKS CENTER, SAN FRANCISCO.	NAVAL SUPPLY CENTER OAKLAND.	OAKLAND	CA	94623		X			9
NAVY	PACIFIC MISSILE TEST CENTER, POINT MUGU.		POINT MUGU	CA						9
NAVY	POINT SUR NAVAL FACILITY.	NAVAL FACILITY POINT SUR.	BIG SUR	CA	93920		X			9
NAVY	PUBLIC WORKS CENTER, SAN DIEGO.	SAN DIEGO NAVAL STATION.	SAN DIEGO	CA	92145		X		X	9
NAVY	SINGER EDUCATION DIVISION.	1325 IRIS AVE BLDG 60	IMPERIAL BEACH	CA	92032		X			9
NAVY	TRIPLE A SHIPYARD-HUNTERS POINT DIV.	HUNTER'S POINT NAVAL SHIPYARD.	SAN FRANCISCO	CA	94124		X			9
TRANSPORTATION	TWELFTH COAST GUARD DISTRICT FLP.	COAST GUARD, GOVERNMENT ISLAND.	ALAMEDA	CA	94501		X			9
TRANSPORTATION	US COAST GUARD BASE	YERBA BUENA ISLAND	SAN FRANCISCO	CA	94130		X			9
TRANSPORTATION	USCG BASE TERMINAL ISLAND.	1801 SEASIDE AVE	SAN PEDRO	CA	90731		X			9
AIR FORCE	AIR FORCE PLANT PJKS	12250 S. HWY. 75	WATERTON	CO	80120			X	X	8
AIR FORCE	DEPT. OF MILITARY AFFAIRS.	1400 S. 3RD AVE	STERLING	CO	80751		X			8
AIR FORCE	LOWRY AIR FORCE BASE	3415 CES/DE	LOWRY AFB	CO	80230	X	X	X	X	8
ARMY	FT. CARSON—U.S. ARMY	DFAE BLDG. 304, AFZC-FE-EQ.	FT. CARSON	CO	80913	X	X		X	8
ARMY	PUEBLO ARMY DEPOT	I-50, 13 MI. E. OF PUEBLO	PUEBLO	CO	81002	X	X		X	8
ARMY	ROCKY MTN. ARSL	IMMED. N. STAPLETON INTL ARPT.	COMMERCE CITY	CO	80022	X	X	X	X	8

FEDERAL FACILITIES DOCKET—Continued

AGENCY	FACILITY NAME	FACILITY ADDRESS	CITY	STATE	ZIP CODE	RCRA 3005	RCRA 3010	RCRA 3016	CERCLA 103	EPA REGION
COMMERCE	DELTA AIR LINES—DENVER.	STAPLETON INTL AIRPORT	DENVER	CO	80238		X			8
ENERGY	ROCKY FLATS PLT—US DOE.	HWY. 93 BETWEEN GOLDEN & BOULDER.	GOLDEN	CO	80402	X	X	X	X	8
ENERGY	SOLAR ENERGY RESEARCH INST.	1617 COLE BLVD	GOLDEN	CO	80401		X		X	8
EPA	US EPA—NAT'L ENFORCEMENT INVEST. CTR.	DFC	DENVER	CO	80225		X			8
INTERIOR	BLM—CHAFFEE COUNTY LANDFILL.	T.51.N.R.8.E.SEC.21		CO					X	8
INTERIOR	BLM—EAGLE COUNTY LANDFILL.	T.4.?.R83W.SEC.10&11		CO					X	8
INTERIOR	BLM—FREMONT	T48NR12ESEC19	CATA PAXI	CO					X	8
INTERIOR	BLM—KREMMLING DUMP	T1NR80ESEC9	KREMMLING	CO					X	8
INTERIOR	BLM—MONTROSE COUNTY DUMP.	T.48.?.19.W.SEC.22		CO					X	8
INTERIOR	BLM—ORCHARD MESA LANDFILL.	T2SR1ESEC4,5	GRAND JUNCTION	CO	81506				X	8
INTERIOR	BLM—PLACERVILLE TRAM SITE.	T44NR11WSEC35	PLACERVILLE	CO					X	8
INTERIOR	BLM—SAN MIGUEL LANDFILL #1.	T44NR15WSEC26	NATAURITA	CO					X	8
INTERIOR	BLM—SAN MIGUEL LANDFILL #2.	T44NR17WSEC18	SLICK ROCK	CO					X	8
INTERIOR	BLM—SAWPIT TRAM SITE	T43NR10WSEC18		CO					X	8
INTERIOR	BLM—STANDARD METALS CORP.	T41NR7WSEC21	SILVERTON	CO					X	8
INTERIOR	BLM—TOWN OF MESA LANDFILL.	T19SR96WSEC22	MOLINA	CO					X	8
INTERIOR	NATIONAL PARK SERVICE, DENVER SERVICE CTR.	755 PARFET ST., BOX 25287.	DENVER	CO	80225			X		8
INTERIOR	ROCKY MOUNTAIN NAT'L PARK.	ROCKY MTN. NAT'L PARK	ESTES PARK	CO	80517		X			8
INTERIOR	US BUREAU OF REC—ENGINEERING LAB/WTR&PWR RESRCES.	DENVER FEDERAL CENTER, BLDG. 56.	DENVER	CO	80225	X	X			8
INTERIOR	US GEOLOGICAL SURVEY	5293 WARD RD	DENVER	CO	80225		X			8
NAVY	ANVIL POINTS	7 MI. W. OF RIFLE	RIFLE	CO	81650				X	8
POSTAL SERVICE	DENVER BULK MAIL CTR.	7755 E. 56TH AVE	DENVER	CO	80238			X	X	8
ARMY	STRATFORD ARMY ENGINE PLANT.	550 SOUTH MAIN STREET	STRATFORD	CT	06497	X		X		1
ENERGY	KNOLLS ATOMIC POWER LABORATORY WINDSOR SITE.	PROSPECT HILL ROAD	WINDSOR	CT	06095	X	X			1
NAVY	NAVAL SUBMARINE BASE, NEW LONDON.	ROUTE 12 CRYSTAL LAKE ROAD.	GROTON	CT	06349	X	X	X	X	1
NAVY	NAVAL UNDERWATER SYSTEMS CENTER.	NEW LONDON LABORATORY.	NEW LONDON	CT	06302		X			1
NAVY	NAVAL UNDERWATER SYSTEMS CENTER.	DODGE POND FIELD STATION.	EAST LYME	CT	06357		X			1
POSTAL SERVICE	US POSTAL SERVICE	915 HOUSATONIC AVE	BRIDGEPORT	CT	06604		X			1
ARMY	FORT MCNAIR	350 P STREET, S.W	WASHINGTON	DC			X		X	3
ARMY	US SOLDIERS AND AIRMENS HOME.	UNOBTAINABLE	WASHINGTON	DC	20317		X			3
GENERAL SERVICES ADMIN.	CUSTOMS FIELD OFFICE	1200 PENNSYLVANIA AVENUE.	WASHINGTON	DC	20004		X			3
GENERAL SERVICES ADMIN.	GSA	2ND AND M STREET, SW	WASHINGTON	DC	20407		X			3
GENERAL SERVICES ADMIN.	NATIONAL ARCHIVES & RECORDS ADMIN.	7TH & PENNSYLVANIA AVE NW.	WASHINGTON	DC	20408		X			3
HEALTH & HUMAN SERVICES.	FOOD AND DRUG ADMINISTRATION.	SECOND & C STREETS SW	WASHINGTON	DC	20204		X			3
HEALTH & HUMAN SERVICES.	HUBERT HUMPHREY BUILDING.	200 INDEPENDENCE AVENUE.	WASHINGTON	DC	20024			X		3
HEALTH & HUMAN SERVICES.	SAINT ELIZABETH'S HOSPITAL.	2700 MARTIN L KING AVE SE.	WASHINGTON	DC	20032		X			3
NAVY	NAVAL RESEARCH LABORATORY.	4555 OVERLOOK AVE.	WASHINGTON	DC	20375	X	X	X	X	3
NAVY	NAVAL SECURITY STATION	3801 NABRASKA AVE NW	WASHINGTON	DC	20390		X			3
NAVY	NAVAL SHIPYARD	WASHINGTON NAVY YARD	WASHINGTON	DC	20374		X		X	3
TREASURY	US BUREAU OF ENGRAVING & PRINTING.	14TH & C STS SW	WASHINGTON	DC	20228	X	X			3
AIR FORCE	DOVER AIR FORCE BASE	436 MILITARY AIRLIFT WING/DE.	DOVER AFB	DE	19901	X	X	X	X	3
CORP OF ENGINEERS, CIVIL.	USA-COE CANAL SITE	MAIN ST, NORTH ST GEORGES.	NEWCASTLE	E	19733			X		3
NAVY	NAVAL FACILITY LEWES	DEPT OF THE NAVY	LEWES	DE	19958		X			3
AGRICULTURE	OSCEOLA FOREST SITE #1.	HWY 100	UNINCORPORATED LAKE CITY.	FL	32055				X	4
AGRICULTURE	OSCEOLA FOREST SITE #2.	NORTH OF HWY 100	UNINCORPORATED LAKE CITY.	FL	32055				X	4
AGRICULTURE	OSCEOLA FOREST SITE #3.	CORTEZ RD., SOUTH OF HWY 90.	UNINCORPORATED LAKE CITY.	FL	32055				X	4
AGRICULTURE	OSCEOLA FOREST SITE #4.	WEST OF DIRT RD., OFF RTE. 772.	UNINCORPORATED LAKE CITY.	FL	32055				X	4
AGRICULTURE	OSCEOLA FOREST SITE #5.	HWY 90 TO OSCEOLA FOREST OFF.	UNINCORPORATED LAKE CITY.	FL	32055				X	4
AGRICULTURE	OSCEOLA FOREST SITE #6.	S. OF HWY 90 ON POSSUM TROT RD.	UNINCORPORATED LAKE CITY.	FL	32055				X	4
AGRICULTURE	USDOA WILDLIFE RESEARCH FIELD STATION.	2820 E UNIVERSITY AVE	GAINESVILLE	FL	32601				X	4

FEDERAL FACILITIES DOCKET—Continued

AGENCY	FACILITY NAME	FACILITY ADDRESS	CITY	STATE	ZIP CODE	RCRA 3005	RCRA 3010	RCRA 3016	CERCLA 103	EPA REGION
AIR FORCE	AVON PARK AFB	56 COMBAT SUPPORT GROUP/DE.	MACDILL AFB	FL	33608		X			4
AIR FORCE	CAPE CANAVERAL	6550 ABW/DER	PATRICK AFB	FL	32925		X	X	X	4
AIR FORCE	EGLIN AFB	ADTC/CCN	EGLIN AFB	FL	32542		X	X	X	4
AIR FORCE	HOMESTEAD AIR FORCE BASE.	31 CSG/DE	HOMESTEAD AFB	FL	33039		X	X		4
AIR FORCE	MACDILL AIR FORCE BASE	56 COMBAT SUPPORT GROUP / DE.	MACDILL AFB	FL	33608		X	X	X	4
AIR FORCE	PATRICK AIR FORCE BASE	BASE CIVIL ENGINEER	PATRICK AFB	FL	32925		X	X		4
AIR FORCE	TYNDALL AIR FORCE BASE.	4756 ABG/DE	TYNDALL AFB	FL	32403		X	X	X	4
ARMY	USA AFA 49-A ORLANDO	8601 AVE B MCCOY NTC ANNEX.	ORLANDO	FL	32812		X			4
ARMY	USA AMSA 47G/MIAMI	11700 NW 27th AVE	MIAMI	FL	33167		X			4
ARMY	USA AMSA 53G/TAMPA	4823 N HUBERT AVE	TAMPA	FL	33614		X			4
ARMY	USA PALATKA AMSA 55-M	4300 ST. JOHNS AVE	PALATKA	FL	32077		X			4
DEFENSE	DEFENSE FUEL SUPPORT POINT—LYNN HAVEN.	W END OF 10TH STREET	LYNN HAVEN	FL	32444		X		X	4
DEFENSE	DEFENSE FUEL SUPPORT POINT—TAMPA.	BOX 13736	TAMPA	FL	33611		X			4
ENERGY	US DEPARTMENT OF ENERGY—PINELLAS PLANT.	7887 BRYAN DAIRY RD	LARGO	FL	34294		X	X		4
EPA	US EPA/RESEARCH LABORATORY.	SABIN ISLAND	GULF BREEZE	FL	32561		X			4
INTERIOR	BIG CYPRESS NATIONAL PRESERVE.	STAR ROUTELL 11	OCHOPEE	FL	33943		X			4
INTERIOR	EVERGLADES NATIONAL PARK.	PO BOX 279	HOMESTEAD	FL	33030	X				4
INTERIOR	GULF ISLAND NATIONAL SEASHORE.	FORT PICKENS RD	GULF BREEZE	FL	32561				X	4
NASA	KENNEDY SPACE CENTER	NASA MAIL CODE DF-EMS	KENNEDY SPACE CENTER	FL	32899		X			4
NAVY	NAVAL AIR STA, JACKSONVILLE.	CODE 184 PUBLIC WKS DEPT BOX 5.	JACKSONVILLE	FL	32212		X			4
NAVY	NAVAL AIR STATION, CECIL FIELD.	103RD ST. & NORMANDY BLVD.	JACKSONVILLE	FL	32215		X	X		4
NAVY	NAVAL AIR STATION, KEY WEST.	NAVAL AIR STATION	KEY WEST	FL	33042		X			4
NAVY	NAVAL AIR STATION, RICHMOND.	CORAL REEF DR	PERRINE	FL	33157				X	4
NAVY	NAVAL AIR STATION, TRUMBO PT.	PALM AVE CAUSEWAY	KEY WEST	FL	33040		X			4
NAVY	NAVAL AIR STATION, WHITING FIELD.	FL HWY 87 A	MILTON	FL	32570		X		X	4
NAVY	NAVAL COASTAL SYSTEMS CTR, PANAMA CITY.	CODE 6310MC	PANAMA CITY	FL	32407		X	X	X	4
NAVY	NAVAL STATION MAYPORT	PO BOX 265 NAVAL STATION.	MAYPORT	FL	32228		X	X	X	4
NAVY	NAVAL SUPPLY CENTER FUEL DEPOT, JACKSONVILLE.	SOMERS ROAD	JACKSONVILLE	FL	32208		X			4
NAVY	NAVAL TRAINING CENTER, ORLANDO.	8TH STREET/NTC	ORLANDO	FL	32813				X	4
NAVY	NAVAL UNDERWATER SYSTEMS, CENTER, PALM BEACH.	AUTEC WEST PALM BEACH.	W PALM BEACH	FL	33402		X			4
NAVY	US NAVAL AIR STATION, PENSACOLA.	US NAVAL AIR STATION	PENSACOLA	FL	32508		X			4
NAVY	USN NAVAL UNDERWATER SYSTEMS CENTER.	1650 SOUTHWEST 39TH STREET.	FORT LAUDERDALE	FL	33315		X			4
TRANSPORTATION	USCG BASE, MAYPORT	PO BOX 385	MAYPORT	FL	32267		X		X	4
TRANSPORTATION	USCG BASE, MIAMI BEACH	100 MACARTHUR CSWY	MIAMI BEACH	FL	33139		X			4
TRANSPORTATION	USCG STATION, KEY WEST.		KEY WEST	FL	33040		X			4
TRANSPORTATION	USCG STATION, ST PETERSBURG.	600 8TH AVE SE	ST PETERSBURG	FL	33701		X			4
AIR FORCE	DOBBINS AIR FORCE BASE.	94 CSG/DE	MARIETTA	GA	30069				X	4
AIR FORCE	MOODY AIR FORCE BASE/GA TAC.	347 CSG/DE	MOODY AFB	GA	31669		X	X	X	4
AIR FORCE	ROBINS AIR FORCE BASE	2853 CES/DE	ROBINS AIR FORCE BASE	GA	31098		X	X	X	4
AIR FORCE	USAF PLANT NO. 6 LOCKHEED.	86 S COBB DRIVE	MARIETTA	GA	30063		X	X	X	4
ARMY	USA AMSA 54G-AUGUSTA	DFAE AFZP-FEC	FORT STEWART	GA	31314				X	4
ARMY	USA FORT BENNING	GA. HWY 1 & US 27	FORT BENNING	GA	31905		X		X	4
ARMY	USA FORT GILLEM	ATTN AFZK-EH-C		GA	30330		X	X	X	4
ARMY	USA FORT GORDON & HQ USA SIGNAL CTR.	ATZHFE EC	FORT GORDON	GA	30905		X			4
ARMY	USA FORT STEWART	24TH INFANTRY DIV AFZP-DEN-E.	FORT STEWART	GA	31314		X	X	X	4
ARMY	USA HUNTER ARMY AIRFIELD.	24TH INFANTRY DIV AFZP-DEN-E.	FORT STEWART	GA	31314		X		X	4
EPA	US EPA ENVIRONMENTAL RESEARCH LAB.	COLLEGE STATION ROAD	ATHENS	GA	30613		X			4
HEALTH AND HUMAN SERVICES.	CENTER FOR DISEASE CONTROL.	BLDG 4 RM 232 1600 CLIFTON RD.	ATLANTA	GA	30333		X			4
HEALTH AND HUMAN SERVICES.	CENTER FOR DISEASE CONTROL.	447 BUFORD HIGHWAY	CHAMBLEE	GA	30341		X			4
NAVY	MARINE CORPS LOGISTICS BASE, ALBANY.	FLEMING RD.	ALBANY	GA	31704		X	X	X	4

FEDERAL FACILITIES DOCKET—Continued

AGENCY	FACILITY NAME	FACILITY ADDRESS	CITY	STATE	ZIP CODE	RCRA 3005	RCRA 3010	RCRA 3016	CERCLA 103	EPA REGION
NAVY	NAVAL SUBMARINE BASE, KINGS BAY.	GA STATE HWY SPUR	KINGS BAY	GA	31547		X	X	X	4
VETERANS ADMINISTRATION.	V A MEDICAL CENTER (ATLANTA).	1670 CLAIRMONT ROAD	DECATUR	GA	30033		X			4
AIR FORCE	ANDERSEN AFB	43 CSG/CC	YIGO	GU	96912	X	X		X	9
NAVY	APRA HARBOR NAVAL COMPLEX.	APRA HARBOR NAVAL	PITI	GU	96630				X	9
NAVY	NAVAL AIR STATION AGANA.		AGANA	GU	96637		X		X	9
NAVY	NAVAL COMM AREA MASTER STA WEST PACIFIC.	NAVCAMS WESTPAC	NAVCAMS WESTPAC	GU	96630				X	9
NAVY	NAVAL FACIL, GUAM	NAVAL FACILITY, GUAM	NAVAL FACIL, GUAM	GU	96630				X	9
NAVY	NAVAL HOSP, GUAM	NAVAL HOSP, GUAM	NAVAL HOSP, GUAM	GU	96638				X	9
NAVY	NAVAL SHIP REPAIR FACILITY, GUAM.		AGANA	GU	96630	X	X			9
NAVY	NAVAL STATION, GUAM	NAVY PUBLIC WKS CRT	AGANA	GU	96630	X	X		X	9
NAVY	SASA VALLEY FUEL DEPOT.	APRA HBR	PITI	GU	96630				X	9
NAVY	US NAVAL MAGAZINE	RTE 5	SANTA RITA	GU	96915		X			9
AIR FORCE	HICKAM AIR FORCE BASE	15 ABW/DE	HONOLULU	HI	96853	X	X		X	9
AIR FORCE	JOHNSTON ATOLL NAT'L WILDLIFE REFUGE.	P.O. BOX 50167	HONOLULU	HI	96850			X		9
AIR FORCE	WHEELER AFB	BASE CIVIL ENGINEER	WHEELER AFB	HI	96854		X		X	9
ARMY	ARMY AVIATION SUPPORT FACILITY #2.	GENERAL LYMAN FIELD BLDG 619.	HILO	HI	96720		X			9
ARMY	FORT KAMEHAMEHA	FORT KAMEHAMEHA	HONOLULU	HI	96818		X		X	9
ARMY	FORT SHAFTER ARMY SUPPORT COMMAND, HI.	US ARMY SUPPORT COMMAND HI.	FORT SHAFTER	HI	96858		X		X	9
ARMY	MAKUA MILITARY RESERVATION.	MAKUA MILITARY RESERVATION.	WAIANAE	HI	96792	X	X			9
ARMY	SCHOFIELD BARRACKS		WAHIAWA	HI	96786		X		X	9
ARMY	TRIPLER ARMY MEDICAL CENTER.	TRIPLER ARMY MEDICAL CENTER.	HONOLULU	HI	96859		X			9
INTERIOR	BAKER NATIONAL WILDLIFE REFUGE.	P.O. BOX 50167	HONOLULU	HI	96850			X		9
INTERIOR	HOWLAND ISLAND NATIONAL WILDLIFE REFUGE.	P.O. BOX 50167	HONOLULU	HI					X	9
LABOR	CHEVRON USA INC. HAWAIIAN REFINERY.	91-480 MAKAKOLE RD	EWA BEACH	HI	96706	X				9
LABOR	PEPPER INDUSTRIES	91-294 KAUHI ST	EWA BEACH	HI	96706	X				9
NAVY	BARBERS POINT NAVAL AIR STATION.		BARBERS POINT	HI	96862		X		X	9
NAVY	BARBERS POINT NAVY PUBLIC WORKS CTR.	PUBLIC WORKS CENTER	BARBERS POINT	HI	96862	X	X			9
NAVY	KANEOHE BAY MARINE CORPS AIR STATION.	MCAS KANEOHE BASE MOAKAPU PENIN.	KANEOHE BAY	HI	96863	X	X			9
NAVY	NAVAL MAGAZINE LUALUALEI.		WESTLOCH	HI	96860	X	X			9
NAVY	NAVAL SHIPYARD, PEARL HARBOR.		PEAR HARBOR	HI	96860	X	X		X	9
NAVY	NAVAL SUBMARINE BASE		PEARL HARBOR	HI	96860		X			9
NAVY	PACIFIC MISSILE RANGE FACILITY.	PACIFIC MISSILE RANGE FACILITY.	KEKAHA	HI	96752	X	X			9
NAVY	PERL HARBOR NAVAL STA	US NAVAL STA	PEARL HARBOR	HI	96860		X		X	9
NAVY	PEARL HARBOR NAVAL SUPPLY CENTER.	NAVAL BASE	PEARL HARBOR	HI	96860	X	X		X	9
NAVY	PEARL HARBOR NAVY PUBLIC WORKS CTR.	NAVAL STATION AREA	PEARL HARBOR	HI	96860	X	X		X	9
NAVY	SHORE INTERMEDIATE MAINTENANCE ACTIVITY.		PEARL HARBOR	HI	96860	X	X			9
NAVY	USN FLEET TRAINING GROUP.	1430 SOUTH AVE	PEARL HARBOR	HI	96860		X			9
NAVY	WAIAWA SHAFT	END OF WAIHONA STREET	PEARL CITY	HI	96782				X	9
ARMY	IOWA ARMY AMMUNITION PLANT.	HWY 79 OFF MIDDLETOWN ROAD.	MIDDLETOWN	IA	52638	X	X		X	7
AGRICULTURE	USDA FS CLAYTON CREEK DUMP.	T 39N, R 11E, SEC 21	HEADQUARTERS	ID	83534				X	10
AIR FORCE	MOUNTAIN HOME AFB	366 CSG/DE	MOUNTAIN HOME AFB	ID	83648				X	10
ENERGY	BURLEY MAINT HQ	1247 W MAIN	BURLEY	ID	83318		X			10
ENERGY	IDAHO FALLS DIST MAINT HQ.	2275 N YELLOWSTONE AVE.	IDAHO FALLS	ID	83401		X			10
ENERGY	USDOE IDAHO NAT'L ENGINEERING LAB.	AEC TESTING RESERVATION.	SCOVILLE	ID	83401				X	10
INTERIOR	BLM BLUE DOME UNAUTHORIZED DUMP.	T10NR30ESEC30	BLUE DOME	ID	83464				X	10
INTERIOR	BLM BRUNEAU OPEN DUMP.	T9S, R5E, SEC 4	BRUNEAU	ID	83604				X	10
INTERIOR	BLM CASSIA COUNTY #1	T 13S, R 21E, SEC 13	OAKLEY	ID	83346				X	10
INTERIOR	BLM CASSIA COUNTY #2	T 12S, R 21E, SEC 32	OAKLEY	ID	83346				X	10
INTERIOR	BLM CASSIA COUNTY #3	T 12S, R 21E, SEC 31	OAKLEY	ID	83346				X	10
INTERIOR	BLM CHAMPAGNE CREEK MINE.	T3N R24E SEC15	GROUSE	ID	83242			X	X	10
INTERIOR	BLM OWYHEE CO, WILSON CREEK LDFL.	T1SR34ESEC13	MARSING	ID	83639				X	10
INTERIOR	BLM PESTICIDE DUMP SITE, REYNOLDS.	T2SR3W SEC31	REYNOLDS	ID	83650				X	10
INTERIOR	BLM PESTICIDE DUMP, MURPHY.	BOISE DIST SEC. 5	MURPHY	ID	83650				X	10

FEDERAL FACILITIES DOCKET—Continued

AGENCY	FACILITY NAME	FACILITY ADDRESS	CITY	STATE	ZIP CODE	RCRA 3005	RCRA 3010	RCRA 3016	CERCLA 103	EPA REGION
INTERIOR	BLM PICKLES BUTTE (DAVIDSON'S AIR SERVICE).	T2NR3WSEC28 MISSOURI AV 2.5MIW—MORA CANAL.	NAMPA	ID	83651				X	10
INTERIOR	BLM PULLMAN MINE	T29N R4W S14	COTTONWOOD	ID	83522				X	10
INTERIOR	BLM SHOSHONE (GLEN CAVE).	T4S R17E S14	SHOSHONE	ID	83352				X	10
INTERIOR	BLM—BLACK MESA DUMP	T.6.S.R.10.E.SEC.13		ID					X	10
INTERIOR	BLM—BUNKER HILL	834 MCKINLEY AVENUE	SHOSHONE	ID				X	X	10
INTERIOR	BLM—BUTTE NORTH ISOLATED TRACT HAZ SITE.	T12S,R21E,SEC5		ID					X	10
INTERIOR	BLM—CEDAR BUTTE S. END DUMPSITE.	T22 SR32E SEC15	ROCKFORD	ID	83221				X	10
INTERIOR	BLM—CENTRAL COVE LANDFILL.	T3NR4WSEC8,9	CALDWELL	ID				X	X	10
INTERIOR	BLM—CLARK'S AIR SERVICE AIRSTRIP—JARBRIDGE RA.	T6S R9E SEC27		ID					X	10
INTERIOR	BLM—COW HOLLOW HAZARDOUS WASTE DUMP.	T.14.S.R.31.E.SEC.34		ID					X	10
INTERIOR	BLM—DELMAR SILVER MINE.	T.15.S.R.35.E		ID					X	10
INTERIOR	BLM—DRY LAKES AIR SERVICE AIRSTRIP—CASCADE RA.	T1N,R3W,SEC26		ID					X	10
INTERIOR	BLM—EDMONDS UNAUTHORIZED DUMP.	T7NR38ESEC24&25	EDMONDS	ID	83445				X	10
INTERIOR	BLM—ELK CITY	T29NR8ESEC23	ELK CITY	ID				X	X	10
INTERIOR	BLM—GERMAN LAKE	T7SR25ESEC.10		ID					X	10
INTERIOR	BLM—GRACE ILLEGAL DUMP.	T10S,R39E,SEC24		ID					X	10
INTERIOR	BLM—HAMMETT DUMP	T5S,R9E,SEC28		ID					X	10
INTERIOR	BLM—HELL'S HALF ACRE, S. FINGER AND W. FINGER.	T1SR36ESEC4&32	FIRTH	ID	83236				X	10
INTERIOR	BLM—HOWE DUMPSITE	T6NR29ESEC31	HOWE	ID					X	10
INTERIOR	BLM—HULET DUMP	AVAIL FRM ST OFFICE		ID					X	10
INTERIOR	BLM—LESLIE DUMP SITE 4 SW.	T 6N, R24E, SEC18	LESLIE	ID	83249				X	10
INTERIOR	BLM—LESLIE DUMP SITE-1	T 7N, R25E, SEC34	LESLIE	ID	83249				X	10
INTERIOR	BLM—LOWER COEUR D'ALENE RIVER.	T48NR2&3W		ID					X	10
INTERIOR	BLM—MENAN UNAUTHORIZED DUMP.	T6NR38ESEC26&27		ID					X	10
INTERIOR	BLM—MORGAN'S PASTURE ROAD DUMP.	T1NR34ESEC33&34		ID					X	10
INTERIOR	BLM—NORTH CREEK MILL	T6NR29ESEC6		ID					X	10
INTERIOR	BLM—OWYHEE CO. GRANDVIEW LANDFILL.	T6SR4ESEC14		ID					X	10
INTERIOR	BLM—OWYHEE CO. MARSING/HOMEDALE LF.	T2NR5WSEC8		ID					X	10
INTERIOR	BLM—REEDER FLYING SERVICE AIRSTRIP #2.	T9SR12ESEC13		ID					X	10
INTERIOR	BLM—REEDER FLYING SERVICE AIRSTRIP SITE 1.	T6SR12ESEC33		ID					X	10
INTERIOR	BLM—REEDER FLYING SERVICE, INC. AIRSTRIP #3.	T8SR13ESEC6	CASSIA	ID					X	10
INTERIOR	BLM—SPRINGFIELD DUMPSITE.	T3SR32ESEC12		ID					X	10
INTERIOR	BLM—SPRINGFIELD UNAUTHORIZED DUMPSITE.	T35NR32ESEC15		ID					X	10
INTERIOR	BLM—TWIN FALLS CO #4	T12S, R 19E, SEC 12	MURTAUGH		ID	83344			X	10
INTERIOR	BLM—TWIN FALLS CO #5	T12S, R 19E, SEC 12	MURTAUGH		ID	83344			X	10
INTERIOR	BLM—TWIN FALLS CO MURTAUGH (EAST) LANDFILL.	T11SR19ESEC10	TWIN FALLS	ID	83301				X	10
INTERIOR	BLM—UPPER LITTLE LOST UNAUTHORIZED DUMP.	T11NR26ESEC10 12 MI NW OF CY/T11N, R26E, SEC 10.	CLYDE	ID	82349				X	10
INTERIOR	OWYHEE CO. MARSING/HOMEDALE LF.	JOHNSON RD—T4N R5W S 32 SW ¼.	MARSING—HOMEDALE	ID	83639				X	10
INTERIOR	USDOI—BR MINIDOKA DAM.	RT. 4, BOX 292	RUPERT	ID	83350		X			10
TRANSPORTATION	USDOT—FAA MICA PEAK	COUGAR GULCH RD	COEUR D' ALENE	ID	83814				X	10
AIR FORCE	CHANUTE AIR FORCE BASE.	3345 ABG/DE	RANTOUL	IL	61858	X	X	X	X	5
ARMY	JOLIET ARMY AMMO PLANT UNIROYAL MFG AREA.	6 MILES S. OF ELWOOD OFF RTE. 53, WILL COUNTY.	JOLIET	IL	60434		X		X	5
ARMY	US ARMY, FORT SHERIDAN.	BLDG 119, LAKE COUNTY	FORT SHERIDAN	IL	60037	X	X		X	5
ARMY	US ARMY, JOLIET LAP HONEYWELL.	HIGHWAY 53 & ARSENAL AVE.	JOLIET	IL	60436	X	X			5
ARMY	US ARMY ROCK ISLAND ARSENAL.	ARSENAL ISLAND, ROCK ISLAND COUNTY.	ROCK ISLAND	IL	61201	X	X	X	X	5
ARMY	US ARMY, SAVANNA ARMY DEPOT.	7 MILES N. OF SAVANNA ON RTE 84, CARROL COUNTY.	SAVANNA	IL	61074	X	X	X	X	5
ARMY	US ARMY, ST. LOUIS AREA SUPPORT CENTER.	RT. 3 & NIEDRINGHOUSE AVENUE MACISCA.	GRANITE CITY	IL	62040	X	X	X	X	5

FEDERAL FACILITIES DOCKET—Continued

AGENCY	FACILITY NAME	FACILITY ADDRESS	CITY	STATE	ZIP CODE	RCRA 3005	RCRA 3010	RCRA 3016	CERCLA 103	EPA REGION
CORPS OF ENGINEERS, CIVIL.	US ARMY—COE ILARING MAIN. CTR.	8660 W. CERMAK ROAD	NORTH RIVERSIDE	IL	60546					5
ENERGY	FERMI NATIONAL ACCELERATOR LABORATORY.	ROUTE 16 & 59, KANE COUNTY.	BATAVIA	IL	60510	X	X	X	X	5
ENERGY	ICGG PIPELINE GAS DEMONSTRATION PLANT.	TRICO RD 1 MILE SOUTH OF PYATT ROAD.	PERRY COUNTY	IL	62272	X	X			5
ENERGY	US DOE ARGONNE NATIONAL LABORATORY.	9700 S. CASS AVE, DUPAGE COUNTY.	ARGONNE	IL	60439	X	X	X	X	5
EPA	US EPA CENTRAL REGIONAL LAB.	536 S. CLARK STREET, 10TH FLOOR.	CHICAGO	IL	60605		X			5
INTERIOR	US DOI CRAB ORCHARD NWR SANGAMO DUMP.	ORDILL IND. AREA, WILLIAMSON COUNTY.	CARTERVILLE	IL	62518	X	X	X	X	5
NAVY	NAVAL TRAINING CTR, GREAT LAKES.	PUBLIC WORKS CENTER NTC SCE, BLDG 1A.	GREAT LAKES	IL	60008	X	X	X		5
NAVY	US NAVY, GLENVIEW NAVAL AIR STATION.	NAVAL AIR STATION	GLENVIEW	IL	60026	X	X			5
AIR FORCE	GRISSOM AIR FORCE BASE.	305TH CSG/DE	GRISSOM AFB	IN	46971	X	X		X	5
ARMY	US ARMY, FORMER JEFFERSONVILLE QTMTR DEPO.	LOCATED ON SEGRAMS PROPERTY, CLARK COUNTY.	JEFFERSONVILLE	IN	47130				X	5
ARMY	US ARMY, INDIANA ARMY AMMO PLANT.	HIGHWAY 62, CLARK COUNTY.	CHARLESTOWN	IN	47111	X	X	X	X	5
ARMY	US ARMY, JEFFERSON PROVING GROUND.	6 MILES N OF MADISON ON RTE 1, JEFFERSON COUNTY.	MADISON	IN	47250	X	X	X	X	5
ARMY	US ARMY, NEWPORT ARMY AAP.	STATE RTE 63, 2 MILES S. OF NEWPORT, VERMILLION COUNTY.	NEWPORT	IN	47966	X	X	X	X	5
ARMY	US ARMY, SOLDIER SUPPORT CENTER.	BUILDING #28, MARION COUNTY, FT. BENJAMIN.	HARRISON	IN	46216	X	X	X	X	5
COMMERCE	US DEPT OF COMMERCE, BUREAU OF CENSUS.	1201 E. 10TH STREET	JEFFERSONVILLE	IN	47130		X	X		5
ENERGY	US DOE RADIATION LAB, UNIV OF NOTRE DAME.	UNIVERSITY NOTRE DAME	NOTRE DAME	IN	46556		X			5
GENERAL SERVICES ADMIN.	GSA FPRS CASAD DEPOT	STATE RT. 14	NEW HAVEN	IN	46774		X			5
NAVY	NAVAL AVIONICS CENTER	6000 E. 21ST STREET	INDIANAPOLIS	IN	42618		X			5
NAVY	NAVAL WEAPONS SUPPORT CENTER CRANE.	BLDG 2516 CODE 092V, MARTIN COUNTY.	CRANE	IN	47522	X	X	X	X	5
AIR FORCE	McCONNELL AFB	384 CSG/DE	WICHITA	KS	67221	X	X			7
ARMY	COMBINED ARMS CNT. & FT. LEAVENWORTH.	FT. LEAVENWORTH RESERVATION.	LEAVENWORTH	KS	66027	X	X			7
ARMY	FT. RILEY 1ST INFANTRY DIV (M).	DICKMON AVE	JUNCTION CITY	KS	66442	X	X			7
ARMY	KANSAS AAP	3 MILES EAST OF TOWN	PARSONS	KS	67357	X	X		X	7
ARMY	NATIONAL GUARD ARMORY & PARKING LOT.	18TH & RIDGE	KANSAS CITY	KS	0		X		X	7
ARMY	SUNFLOWER ARMY AMMUNITION PLANT.	103 RD ST. SOUTH OF DESOTO.	DESOTO	KS	66018	X	X			7
VETERANS ADMINISTRATION.	VA MEDICAL CENTER	4104 S. 4TH ST. TRAFFICWAY.	LEAVENWORTH	KS	66048		X			7
ARMY	FORT CAMPBELL	AFZB-FE-ECE	FORT CAMPBELL	KY	42223		X	X		4
ARMY	LEXINGTON—BLUEGRASS ARMY DEPOT.	HALEY RD	LEXINGTON	KY	40511		X	X	X	4
ARMY	USA ARMC & FORT KNOX	HIEY 31 W	FORT KNOX	KY	40121		X	X		4
ENERGY	US DOE PADUCAH GAS DIFFUSION PLT.	PO BOX 1410	PADUCAH	KY	42001		X	X		4
ENERGY	USDOE KENTUCKY ORDINANCE WORKS.	KENTUCKY WILDLIFE AREA.	PADUCAH	KY	42001				X	4
NAVY	NAVAL ORDINANCE STATION, LOUISVILLE.	SOUTHSIDE DR. MDS 42	LOUISVILLE	KY	40214		X	X		4
AGRICULTURE	SOUTHERN REGIONAL RESEARCH CENTER, USDA.	1100 ROBERT E. LEE BLVD.	NEW ORLEANS	LA	70124		X		X	6
AGRICULTURE	US DEPARTMENT OF AGRICULTURE.	4115 GOURRIER	BATON ROUGE	LA	70808		X			6
AIR FORCE	BARKSDALE AIR FORCE BASE.	2CSG/CC	BARKSDALE AFB	LA	71110	X	X	X	X	6
AIR FORCE	ENGLAND AIR FORCE BASE.	23 CSG/DE	ALEXANDRIA	LA	71311	X	X	X	X	6
ARMY	LOUISIANA ARMY AMMUNITION PLANT.	PO BOX 30059	SHREVEPORT	LA	71130	X	X	X	X	6
ARMY	US ARMY FORT POLK AND PEASON RIDGE.	HQ, 5th INFANTRY DIV., & FORT POLK.	FORT POLK	LA	71459		X	X		6
HEALTH AND HUMAN SERVICES.	FOOD AND DRUG ADMINISTRATION.	4298 ELYSIAN FIELDS	NEW ORLEANS	LA	70122		X			6
HEALTH AND HUMAN SERVICES.	GILLIS LONG HANSEN'S DISEASE CENTER.		CARVILLE	LA	70721			X		6
INTERIOR	LACASSINE NATIONAL WILDLIFE REFUGE.	ROUTE 1	LAKE ARTHUR	LA	70549				X	6
NASA	NASA—MARTIN MARIETTA AEROSPACE.	13800 OLD GENTILLY ROAD.	NEW ORLEANS	LA	70129		X	X		6
NAVY	NAVAL AIR STATION, NEW ORLEANS.	32 BELLE CHASE HWY	BELLE CHASSE	LA	70037		X			6
TRANSPORTATION	COAST GUARD BASE, NEW ORLEANS.	4640 URQUHART STREET	NEW ORLEANS	LA	70117		X			6
VETERANS ADMINISTRATION.	VETERANS ADMINISTRATION MEDICAL CENTER.	1601 PERDIDO STREET	NEW ORLEANS	LA	70112		X			6
AIR FORCE	HANSCOM AIR FORCE BASE.	3245 ABG/CC	HANSCOM AFB	MA	01731		X		X	1

FEDERAL FACILITIES DOCKET—Continued

AGENCY	FACILITY NAME	FACILITY ADDRESS	CITY	STATE	ZIP CODE	RCRA 3005	RCRA 3010	RCRA 3016	CERCLA 103	EPA REGION
AIR FORCE	OTIS AIR FORCE BASE	MASS MILITARY RESERVATION 102 FIW/CC.	FALMOUTH	MA	02542		X		X	1
AIR FORCE	WESTOVER AIR FORCE BASE.	439CSG/CC	CHICOPEE	MA	01022	X	X	X	X	1
ARMY	GENERAL ELECTRIC CO.—EVERETT.	62 TREMONT STREET	EVERETT	MA	02149	X			X	1
ARMY	GENERAL ELECTRIC—LYNN.	40 FEDERAL STREET	LYNN	MA	01901				X	1
ARMY	US ARMY, FORT DEVENS	BUENA VISTA ST	AYER	MA	01433	X	X	X	X	1
ARMY	US ARMY MATLS AND MECH RES CTR.	ARSENAL ST	WATERTOWN	MA	02172	X	X	X	X	1
ARMY	US ARMY RESEARCH DEVEL. AND ENGINEERING CTR.	KANSAS ST	NATICK	MA	01760		X	X		1
ARMY	USW ARMY NATICK R&D LABS, SUDBURY ANX.	HUDSON RD	SUDBURY	MA	01776				X	1
INTERIOR	CAPE COD SEASHORE	EAST OFF ROUTE 6	WELLFLEET	MA	02667				X	1
INTERIOR	PROVINCETOWN SANITARY LANDFILL.	WEST OFF RACE POINT ROAD.	PROVINCETOWN	MA	02657				X	1
NAVY	BOSTON NAVAL SHIPYARD		CHARLESTOWN	MA	02129				X	1
NAVY	USN NAS S WEYMOUTH		WEYMOUTH	MA	02190		X			1
POSTAL SERVICE	US POSTAL SERVICE	135 A STREET	BOSTON	MA	02210		X			1
POSTAL SERVICE	US POSTAL SERVICE	POST OFFICE SQUARE	LOWELL	NA	01853		X			1
TRANSPORTATION	COAST GUARD, S. WEYMOUTH BOUY DET.	TROTTER ROAD	WEYMOUTH	MD	02190	X	X			1
TRANSPORTATION	USCG BASE, WOODS HOLE.	LITTLE HARBOR ROAD	FALMOUTH	MD	02543		X			1
AGRICULTURE	FDA—BELTSVILLE AGRICULTURAL RES. CTR.	BUILDINGS 1321 & 204 BARL, MUIRKIRK RD.	BELTSVILLE	MD	20705		X	X	X	3
AIR FORCE	ANDREWS AIR FORCE BASE.	1776 ABW/DE	CAMP SPRINGS	MD	20331	X	X	X	X	3
ARMY	ABERDEEN PROVING GROUND.	ATTN STEAP-FE-M	ABERDEEN	MD	21005	X	X	X	X	3
ARMY	FORT DETRICK—FREDERICK CAN.	FT DETRICK	FREDERICK	MD	21701	X	X	X	X	3
ARMY	FORT MEADE	MD RT 175	FORT MEADE	MD	20755	X	X	X	X	3
ARMY	FORT RITCHIE	FORT RICHIE	FORT RICHIE	MD	21719		X			3
ARMY	HARRY DIAMOND LABS—ADELPHI.	SLCIS-FE 2800 POWDER MILL.	ADELPHI	MD	20783	X	X	X	X	3
ARMY	NATIONAL SECURITY AGENCY.	9800 SAVAGE ROAD	FORT MEADE	MD	20755		X			3
ARMY	PHOENIX CONTROL (NIKE)	SUNNYBROOK ROAD	JACKSONVILLE	MD	21131				X	3
ARMY	WALTER REED ARMY MEDICAL CENTER.	2461 LINDEN LANE	SILVER SPRING	MD	20910		X			3
COMMERCE	NATIONAL BUREAU OF STANDARDS.	QUINCE ORCHARD RD	GAITHERSBURG	MD	20760		X			3
DENFENSE	NSA (FANX I, II, III)	ELKRIDGE LANDING RD	LINTHICUM	MD	21090	X				3
GENERAL SERVICES ADMIN.	GSA CURTIS BAY DEPOT	ORDNANCE ROAD	BALTIMORE	MD	21226		X	X		3
HEALTH AND HUMAN SERVICES.	NIH BETHESDA	9000 ROCKVILLE PIKE	BETHESDA	MD	20205	X	X	X	X	3
HEALTH AND HUMAN SERVICES.	FDA CENTER OF VETERINARY MEDICINE.	MUIRKIRK & ODELL RD	BELTSVILLE	MD	20705		X			3
HEALTH AND HUMAN SERVICES.	FDA BELTSVILLE RESEARCH COM.	8301 MUIRKIRK RD RTE 2	BELTSVILLE	MD	20705		X			3
HEALTH AND HUMAN SERVICES.	FDA CENTER FOR DEVICES AND RADIATION.	12709 TWINBROOK PKWY	ROCKVILLE	MD	20857		X			3
HEALTH AND HUMAN SERVICES.	NCI—FREDERICK CANCER RESEARCH.	FORT DETRICK	FREDERICK	MD	21701		X	X		3
HEALTH AND HUMAN SERVICES.	NIH ANIMAL CENTER	ELMER SCHOOL ROAD	POOLESVILLE	MD	20837		X			3
HEALTH AND HUMAN SERVICES.	NIH-NIA GERONTOLOGY RESEARCH.	4940 EASTERN AVE	BALTIMORE	MD	21224		X			3
INTERIOR—FISH AND WILDLIFE.	FWS PATUXENT WILDLIFE RES. CTR.	RT. 197 AT POWDERMILL ROAD.	LAUREL	MD	20708			X		3
NASA	GODDARD SPACE FLIGHT CENTER.	GREENBELT ROAD	GREENBELT	MD	20771		X			3
NAVY	DAVID W TAYLOR NAVAL R&D YARD.	OLD SEVERN RIVER BRIDGE.	ANNAPOLIS	MD	21402		X		X	3
NAVY	NAS PATUXENT RIVER	NE OF ROUTE 235	PATUXENT RIVER	MD	20670	X	X		X	3
NAVY	NATIONAL NAVAL MEDICAL CENTER.	NATIONAL CAPITAL REGION.	BETHESDA	MD	20814		X			3
NAVY	NAV. ORD. STATION, INDIAN H EAD.	RTE 210 MARYLAND	INDIAN HEAD WW	MD	20640	X	X	X	X	3
NAVY	NAVAL ACADEMY	N/A	ANNAPOLIS	MD	21402	X	X	X	X	3
NAVY	NAVAL AIR FACILITY	ANDREWS AIR FORCE BASE.	CAMP SPRINGS	MD	20390		X			3
NAVY	NAVAL COMMUNICATION UNIT, WASHINGTON.	DANGERFIELD & COMMON RD.	CLINTON	MD	20735		X			3
NAVY	NAVAL ELECTRONIC SYS ENG ACTIVITY, SAINT INIGOES.	ST INIGOES	SAINT INIGOES	MD	20684		X			3
NAVY	NAVAL RESEARCH LAB LAUNCH.	BERRY ROAD	WALDORF	MD						3
NAVY	NAVSUPPFAC THURMONT	BOX 1000	THURMONT	MD	21788				X	3
NAVY	NSWC WHITE OAK	10901 NEW HAMPSHIRE AVE.	WHITE OAK	MD	20903	X	X	X	X	3
NAVY	USN BLOODSWORTH ARCHIPELAGO.	N POTOMAC R RUNS CHESAPEA.	N/A	MD					X	3
TRANSPORTATION	US COAST GUARD YARD	HAWKINS PT RD	BALTIMORE	MD	21226		X			3
AIR FORCE	LORING AIR FORCE BASE	42CSG/CC	LIMESTONE	ME	04751	X	X	X	X	1

FEDERAL FACILITIES DOCKET—Continued

AGENCY	FACILITY NAME	FACILITY ADDRESS	CITY	STATE	ZIP CODE	RCRA 3005	RCRA 3010	RCRA 3016	CERCLA 103	EPA REGION
DEFENSE	FUEL SUPPORT PT CASCO BAY.	RT 123 SOUTH HARPSWELL NECK.	CUMBERLAND	ME	04079		X	X	X	1
DEFENSE	FUEL SUPPORT PT SEARSPORT.	TRUNDY ROAD	SEARSPORT	ME	04974		X	X	X	1
INTERIOR	SEAL ISLAND NATIONAL WILDLIFE REFUGE.	SEAL SOUND	CALAIS	ME	04841				X	1
NAVY	BRUNSWICK NAS	BOUNDED BY ROUTES 24 & 123.	BRUNSWICK	ME	04011	X	X		X	1
NAVY	NAVAL SECURITY GROUP ACTIVITY.	ROUTE 186	WINTERHARBOR	ME	04693		X		X	1
NAVY	US NAVAL SEC GRP OPERATIONS SITE.		COREA	ME	04624				X	1
NAVY	USN NAVAL COMMUNICATIONS UNIT.		CUTLER	ME	04626		X			1
NAVY	USN PORTSMOUTH NAVAL SHIPYARD.	SEAVY ISLAND	KITTERY	ME	03904	X	X		X	1
TRANSPORTATION	USCG BASE SOUTH PORTLAND.	HIGH STREET	SOUTH PORTLAND	ME	04106		X			1
AIR FORCE	K.I. SAWYER AIR FORCE BASE.	410 CSG/DE	GWINN	MI	49843	X	X	X	X	5
AIR FORCE	SELFRIDGE AIR NATIONAL GUARD.		SELFRIDGE	MI	48045		X			5
AIR FORCE	US AIR FORCE PHELPS/COLLINS AP.		ALPENA	MI	49707		X			5
AIR FORCE	WURTSMITH AIR FORCE BASE.	379 COMBAT SUPPORT GROUP/CC.	OSCODA	MI	48753	X	X	X		5
ARMY	US ARMY TANK AUTOMOTIVE COMMAND.	6501 E. 11 MILE RD, MACOMB COUNTY.	WARREN	MI	48090	X	X			5
COMMERCE	GREAT LAKES ENVIRON. RESEARCH LAB, NOAA.	2300 WASHTENAW AVE	ANN ARBOR	MI	48104			X		5
DEFENSE	DEFENSE FUEL SUPPORT POINT.	RR RT. 1 GLADSTONE	DELTA	MI	49837			X		5
DEFENSE	US DEPT OF DEFENSE DFSP ESCANABA.	US HIGHWAY 41, DELTA COUNTY.	GLADSTONE	MI	49837				X	5
EPA	US EPA MOTOR VEHICLE EMISSION LAB.	2565 PLYMOUTH ROAD	ANN ARBOR	MI	48105		X			5
INTERIOR	ISLE ROYALE NATIONAL PARK.	87 N. RIPLEY ST	HOUGHTON	MI	49931		X			5
POSTAL SERVICE	US POSTAL SERVICE GARAGE.	10325 LYNDON	DETROIT	MI	48238		X			5
POSTAL SERVICE	USPS ALLEN PARK GARAGE.	17500 OAKWOOD BLVD	ALLEN PARK	MI	48101		X			5
TRANSPORTATION	US COAST GUARD STATION, CHARLEVOIX.	220 COASTGUARD ROAD	CHARLEVOIX	MI	49720		X			5
AGRICULTURE	US DEPT OF AGRI. CHIPPEWA NAT. FOREST.	RT. 1	CASS LAKE	MN	56633		X			5
ARMY	TWIN CITIES AAP	JCT HWY 10 & MN HWY 965, RAMSEY COUNTY.	ARDEN HILL	MN	55112	X	X	X	X	5
HEALTH AND HUMAN SERVICES.	RED LAKE PHS INDIAN HOSPITAL.	PHS HOSPITAL	RED LAKE	MN	56671		X			5
INTERIOR	US DOI TAMARAC NATIONAL WILDLIFE REFUGE.	RURAL ROUTE	ROCHERT	MN	56578		X			5
INTERIOR	US FISH & WILDLIFE REGIONAL SIGN CENTER.	FRONT AND KANSAS	WINONA	MN	55987		X			5
NAVY	NAVAL IND. RESERVE ORDNANCE PLANT.	4800 E. RIVER ROAD	FRIDLEY	MN	55421	X	X		X	5
POSTAL SERVICE	USPS MNPLS-ST. PAUL BULK MAIL CENTER.	3165 S. LEXINGTON AVE	ST. PAUL	MN	55121		X			5
TRANSPORTATION	US COAST GUARD GROUP, DULUTH.	1201 MINNESOTA AVE	DULUTH	MN	55802		X			5
AIR FORCE	RICHARDS GEBAUR AFB	424 CSG/DE	BELTON	MO	64030			X		7
AIR FORCE	WHITEMAN AFB	357 CSG/CC	KNOBNOSTER	MO	65305	X	X			7
ARMY	FT. LEONARD WOOD	ARTILLERY FIRING RANGE	FT. LEONARDWOOD	MO	65473	X	X		X	7
ARMY	JEFFERSON BARRACKS LDF.	GREGG AND SOUTH ROAD	ST. LOUIS	MO	63123				X	7
ARMY	LAKE CITY AAP	JCT MO HWY 7 & HWY 78	INDEPENDENCE	MO	64050	X	X	X	X	7
ARMY	MO-AVCRAD	2501 LESTER JONES AVE	SPRINGFIELD	MO	65803		X			7
ARMY	ST. LOUIS ORDNANCE PLANT.	4300 GOODFELLOW BLVD	ST. LOUIS	MO	63120		X		X	7
ARMY	US ATC ENGINEER & FT. LEONARD WOOD.	FORT LEONARDWOOD 144	PULASKI	MO	65473	X	X		X	7
ARMY	US CORP OF ENGINEERS	CLEARWATER LAKE	PIEDMONT	MO	63957		X			7
ARMY	WELDON SPRINGS TRAINING AREA, FT LNRDWD.	25 MILES W. OF ST. LOUIS	ST. CHARLES	MO	63301				X	7
DEFENSE	DEFENSE MAPPING—FEE	3200 S. SECOND STREET	ST. LOUIS	MO	63118		X			7
DEFENSE	DEFENSE MAPPING AGENCY—FEE.	8900 S. BROADWAY	ST. LOUIS	MO	63118		X			7
ENERGY	US DOE KANSAS CITY PLANT.	2000 E. 95TH (TROOST)	KANSAS CITY	MO	64131	X	X	X	X	7
ENERGY	WELDON SPRING CHEMICAL PLANT.	ST HYW 94 2 MI S OF US 40.		MO	63301		X			7
EPA	US EPA LABORATORY	25 FUNSTON ROAD	KANSAS CITY	MO	66115	X	X	X		7
EPA	US EPA MOBILE INCINERATION SYSTEM.	SE¼ NW¼ NW¼ SEC 20	MCDOWELL	MO	65769		X			7
GENERAL SERVICES ADMIN.	FEDERAL CENTER	2306 EAST BANNISTER ROAD.	KANSAS CITY	MO	64131			X		7
GENERAL SERVICES ADMIN.	GENERAL SERVICES ADMINISTRATION.	1500 BANNISTER ROAD	KANSAS CITY	MO	64131		X			7
INTERIOR	JEFFERSON NATIONAL EXPANSION.	2ND & POPLAR STREET	ST. LOUIS	MO	63102		X			7

FEDERAL FACILITIES DOCKET—Continued

AGENCY	FACILITY NAME	FACILITY ADDRESS	CITY	STATE	ZIP CODE	RCRA 3005	RCRA 3010	RCRA 3016	CERCLA 103	EPA REGION
AGRICULTURE	USDA SEA IFA RESEARCH LABORATORY.	3505 25TH AVE PO BOX 3209.	GULFPORT	MS	39503		X			4
AIR FORCE	COLUMBUS AIR FORCE BASE.	14 ABG/DE	COLUMBUS AFB	MS	39701		X	X	X	4
AIR FORCE	KEESLER AFB	3380 CES/DE	KEESLER AFB	MS	39534		X	X	X	4
ARMY	MISSISSIPPI ARMY AMMO PLANT.	BLDG 9101 NASA NSTL		MS	39529		X		X	4
ARMY	USA ENGR ENVIRON LAB WATERWAYS EXP STA.	PO BOX 631	VICKSBURG	MS	39180		X	X	X	4
NAVY	NAVAL AIR STATION, MERIDIAN.	PUBLIC WORKS DEPARTMENT.	MERIDIAN	MS	39309		X			4
NAVY	NAVAL CONSTRUCTION BATTALION CTR.	33RD AVE	GULFPORT	MS	39501		X		X	4
AGRICULTURE	LEWIS & CLARK NATIONAL FOREST.	BOX 871	GREAT FALLS	MT	59403			X		8
AIR FORCE	MALMSTROM AIR FORCE BASE.	FACILITY 1501 PERIMETER RD.	GREAT FALLS	MT	59402	X	X	X	X	8
ARMY	MT. ANG OMS #5	GALLITIN COUNTY AIRPORT.	BELGRANDE	MT	59714		X			8
INTERIOR	BLM—ERMONT MILL TAILINGS.	T6SR11WSEC35		MT					X	8
INTERIOR	BLM—ILLEGAL AIRSTRIP JOHN GREYTAK.	T11NR27ESEC6		MT					X	8
INTERIOR	BLM—JET FUEL REFINERY SITE.	T14NR31E	MOSBY	MT					X	8
INTERIOR	BLM—SLUICE GULCH LEAKING ADIT.	T6SR15WSEC5			MT				X	8
INTERIOR	BLM—THORIUM CITY WASTE DUMP.	T10SR15WSEC21		MT					X	8
INTERIOR	BLM—TUNGSTEN MILL TAILINGS.	T4WR9WSEC4, 5, 9		MT					X	8
INTERIOR	CHARLES M. RUSSELL REFUGE.	T21N, R2E; SEC.15	TURKEY JOE LANDING	MT	59457		X		X	8
INTERIOR	NATIONAL BISON RANGE	CNTY RD 212 IN MOIESE	MOIESE	MT	59824		X			8
AGRICULTURE	US FOREST SERVICE	SWAIN COUNTY LANDFILL SR 1311.	BRYSON CITY	NC	28713			X		4
AGRICULTURE	USDA—FS GRAHAM COUNTY LANDFILL.		GRAHAM COUNTY	NC				X		4
AIR FORCE	POPE AIR FORCE BASE	317 CSG/DE	POPE AFB	NC	28308		X		X	4
AIR FORCE	SEYMOUR JOHNSON AIR FORCE BASE.	4 CSG/DE	SEYMOUR JOHNSON AFB	NC	27531		X	X	X	4
COMMERCE	NATIONAL MARINE FISHERIES SERVICE.	PIVERS ISLAND OFF US HWY 70 WEST.	BEAUFORT	NC	28512		X			4
HEALTH AND HUMAN SERVICES.	NAT INST. OF ENVIRON. HEALTH SCI.	S ON ALEXANDER DR	RESEARCH TRI PARK	NC	27709		X		X	4
NAVY	MARINE CORPS AIR STATION, CHERRY POINT.	NC HWY 101	CHERRY POINT	NC	28533		X	X	X	4
NAVY	MARINE CORPS AIR STATION, NEW, RIVER.	FIRE FIGHTING TRAINING PIT.	JACKSONVILLE	NC			X			4
NAVY	MARINE CORPS AUXILIARY LANDING FIELD BURN PIT.	MCALF BOGUE	MOREHEAD CITY	NC	28557				X	4
NAVY	MARINE CORPS BASE, CAMP LEJEUNE.	NC HWY 24 & US HWY 16	CAMP LEJEUNE	NC	28542		X	X	X	4
TRANSPORTATION	USCG FORT MACON STATION.	PO BOX 237	ATLANTIC BEACH	NC	28512		X		X	4
TRANSPORTATION	USCG SUPPORT CENTER	HWY 34 S/4MI. S OF	ELIZABETH CITY	NC	27909		X	X		4
AGRICULTURE	METABOLISM & RADIATION RESEARCH LAB.	1605 W. COLLEGE ST	FARGO	ND	58105		X	X	X	8
AIR FORCE	GRAND FORKS AIR FORCE BASE.	321 CSG/CC	GRAND FORKS	ND	58105	X	X	X	X	8
AIR FORCE	MINOT AIR BASE	41 CSG/CC	MINOT AFB	ND	58705	X	X	X	X	8
ARMY	ND ANG ARMY AVIATION SUPPORT FACILITY.	BISMARK CITY AIRPORT—BLDG. 100.	BISMARCK	ND	58502		X			8
ARMY	ND ANG COMBINED SUPPORt MAINT SHOP.	CAMP GILBERT GRAFTON, BLDG. 5800.	DEVILS LAKE	ND	58201		X			8
ARMY	ND ANG ORGAN. MAINT SHOP NO. 3.	2013 NO. WASHINGTON STREET.	GRAND FORKS	ND	58206		X			8
ARMY	ND ANG ORGAN, MAINT SHOP NO. 4.	FRAINE BARRACKS, BLDG. 250.	BISMARK	ND	58502		X			8
ARMY	ND ANG ORGAN. MAINT SHOP NO. 5.	US HWY 281 NORTH AND 15TH ST. NW.	JAMESTOWN	ND	58402		X		X	8
ARMY	ND ANG ORGAN. MAINT SHOP NO. 6.	VALLEY CITY MUNICIPAL AIRPORT.	VALLEY CITY	ND	58072		X			8
ARMY	ND ANG ORGAN. MAINT SHOP NO. 7.	OLD AT. HWY 21 & INDIANA AVE..	MOTT	ND	58646		X			8
ARMY	ND ANG UNIT TRAINING EQUIPMENT SHOP.	CAMP GILBERT GRAFTON, BLG. 6900.	DEVILS LAKE	ND	58301		X			8
DEFENSE	DEFENSE FUEL SUPPORT POINT, GRAND FORKS.	GRAND FORKS AFB, 42ND STREET.	GRAND FORKS	ND	58201		X	X	X	8
AGRICULTURE	ROMAN L HRUSKA MEAT ANIMAL RESOURCE CNTR.	STATE SPUR 18D		NE	68933		X			7
AIR FORCE	OFFUTT AIR FORCE BASE	55 CSG/CC	OFFUTT AFB	NE	68113	X	X		X	7
INTERIOR	MCMURTRY MARSH	SOUTH HIGHWAY 6, 10 MILES EAST OF HASTINGS.	HASTINGS	NE					X	7
NAVY	NAVAL RESERVE CENTER LINCOLN.	1625 N 10TH ST	LINCOLN	NE	68508				X	7
NAVY	NAVAL SUPPORT ACTIVITY	FORT OMAHA	OMAHA	NE					X	7
AIR FORCE	PEASE AIR FORCE BASE	509 CSG/CC	PORTSMOUTH	NH	03901	X	X		X	1

FEDERAL FACILITIES DOCKET—Continued

AGENCY	FACILITY NAME	FACILITY ADDRESS	CITY	STATE	ZIP CODE	RCRA 3005	RCRA 3010	RCRA 3016	CERCLA 103	EPA REGION
DEFENSE	DEFENSE FUEL SUPPORT, POINT MELVILLE.	ROUTE 114	PORTSMOUTH	NH	02871		X	X	X	1
DEFENSE	US DEFENSE FUEL SUPPORT—PT NEWINGTON.	PATTERSON LANE	NEWINGTON	NH	03801		X	X	X	1
AIR FORCE	MCGUIRE AIR FORCE BASE.	438 ABG/DE	WRIGHTSTOWN	NJ	08641	X	X	X	X	2
ARMY	FORT DIX LANDFILL	JULIUSTOWN—BROWNS MILLS ROAD.	WRIGHTSTOWN	NJ	08%¢@				X	2
ARMY	FORT MONMOUTH	MARCONI ROAD	FORT MONMOUTH	NJ	07703	X	X	X	X	2
ARMY	MILITARY OCEAN TERMINAL.	FOOT OF 32ND STREET	BAYONNE	NJ	07002	X	X	X	X	2
ARMY	PICATINNY ARSENAL	OFF ROUTE 15	DOVER	NJ	07801	X	X	X	X	2
ARMY	SFC NV BRITTAN USAR CENTER.	39TH AND FEDERAL STREET.	CAMDEN	NJ	08105		X			2
ARMY	STORCH U.S. ARMY RESERVE CENTER.	SHORE ROAD	NORTHFIELD	NJ	08225		X			2
ARMY	STRYKER USAR CENTER	2150 NOTTINGHAM WAY	TRENTON	NJ	08619		X			2
ARMY	U.S. ARMY TRAINING CENTER AT FT. DIX.	JULIUSTOWN—BROWNS MILLS ROAD.	WRIGHTSTOWN	NJ	08562	X	X	X		2
ARMY	UNIT TRAINING AND EQUIPMENT SITE.	P.O. BOX 278, COUNTY HWY 539.	PLUMSTEAD TWP	NJ	08533		X			2
COMMERCE	MACOM LASER DIODE	130 SOMERSET STREET	NEW BRUNSWICK	NJ	08901		X			2
COMMERCE	NOAA/NMFS/NEFC	SANDY HOOK LABORATORY.	HIGHLANDS	NJ	07732		X			2
ENERGY	ERDA—NEW BRUNSWICK LAB.	986 JERSEY AVENUE	NEW BRUNSWICK	NJ	08903				X	2
ENERGY	MAYWOOD INTERIM STORAGE SITE.	ROUTE 17 AND GROVE STREET.	MAYWOOD	NJ	07662				X	2
ENERGY	MIDDLESEX SAMPLING PLANT.	239 MOUNTAIN AVENUE	MIDDLESEX	NJ	08846				X	2
ENERGY	PRINCETON PLASMA PHYSICS LABORATORY.	FORRESTAL CAMPUS	PRINCETON	NJ	08544		X	X		2
ENERGY	WR GRACE AND CO	868 BLACK OAK RIDGE	POMPTON PLAINS	NJ	07444				X	2
GENERAL SERVICES ADMIN.	GSA RARITAN DEPOT	4700 WOODBRIDGE AVENUE.	EDISON	NJ	08817	X	X	X	X	2
GENERAL SERVICES ADMIN.	GSA SUPPLY DEPOT	BELLE MEADE #1 ROUTE 206.	BELLE MEAD	NJ	08502		X		X	2
INTERIOR	EDWIN B. FORSYTHE NAT'L WILDLIFE REFUGE.	700 WEST BAY AVENUE	BARNEGAT	NJ	08005			X		2
INTERIOR	GATEWAY NATIONAL RECREATIONAL AREA.	FORT HANCOCK	SANDY HOOK—BROOKLYN	NJ	07732		X	X	X	2
INTERIOR	GREAT SWAMP NAT'L WILDLIFE REFUGE.	RD 1, BOX 152	BASKING RIDGE	NJ	07920			X		2
INTERIOR	MORRISTOWN NATIONAL HISTORICAL PARK.	JOCKEY HOLLOW ROAD	MORRISTOWN	NJ	07960		X			2
NAVY	EARLE NAVAL WEAPONS STATION.	TYLERLANE AND TEXAS ROAD.	WALL TWP	NJ	07722	X	X	X	X	2
NAVY	NAVAL AIR ENGINEERING CENTER, LAKEHURST.	HANCOCK ROAD OFF ROUTE 547.	LAKEHURST	NJ	08733	X	X	X	X	2
NAVY	NAVAL AIR PROPULSION CENTER, TRENTON.	PARKWAY AVENUE	TRENTON	NJ	08628	X	X		X	2
TRANSPORTATION	FAA-NAFEC	ROUTES 563 AND 575	POMONA	NJ	08405				X	2
TRANSPORTATION	USCG STATION—BARNEGAT.	6TH AND BAYVIEW	BARNEGAT LIGHT	NJ	08006		X			2
VETERANS ADMINISTRATION.	GSA/VA DEPOT	ROUTE 206	SOMERVILLE	NJ	08876				X	2
VETERANS ADMINISTRATION.	VA MEDICAL CENTER	KNOLLCRAFT ROAD	LYONS	NJ	07939		X		X	2
VETERANS ADMINISTRATION.	VA MEDICAL CENTER	TREMONT AVE	EAST ORANGE	NJ	07019		X			2
VETERANS ADMINISTRATION.	VA SUPPLY DEPOT	ROUTE 206	HILLSBOROUGH TWP	NJ	08853				X	2
AIR FORCE	CANNON AIR FORCE BASE	275 CSG/DE	CANNON AFB	NM	88103	X	X	X	X	6
AIR FORCE	HOLLOMAN AIR FORCE BASE.	833 CSG/DE	HOLLMAN AFB	NM	88330	X	X	X	X	6
AIR FORCE	KIRTLAND AIR FORCE BASE.	1606 CSG/DE	KIRTLAND AFB	NM	87117	X	X		X	6
ARMY	US ARMY—FORT WINGATE DEPOT ACTIVITY.	10 MILES EAST OF GALLUP ON I-10.	GALLUP	NM	87310	X	X		X	6
ARMY	US ARMY—WHITE SANDS MISSILE RANGE.		WHITE SANDS	NM	88002	X	X		X	6
ENERGY	LOS ALAMOS SCIENTIFIC LABORATORY.	WEST JEMEZ ROAD	LOS ALAMOS	NM	87544	X	X	X	X	6
ENERGY	US DOE SANDIA NATIONAL LABORATORIES.		ALBUQUERQUE	NM	87116	X	X	X	X	6
ENERGY	US DOE TONOPAH TEST RANGE.	ALBUQUERQUE OPERATIONS OFFICE PO BOX 5400.	ALBUQUERQUE	NM	87115		X			9
INTERIOR	BLM LAS CRUCES LANDFILL.	T23SR2ESEC11	LAS CRUCES	NM	88001				X	6
INTERIOR	BLM-AMAX CHEMICAL	EDDY COUNTY	ARTESIA	NM	88201				X	6
INTERIOR	BLM-ARTESIA LANDFILL	T17SR25ESEC10	ARTESIA	NM	88210				X	6
INTERIOR	BLM-BLANCO LANDFILL	T29NR10WSEC13	BLANCO	NM	87412				X	6
INTERIOR	BLM-BLOOMFIELD CITY LANDFILL.	T29NR11WSEC34	BLOOMFIELD	NM	87413				X	6
INTERIOR	BLM-BLUE CANYON ALLOTMENT	T20SR5WSEC8	HATCH	NM	87937				X	6
INTERIOR	BLM-DUVAL COMPANY	EDDY COUNTY	CARLSBAD	NM	88220				X	6
INTERIOR	BLM-FLORA VISTA LANDFILL.	T30NR12WSEC3	FLORA VISTA	NM	87415			X	X	6
INTERIOR	BLM-HATCH LANDFILL	T14SR3WSEC4LOT1		NM					X	6

FEDERAL FACILITIES DOCKET—Continued

AGENCY	FACILITY NAME	FACILITY ADDRESS	CITY	STATE	ZIP CODE	RCRA 3005	RCRA 3010	RCRA 3016	CERCLA 103	EPA REGION
INTERIOR	BLM-I&W OIL SERVICE ROSWELL.	T20SR31ESEC17, 18	LOVING	NM	87415				X	6
INTERIOR	BLM-INTERNATIONAL MANERALS & CHEMICAL.	ROSWELL	ROSWELL	NM					X	6
INTERIOR	BLM-KERR-MCGEE CHEM CORP HOBBS POTASH.	LEE COUNTY	HOBBS	NM	88240				X	6
INTERIOR	BLM-KERR-MCGEE LAGUNA TOSTON.	LEE COUNTY	HOBBS	NM	88240				X	6
INTERIOR	BLM—KIRTLAND LANDFILL	T30NR14WSEC31	KIRTLAND	NM	87412			X	X	6
INTERIOR	BLM—LA MESA	T25SR2ESEC34	LA MESA	NM	88044				X	6
INTERIOR	BLM—LA UNION LANDFILL	T27SR3ESEC18	LA UNION	NM	88021				X	6
INTERIOR	BLM—LEE ACRES LANDFILL.	T29NR12WSEC22	FARMINGTON	NM	87401			X	X	6
INTERIOR	BLM—LOCO HILLS LANDFILL.	T17SR30ESEC22		NM					X	6
INTERIOR	BLM—MARATHON OIL CO., INDIAN BASIN PLANT.	NOT FOUND IN REGION		NM						6
INTERIOR	BLM—MESILLA LANDFILL	T24WR1ESEC14		NM					X	6
INTERIOR	BLM—NATIONAL POTASH CO.	EDDY & LEE COUNTYS	CARLSBAD	NM	88220				X	6
INTERIOR	BLM—POTASH CO. OF AMERICA (PCA).	EDDY COUNTY	CARLSBAD	NM	88220				X	6
INTERIOR	BLM—SOUTH FARMINGTON SANITARY LANDFILL.	T29NR13WSEC20	FARMINGTON	NM	87401				X	6
INTERIOR	BLM—STANDARD TRANSPIPE CORP.	T17SR9ESEC18,19	ALAMOGARDO	NM	88310				X	6
INTERIOR	BLM—WASTE ELEC. TRANSFORMER SITE NO. 1.	T4SR1WSEC17,20	SOCORRO	NM	87801				X	6
INTERIOR	BLM—WATERFLOW LANDFILL.	T30NR16WSEC35	WATERFLOW	NM	87421				X	6
INTERIOR	MONTEREY CONSTRUCTION COMPANY.	HIGHWAY 285	CARLSBAD	NM	88220		X			6
INTERIOR	U OF NM HAZ WASTE STORAGE FACILITY.	T23SR2ESEC23	LAS CRUCES	NM	88001	X		X	X	6
NASA	NASA—JSC WHITESANDS TEST FACILITY.	LAS CRUCES	NM	88004	X	X	X	X	6	
VETERANS ADMINISTRATION.	VETERANS ADMINISTRATION HOSPITAL.	2100 RIDGECREST	ALBUQUERQUE	NM	87106		X	X		6
AIR FORCE	NELLIS AFB	554 OSW/DE	NELLIS AFB	NV	89191	X	X	X	X	9
ARMY	HAWTHORNE ARMY AMMUNITION PLANT.		HAWTHORNE	NM	89416	X	X	X	X	9
ARMY	US PROP FISCAL OFC FOR NV.	2601 S. CARSON ST	CARSON CITY	NM	89701		X			9
ENERGY	US DOE NEVADA TEST SITE.	PO BOX 98518	LAS VEGAS	NV	89193-8518	X	X	X	X	9
INTERIOR	BLM—AARON MINING	T28NR47ESEC9	ESMERELDA	NV	89421				X	9
INTERIOR	BLM—ALL MINERALS INC	T12NR46ESEC10	NYE	NV	89045				X	9
INTERIOR	BLM—AMERICAN BORATE COMPANY.	T18SR49ESEC1	NYE	NV					X	9
INTERIOR	BLM—ANTELOPE VALLEY PESTICIDE.	T25NR42ESEC18	LANDER	NV	89310				X	9
INTERIOR	BLM—ARGENTUM MILL	T3NR36ESEC17		NV					X	9
INTERIOR	BLM—AUSTIN WELL	T40NR35ESEC32	NUMBOLDT	NV	98445				X	9
INTERIOR	BLM—BAR RESOURCES INC. BUCKHORN MINE.	T26NR49ESEC30		NV					X	9
INTERIOR	BLM—BUNKER HILL CO	T1NR67ESEC29	LINCOLN	NV					X	9
INTERIOR	BLM—CANDELARIA PARTNERS OMC.	T34NR35ESEC2233435		NV					X	9
INTERIOR	BLM—CARLIN GOLD MINE	T35NR50ESEC14	EUREKA	NV					X	9
INTERIOR	BLM—CHROMALLOY MINING & MILLING.	T42NR62ESEC17	ELKO	NV					X	9
INTERIOR	BLM—CHROMALLOY MINING & MILLING.	T42NR63ESEC11	ELKO	NV					X	9
INTERIOR	BLM—CORTEZ JOINT VENTURE.	T27NR47ESEC13		NV					X	9
INTERIOR	BLM—CRESCENT MINING LTD (REST MINE).	T26SR1ESEC31	LANDER	NV	89821				X	9
INTERIOR	BLM—CRESCENT VALLEY MILL.	T29NR48ESEC24	EUREKA	NV					X	9
INTERIOR	BLM—CYPRUS MINING CORP.	T13NR46ESEC18	NYE	NV	89045				X	9
INTERIOR	BLM—D&Z EXPLORATION CO.	T28NR34ESEC32	PERSHING	NV					X	9
INTERIOR	BLM—DEE GOLD CORP	T37NR50ESEC6	ELKO	NV					X	9
INTERIOR	BLM—DOUBLE EAGLE INC., LOWER ROCHESTER.	T28NR34ESEC18	PERSHING	NV	89419				X	9
INTERIOR	BLM—DOUGLAS COUNTY LANDFILL.	T12NR21ESEC18	DOUGLAS	NV	89410				X	9
INTERIOR	BLM—DRESSER MINERALS, GREYSTON.	T28NR46ESEC16	LANDER	NV	89820				X	9
INTERIOR	BLM—DUVAL CORP MINE SITE.	T31NR43ESEC23,24,25	LANDER	NV					X	9
INTERIOR	BLM—EISMAN CHEMICAL CO.	T34NR62ESEC32	EUREKA	NV					X	9
INTERIOR	BLM—ELY CRUDE OIL CO	T9NR57ESEC35	NYE	NV	89301				X	9
INTERIOR	BLM—IMCO SERVICES IN	T28NR44ESEC4 AND T28NR46ESEC32.		NV	89820				X	9

FEDERAL FACILITIES DOCKET—Continued

AGENCY	FACILITY NAME	FACILITY ADDRESS	CITY	STATE	ZIP CODE	RCRA 3005	RCRA 3010	RCRA 3016	CERCLA 103	EPA REGION
INTERIOR	BLM—INTERMOUNTAIN EXPLORATION.	T26SR64ESEC9	CLARK	NV					X	9
INTERIOR	BLM—JUPITER GOLD CO	T33NR37ESEC1	PERSHING	NV	89445				X	9
INTERIOR	BLM—KEMCO BUSTER MINE.	T5SR39ESEC25,26	ESMERELDA	NV	89301				X	9
INTERIOR	BLM—MCDERMITT MINE	T47NR37ESEC20212729	HUMBOLDT	NV					X	9
INTERIOR	BLM—MINERALS CONCENTRATES	T35NR37ESEC12	HUMBOLDT	NV	89445				X	9
INTERIOR	BLM—MONTELLO SHELLITE.	T40NR69ESEC34	MONTELLO	NV					X	9
INTERIOR	BLM—MOUND MINERAL, ARGENTUM.	T3NR365SSEC65	ESMERELDA	NV	89049				X	9
INTERIOR	BLM—MULTI-METALLICS INC.	T37NR1ESEC25	HUMBOLDT	NV	89445				X	9
INTERIOR	BLM—NEVADA BARTH CORPORATION.	T31NR51ESEC7,8	EUREKA	NV	89822				X	9
INTERIOR	BLM—NEVADA HAPTH CORPORATION.	UNAVAILABLE FROM SITE OFFICE.		NV					X	9
INTERIOR	BLM—NEW PASS RESOURCES INC.	T20NR40ESEC10	LANDER	NV	89310				X	9
INTERIOR	BLM—ORMSBY LANDFILL	T15NR20-21ESEC1,12	ORMSBY	NV	89701				X	9
INTERIOR	BLM—QUINN RIVER VALLEY.	T43NR36ESEC18	HUMBOLDT	NV	89445				X	9
INTERIOR	BLM—SMOKEY VALLEY MINING CO.	T10NR44ESEC18-20,29	NYE	NV	89045				X	9
INTERIOR	BLM—STANDARD GOLD MINE.	T30NR33ESEC1	PERSHING	NV					X	9
INTERIOR	BLM—UNION CARBIDE CORP (EMERSON MINE).	T3SR56ESEC26	LINCOLN	NV	89001				X	9
INTERIOR	BLM—UNION PACIFIC R/W	T8SR67ESEC23	LINCOLN	NV	89008			X	X	9
INTERIOR	BLM—UNIVERSAL GAS INC.	R35NR50ESEC10	EUREKA	NV					X	9
INTERIOR	BLM—UTAH INTERNATIONAL INC.	T34NR34ESEC35,36	PERSHING	NV					X	9
INTERIOR	BLM—VETA GRANDE MINING CO.	T11NR21ESEC3,4,9	DOUGLAS	NV					X	9
INTERIOR	BLM—WEST COAST OIL & GAS CORP.	T19NR22ESEC26,36	STOREY	NV					X	9
INTERIOR	BLM—WESTERN STATES MINERALS.	T36NR50ESEC29,30	EUREKA	NV					X	9
INTERIOR	BLM—WESTERN WINDFALL LTD.	T18NR53ESEC1,2	EUREKA	NV	89316				X	9
INTERIOR	DATE STREET COMPLEX	500 DATE ST.	BOULDER CITY	NV	89005		X		X	9
INTERIOR	HOPE MINE	T22NR51ESEC12	WHITE PINE	NV	89301				X	9
NAVY	NAVAL AIR STATION FALLON.	NAVAL AIR STATION	FALLO	NY	89406	X	X	X	X	9
AGRICULTURE	PLUM ISLAND ANIMAL DESEASE CENTER.	PLUM ISLAND	ORIENT POINT	NY	11957				X	2
AIR FORCE	AIR FORCE PLANT #59	600 MAIN STREET	JOHNSON CITY	NY	113790			X	X	2
AIR FORCE	GRIFFISS AIR FORCE BASE.	GRIFFISS A.F.B	ROME	NY	13440	X	X	X	X	2
AIR FORCE	NIAGARA FALLS AIR FORCE RES.	914 TA/DE	NIAGARA FALLS IAP	NY	14304	X	X	X	X	2
AIR FORCE	PLATTSBURGH AIR FORCE BASE.	308 CSG/CC	PLATTSBURGH AFB	NY	12901	X	X	X	X	2
AIR FORCE	US AIR FORCE PLANT #38	PORTER & BALMER RDS	PORTER TWP	NY	14131				X	2
AIR FORCE	YOUNGSTOWN TENN ANN	BALMER RD	PORTER CENTER	NY	14131				X	2
ARMY	AIR FORCE PLANT #68	LUTTS ROAD	MODEL CITY	NY	14107				X	2
ARMY	AMSA 9 U.S. ARMY RESERVE.	130 PICKARD DRIVE	MATTYDALE	NY	13211		X			2
ARMY	FORT DRUM #8	BTWN RTS 3 11	WATERTOWN	NY	13601	X	X	X	X	2
ARMY	FORT HAMILTON	FT HAMILTON	BROOKLYN	NY	11252				X	2
ARMY	FORT TOTTEN	BAYSIDE	QUEENS	NY	11359				X	2
ARMY	MCDONALD USARC	168 GOETHALS AVE	JAMAICA	NY	11432		X			2
ARMY	ORGANIZATIONAL MAINT SHOP 45.	70 BRENTWOOD RD	BAYSHORE	NY	11706		X			2
ARMY	ROOSEVELT USARC	101 OAK ST	HEMPSTEAD	NY	11550		X			2
ARMY	SENECA ARMY DEPOT	RT 96	ROMULUS	NY	14541	X	X	X	X	2
ARMY	U.S. ARMY ENGINEER DISTRICT.	1776 NIAGRA ST	BUFFALO	NY	14127		X			2
ARMY	USA—BELLMORE MAINTENANCE FACILITY.	2755 MAPLE AVE	BELLMORE	NY	11710		X			2
ARMY	USA-COMB SPT MAIN SHOP "C"	1500 EAST HENRIETTA RD	ROCHESTER	NY	14623		X			2
ARMY	USMA—WEST POINT	RT 9W—BLDG 733	WEST POINT	NY	10996	X	X		X	2
ARMY	WATERVLIET ARSENAL	BROADWAY	WATERVLIET	NY	12189	X	X	X		2
CORPS OF ENGINEERS, CIVIL	USCOE—EAST SIDNEY LAKE.	NY STATE ROUTE 357	FRANKLIN	NY	13775		X			2
CORPS OF ENGINEERS, CIVIL	USCOE—TROY LOCK & DAM.	BOND ST	TROY	NY	12180		X			2
DEFENSE	VERONA DEFENSE FUEL SUPPORT PT	MAIN ST	VERONA	NY	13478		X	X	X	2
ENERGY	BROOKHAVEN NATIONAL LAB.	53 BELL AVE	UPTON	NY	11973	X	X			2
ENERGY	COLONIE INTERIM STORAGE/NL NUCLEAR METALS DIV.	1130 CENTRAL AVE	COLONIE	NY	11205		X	X		2
ENERGY	KNOLLS ATOMIC POWER LAB—KESSELRING SITE.	ATOMIC PROJECT ROAD	WEST MILTON	NY	12020	X	X		X	2
ENERGY	KNOLLS ATOMIC POWER LAB—KNOLLS SITE.	RIVER RD	NISKAYUNA	NY	12301	X	X		X	2

FEDERAL FACILITIES DOCKET—Continued

AGENCY	FACILITY NAME	FACILITY ADDRESS	CITY	STATE	ZIP CODE	RCRA 3005	RCRA 3010	RCRA 3016	CERCLA 103	EPA REGION
ENERGY	LAKE ONTARIO ORDNANCE WORKS.	1397 PLETCHER RD	MODEL CITY	NY	14107				X	2
GENERAL SERVICES ADMIN.	EMMANUEL CELLARD FEDERAL BLDG. 225CA.	225 CADMAN PLAZA	BROOKLYN	NY	11201		X			2
GENERAL SERVICES ADMIN.	FEDERAL BUILDING	111 WEST HURON ST	BUFFALO	NY	14202		X			2
GENERAL SERVICES ADMIN.	FEDERAL BUILDING	252 7TH AVE	NEW YORK	NY	10001		X			2
GENERAL SERVICES ADMIN.	JACOB K. JAVITZ FED. BLDG.	26 FEDERAL PLAZA	NEW YORK	NY	10278		X			2
GENERAL SERVICES ADMIN.	U.S. INFORMATION AGENCY.	29TH & 3RD AVE, DOOR 15	Brooklyn	NY	11232		X			2
GENERAL SERVICES ADMIN.	GENERAL SERVICES ADMINISTRATION.	201 VARICK ST	NY	NY	10014		X			2
GENERAL SERVICES ADMINISTRATION.	MERCHANDISE CONTROL SALES SECTION.	6 WORLD TRADE CENTER	NEW YORK	NY	10048		X			2
HEALTH & HUMAN SERVICES.	U.S. FOOD & DRUG ADM	850 THIRD AVE	BROOKLYN	NY	11232		X			2
INTERIOR	IROQUOIS NATIONAL WILDLIFE REFUGE.	CASEY RD	ALABAMA	NY	14003			X		2
INTERIOR	MONTEZUMA NATIONAL WILDLIFE REFUGE.	3395 ROUTE 5 & 20 EAST	SENECA FALLS	NY	13148			X		2
INTERIOR	UNITED NUCLEAR	OLD RTE. 55	PAWLING	NY	12564				X	2
INTERIOR	USDOI—PENNSYLVANIA AVE MUNICIPAL LF.	PENNSYLVANIA AVE, SHORE PKWY.	BROOKLYN	NY	11207		X			2
NAVY	NAVAL AIR STATION, BROOKLYN.	MERRICK AVE	EAST MEADOW	NY	11554				X	2
NAVY	NAVAL UNDERWATER SYSTEMS CENTER.	FISHER'S ISLAND	FISHER'S ISLAND	NY	06380		X			2
NAVY	NAVAL WEAPONS INDUSTRIAL RESERVE PLANT.	S. OYSTER BAY RD	BETHPAGE	NY	11714				X	2
NAVY	NAVAL WEAPONS INDUSTRIAL RESERVE PLANT, CALVERTON.	WADING RIVER—MANOR RD.	CALVERTON	NY	11933				X	2
NAVY	SUPERVISOR OF SHIPBUILDING.	FLUSHING & WASHINGTON AVE.	BROOKLYN	NY	11251		X			2
POSTAL SERVICE	HICKSVILLE POST OFFICE	260 ENGINEERS DRIVE	HICKSVILLE	NY	11802		X			2
POSTAL SERVICE	U.S. POSTAL SERVICE	550 MANOR RD	STATEN ISLAND	NY	10314		X			2
POSTAL SERVICE	U.S. POSTAL SERVICE, WESTERN NASSAU.	830 STEWART AVE	GARDEN CITY	NY	11599		X			2
TRANSPORTATION	CG ANT RED BEECH—SAUGERTIES.		SAUGERTIES	NY	12477		X			2
TRANSPORTATION	SUPPORT CENTER, GOVERNOR'S ISLAND.	C/O US COAST GUARD GROUP.	GOVERNOR'S ISLAND	NY	10004		X			2
TRANSPORTATION	USCG BASE, BUFFALO	1 FRIHRMANN BLVD	BUFFALO	NY	14203		X			2
VETERANS ADMINISTRATION.	VA EXTENDED HEALTH CARE CENTER.	179TH STREET AND LINDEN BLVD.	ST. ALBANS	NY	11425		X			2
VETERANS ADMINISTRATION.	VA HOSPITAL	RTE. 9D	CASTLE PT	NY	12511				X	2
VETERANS ADMINISTRATION.	VA MEDICAL CENTER	800 IRVING AVE	SYRACUSE	NY	13201		X			2
VETERANS ADMINISTRATION.	VA MEDICAL CENTER	800 POLY PLACE	BROOKLYN	NY	11209		X			2
VETERANS ADMINISTRATION.	VA MEDICAL CENTER	113 HOLLAND AVE	ALBANY	NY	12208		X			2
AGRICULTURE	OHIO AGRI RESEARCH AND DEVEL CENTER.	1680 MADISON AVE, WAYNE COUNTY.	WOOSTER	OH	44691			X	X	5
AIR FORCE	NEWARK AIR FORCE BASE	2803 ABG/DE	NEWARK AFB	OH	43055	X	X	X		5
AIR FORCE	RICKENBACKER AIR FORCE BASE.	DET 1 HQ ANG/DE	RICKENBACKER AFB	OH	43217	X	X			5
AIR FORCE	US AIR FORCE AFP PLANT 36.	SHEPARD LANE	EVENDALE	OH	45241				X	5
AIR FORCE	WRIGHT PATTERSON AIR FORCE BASE.	2750 ABW/DE	FAIRBORN	OH	45433		X		X	5
ARMY	DEFENSE CONSTRUCTION SUPPLY CTR.	3990 E. BROAD ST., FRANKLIN COUNTY.	COLUMBUS	OH	43215	X	X	X	X	5
ARMY	US ARMY ENGINEER DISTRICT, PITTSBURG.	OHIO RT. 88, COUNTY ROAD 225.	VERNON TOWNSHIP	OH	44428		X			5
ARMY	US ARMY LIMA TANK CENTER.	1155 BUCKEYE RD, ALLEN COUNTY.	LIMA	OH	45804		X		X	5
ARMY	US ARMY RAVENNA ARMY AMMUNITION PLANT.	8451 ST. RT. 5, PORTAGE COUNTY.	RAVENNA	OH	44266	X	X	X	X	5
DEFENSE	US DOD DEF FUEL SUPPORT PLT CINCINNATI.	4820 RIVER RD, HAMILTON COUNTY.	CINCINNATI	OH	45233	X	X	X	X	5
ENERGY	US DOE FEED MATERIAL PRODUCTION CENTER.	7400 WILLY ROAD, HAMILTON COUNTY.	FERNALD	OH	45030	X	X	X		5
ENRGY	US DOE MOUND FACILITY	MOUND RD PO BOX 66 MONTGOMERY COUNTY.	MIAMISBURG	OH	45342	X	X	X		5
ENERGY	US DOE PORTSMOUTH GASEOUS DIFFUSION PLT.	US RTE 235, PIKE COUNTY	PIKETON	OH	45661	X	X	X		5
EPA	ENVIRONMENTAL RESEARCH CENTER.	26 W.ST. CLAIR STREET	CINCINNATI	OH	45268	X	X	X		5
EPA	US EPA CENTER HILL SOLID WASTE LAB.	5595 CENTER HILL ROAD	CINCINNATI	OH	45268	X	X	X		5
EPA	US EPA T&E FACILITY	1600 GEST STREET	CINCINNATI	OH	45203	X	X	X		5
HEALTH AND HUMAN SERVICES.	US FDA CINCINNATI CFSAN FOOD RES. LAB.	1090 TUSCULUN AVE	CINCINNATI	OH	45226		X			5
HEALTH AND HUMAN SERVICES.	US NIOSH RIDGE AVENUE	5555 RIDGE AVENUE	CINCINNATI	OH	45213		X			5

FEDERAL FACILITIES DOCKET—Continued

AGENCY	FACILITY NAME	FACILITY ADDRESS	CITY	STATE	ZIP CODE	RCRA 3005	RCRA 3010	RCRA 3016	CERCLA 103	EPA REGION
HEALTH AND HUMAN SERVICES.	US NIOSH TAFT LABORATORIES.	4676 COLUMBIA PARKWAY.	CINCINNATI	OH	45226		X			5
INTERIOR	CUYAHOGA NAT. REC. AREA.	15610 VAUGHN ROAD	BRECKSVILLE	OH	44141		X			5
NASA	NASA PLUM BROOK	TAYLOR & COLUMBUS RD, ERIE COUNTY.	SANDUSKY	OH	44870			X	X	5
NASA	US NASA LEWIS RESEARCH CENTER CLEVELAND.	21000 BROOKPARK ROAD	CLEVELAND	OH	44135		X			5
NAVY	US AIR FORCE PLANT 85	4300 E. 5TH AVENUE	COLUMBUS	OH	43216	X	X	X	X	5
POSTAL SERVICE	USPS—CLEVELAND	3695 GREEN ROAD	CLEVELAND	OH	44122		X			5
AIR FORCE	AIR FORCE PLANT #3 (MCDONNEL-DOUGLAS CORP).	2000 N. MEMORIAL AVENUE.	TULSA	OK	74101	X	X	X		6
AIR FORCE	TINKER AIR FORCE BASE	OC—ALC/CC	TINKER AFB	OK	73145	X	X	X	X	6
AIR FORCE	VANCE AIR FORCE BASE	71 ABG/DE	ENID	OK	73702	X	X	X	X	6
ARMY	US ARMY—MCALESTER ARMY AMMUNITION PLANT.	HIGHWAY 69	MCALESTER	OK	74501	X	X	X		6
ARMY	US ARMY FIELD ARTILLERY, FORT SILL.	BLDG 1950	FORT SILL	OK	73503	X	X	X	X	6
CORP OF ENGINEERS, CIVIL.	ROBERT S KERR LICK DAM & RESEVOIR.	STAR ROUTE 4	SALLISAW	OK	74063		X			6
CORPS OF ENGINEERS, CIVIL.	US ARMY—FORT GIBSON		PRYOR	OK	74361			X		6
TRANSPORTATION	FEDERAL AVIATION ADMINISTRATION.	P O BOX 25082	OKLAHOMA CITY	OK	73125				X	6
TRANSPORTATION	MIKE MONRONEY AERONAUTICAL CENTER.	6500 SOUTH MACARTHUR	OKLAHOMA CITY	OK	73179		X			6
AIR FORCE	KINGSLEY FIELD	114 TFTS/CC	KLAMATH FALLS	OR	97601				X	10
ARMY	USA—COE WILLAMETTE	WEST LINN	WEST LINN	OR	97068				X	10
ARMY	US ARMY UMATILLA DEPOT ACTIVITY.	I-84 & EXIT 178	HERMISTON	OR	97838				X	10
CORPS OF ENGINEERS, CIVIL.	USA—COE ASTORIA FIELD OFFICE.	HWY 30 & MARITIME RD	ASTORIA	OR	97103		X			10
CORPS OF ENGINEERS, CIVIL.	USA—COE BONNEVILLE DAM.	N OF CY ON RIV	BONNEVILLE	OR	97008		X			10
EPA	USEPA CORVALLIS ENVIRON RESEARCH LAB.	200 SW 35TH ST	CORVALLIS	OR	97333		X			10
INTERIOR	BLM—ENLO POWERHOUSE AKA SIMILKAMEEN.	T40NR27ESEC13	OROVILLE	OR	98844				X	10
INTERIOR	BLM—LYTLE BOULEVARD DUMP.	T19SR46ESEC31T2OR46	VALE	OR	97918			X	X	10
INTERIOR	BLM—MERLIN LDFL	T35SR6WSEC27	MERLIN	OR	97532				X	10
INTERIOR	BLM—MINEXCO MILLSITE	T9SR42ESEC8	BAKER	OR	97814				X	10
INTERIOR	BLM—SLIDES DUMP SITE	T15SR46ESEC35, LOTS1,2	ONTARIO	OR	97914				X	10
INTERIOR	BLM—VALE CITY DUMP-SITE.	T18SR45ESEC32	VALE	OR	97918-0008				X	10
INTERIOR	USDOI—BM ALBANY LAB	1450 SW QUEEN AVE	ALBANY	OR	97321		X			10
INTERIOR	USDOI—NPS CRATER LAKE NATIONAL PARK.	HWY 62	CRATER LAKE	OR	97604		X			10
JUSTICE	US MARSHALS SERVICE PORTLAND.	620 SW MAIN	PORTLAND	OR	97205		X			10
NAVY	LSC MARINE INC/USNS WILKES T-AGS.	DILLINGHAM YARD, SWAN ISLAND.	PORTLAND	OR	97208		X			10
TRANSPORTATION	COOS BAY ANT	4333 BOAT BASIN RD	CHARLESTON	OR	97420		X			10
TRANSPORTATION	USDOT—CG ASTORIA BASE.	HWY 30 AT TONGUE POINT.	ASTORIA	OR	97103		X			10
TRANSPORTATION	USDOT—CG MARINE SAFETY STATION.	6767 N BASIN	PORTLAND	OR	97217		X			10
AGRICULTURE	US DEPT OF AGRICULTURE WYNDMO*.	600 E MERMAID LN	WYNDMOOR	PA	19118		X			3
ARMY	AJCC—FORT RITCHIE	HARBAUGH VALLEY RD	BLUE RIDGE SUM	PA	17214		X			3
ARMY	CARLISLE ARMY BARRACKS.	CARLISLE BARRACKS	CARLISLE	PA	17013				X	3
ARMY	DEFENSE PERSONNEL SUPPORT CE.	2800 S 20TH ST	PHILADELPHIA	PA	19101	X	X	X		3
ARMY	FORT INDIANTOWN GAP	FORT INDIANTOWN	ANNVILLE	PA	17003		X	X	X	3
ARMY	HAYES ARMY AMMUNITION PLANT.	US ARMY	PITTSBURGH	PA	15207			X		3
ARMY	LETTERKENNY ARMY DEPOT.	N FRANKLIN ST EXT	CHAMBERSBURG	PA	17201	X	X	X	X	3
ARMY	NEW CUMBERLAND ARMY DEPOT.	HARRISBURG	HARRISBURG	PA	17070	X	X	X	X	3
ARMY	PA ARMY NATL GUARD MAINT SHOP.	14TH & CALDER ST	HARRISBURG	PA	17105		X			3
ARMY	PA ARMY NATL GUARD MAINT SHOP 10.	2736 SOUTHHAMPTON	PHILADELPHIA	PA	19154		X			3
ARMY	PA ARMY NATL GUARD MAINT SHOP 28.	1300 PENN ST	WILLIAMSPORT	PA	17702		X			3
ARMY	SCRANTON AAP	156 CEDAR AVE	SCRANTON	PA	18501	X	X	X	X	3
ARMY	TOBYHANNA ARMY DEPOT	ATTN:SDSTO-AF-E	SCRANTON	PA	18466	X	X	X	X	3
ARMY	U S A SUPPORT OAKDALE	US ARMY	OAKDALE	PA	15071				X	3
ARMY	USA KEYSTONE ORDINANCE.	GREENWOOD TWP	GENEVA	PA	16316				X	3
ARMY	WILLOW GROVE ARF	OFF OF US RTE 611	HATBORO	PA	19090				X	3
COMMERCE	DOC ECON DEV ADM—ROBINS FOOTWE.	208 N DIVISION ST	MT UNION	PA	17066			X		3
CORP OF ENGINEEPS, CIVIL.	USA—COE SHENANGO LAKE.	2442 KELLY ROAD	SHARPESVILLE	PA	16150			X		3

FEDERAL FACILITIES DOCKET—Continued

AGENCY	FACILITY NAME	FACILITY ADDRESS	CITY	STATE	ZIP CODE	RCRA 3005	RCRA 3010	RCRA 3016	CERCLA 103	EPA REGION
ENERGY	BETTIS ATOMIC POWER LABORATORY.	PO BOX 109	WEST MIFFLIN	PA	15122	X	X	X		3
ENERGY	US DEPT OF ENERGY—PETC.	PO BOX 10940	PITTSBURGH	PA	15236		X			3
INTERIOR	NPS GETTYSBURG NAT'L MILI PARK.	RD 1	GETTYSBURG	PA	17325				X	3
INTERIOR	TINICUM NATIONAL ENVT CENTER.	OFF FOLCROFT AVE	FOLCROFT	PA	19032			X	X	3
INTERIOR	US DEPT OF INT BUR OF MINES.	626 COCHRANS MILL	BRUCETON	PA	15025		X			3
NAVY	NADC—WARMINSTER	NAVFAC—NORTHDIV CODE 114.	WARMINSTER	PA	19112	X	X	X	X	3
NAVY	NAS WILLOW GROVE	RT 611	WILLOW GROVE	PA	19090	X	X			3
NAVY	NAVAL REGIONAL MEDICAL CENTER.	17 ST AND PATTISON AVE	PHILADELPHIA	PA	19145		X			3
NAVY	NAVAL STATION PHILADELPHIA.	NAVFAC—NORTH DIV.CODE 114.	PHILADELPHIA	PA	19112	X	X		X	3
NAVY	NAVY AVIATION SUPPLY OFFICE.	700 ROBBINS AVE	PHILADELPHIA	PA	19111		X			3
NAVY	NAVY SHIPS PARTS CONTROL CENTER.	5450 CARLISLE PIKE P.O	MECHANICSBURG	PA	17055	X	X		X	3
ARMY	FORT ALLEN	ROUTE 1	JUANA DIAZ	PR	00665				X	2
ARMY	FOR BUCHANAN—U.S. ARMY GARRISON.	ROUTE 28	SAN JUAN	PR	00934	X			X	2
ARMY/DOT	USCG AIR STATION/FORMER RAMEY AFB.	INSULUR HIGHWAY 2	AQUADILLA	PR	00604		X		X	2
NAVY	CAMP GARCIA #1	VIEQUES	VIEQUES	PR	00765				X	2
NAVY	NAVAL AMMUNITION FACILITY, VIEQUES.	ROUTE 70	VIEQUES	PR	00765			X	X	2
NAVY	NAVAL STATION CEIBA	ROOSEVELT ROADS	CEIBA	PR	00635	X	X	X	X	2
NAVY	NAVAL STATION ROOSEVELT ROADS.	VILLA VERDE STREET DRYDOCK & REPAIR FACILITY.	MIRAMAR	PR	00903		X			2
NAVY	U.S. NAVAL SECURITY GROUP ACTIVITY.	SABANA SECA	SABANA SECA	PR	00749		X	X		2
TRANSPORTATION	USCG BASE—SAN JUAN	SANTO TORIBIO	SAN JUAN	PR	00903		X			2
ARMY	RI ANG	OLD OXFORD ROAD	NORTH SMITHFIELD	RI	02876				X	1
ARMY	US ARMY BRISTOL NIKE SITE.	RT 126	BRISTOL	RI	02809				X	1
ARMY	US ARMY COVENTRY NIKE SITE.	OFF SCHOOL HOUSE RD	COVENTRY	RI	02816				X	1
ARMY	US ARMY FOSTER NIKE SITE.	OFF BOSS RD	FOSTER	RI	02825				X	1
ARMY	US ARMY N. SMITHSFIELD NIKE SITE.	POUNDHILL RD	N. SMITHFIELD	RI	02876				X	1
DEFENSE	BEAVERTAIL POINT RADAR STATION.	OFF BEAVERTAIL RD	JAMESTOWN	RI	02835			X		1
EPA	ENVIRONMENTAL RESEARCH LABORATORY.	SOUTH FERRY ROAD	NARRAGANSETT	RI	02882		X			1
INTERIOR	NINIGRET NATIONAL WILDLIFE REFUGE.	THIRD BEACH ROAD, SACHVEST POINT.	MIDDLETOWN	RI	02840				X	1
NAVY	CHARLESTOWN NAS	PO BOX 307	CHARLESTOWN	RI	02813				X	1
NAVY	NAVAL AIR STATION QUONSET POINT.		NORTH KINGSTOWN	RI	02854	X	X		X	1
NAVY	NAVAL CONSTRUCTION BATTALION CTR, DAVISVILLE.	OFF QUIDNESSETT RD	NORTH KINGSTON	RI	02854				X	1
NAVY	NAVY MARINE CORPS RESERVE CENTER.	ONE NARRAGANSETT AVE	CRANSTON	RI	02905		X			1
NAVY	US NAVAL EDUCATION AND TRAINING CENTER.		NEWPORT	RI	02840	X	X	X	X	1
AIR FORCE	CHARLESTON AIR FORCE BASE.	437 ABG/DE	CHARLESTON	SC	29404		X	X	X	4
AIR FORCE	MYRTLE BEACH AIR FORCE BASE.	354CSG/DE	MYRTLE BEACH AFB	SC	29577		X	X	X	4
AIR FORCE	SHAW AIR FORCE BASE	363CSG/DE	SHAW AFB	SC	29152		X	X	X	4
ARMY	CHARLESTON ARMY DEPOT.	REMOUNT ROAD	NORTH CHARLESTON	SC	29406				X	4
ARMY	USA FORT JACKSON & ARMY TRNG CTR.	JACKSON BLVD	FORT JACKSON	SC	29207		X	X		4
DEFENSE	DEFENSE FUEL SUPPLY POINT—CHARLESTON.	N RHETT AVE	HANAHAN	SC	29406		X	X	X	4
ENERGY	US DOE SAVANNAH RIVER PLT.	PO BOX A	AIKEN	SC	29802		X	X	X	4
NAVY	MARINE CORPS AIR STATION, BEAUFORT.	LAFRENE ROAD	BEAUFORT	SC	29904		X	X	X	4
NAVY	MARINE CORPS RECRUIT DEPOT, PARRIS ISLAND.	MARINE CORPS RECRUIT DEPOT.	PARRIS ISLAND	SC	29905		X	X	X	4
NAVY	NAVAL HOSPITAL, BEAUFORT.	SC HIGHWAY 280	BEAUFORT	SC	29902		X			4
NAVY	NAVAL SHIPYARD, CHARLESTON.	VIADUCT ROAD	CHARLESTON	SC	29408		X	X		4
NAVY	NAVAL WEAPONS STATION, CHARLESTON.	REDBANK ROAD	CHARLESTON	SC	29408		X	X		4
AIR FORCE	ELLSWORTH AIR FORCE BASE.	44 CSG/CC	ELLSWORTH AFB	SD	57706	X	X	X	X	8
AIR FORCE	USAF—JOE FOSS FIELD	P.O. BOX 5044	SIOUX FALLS	SD	57117				X	8
ARMY	SD ANG—OMS 10 SIOUX FALLS.	FAIRGROUNDS	SIOUX FALLS	SD	57107		X			8
ARMY	SD ANG—OMS 2 RAPID CITY.	CITY LIMITS	RAPID CITY	SD	57702		X			8

FEDERAL FACILITIES DOCKET—Continued

AGENCY	FACILITY NAME	FACILITY ADDRESS	CITY	STATE	ZIP CODE	RCRA 3005	RCRA 3010	RCRA 3016	CERCLA 103	EPA REGION
ARMY	SD ANG—OMS 3 LEMMON	ARMORY	LEMMON	SD	57638		X			8
ARMY	SD ANG—OMS 4 WEBSTER.	120 W. 11TH AVE	WEBSTER	SD	57274		X			8
ARMY	SD ANG—OMS 7 PIERRE	3440 E-W HWY. 34	PIERRE	SD	57501		X			8
ARMY	SD ANG—OMS 8 BROOKINGS.	300 FIFTH AVE. S	BROOKINGS	SD	57006		X			8
AIR FORCE	ARNOLD ENGR DEVLP CTR.	COMMANDER AEDC	ARNOLD AIR FORCE BASE	TN	37389		X		X	4
ARMY	MILAN ARMY AMMUNITION PLANT.	HWY 104	MILAN	TN	38358		X	X	X	4
ARMY	US DOD DEFENSE DEPOT, MEMPHIS.	2163 AIRWAYS BLVD	MEMPHIS	TN	38114				X	4
ARMY	USA HOLSTON ARMY AMMUNITION PLANT.	WEST STONE DRIVE	KINGSPORT	TN	37660		X	X	X	4
ARMY	USA VOLUNTEER ARMY AMMO PLANT.	BONNY OAKS DRIVE	CHATTANOOGA	TN	37416		X	X	X	4
ENERGY	US DOE OAK RIDGE NATIONAL LAB.	BETHEL VALLEY ROAD	OAK RIDGE	TN	37830	X	X	X	X	4
ENERGY	USDOE Y-12 PLANT	BEARCREEK RD	OAK RIDGE	TN	37830		X		X	4
INTERIOR	GREAT SMOKY MTNS NATL PARK.	USNPS RT 2	GATLINBURG	TN	37738		X			4
NAVY	NAVAL AIR STATION MEMPHIS.	MILLINGTON—ARLINGTON ROAD.	MILLINGTON	TN	38054		X	X	X	4
NAVY	NAVAL WEAPONS INDUSTRIAL RES. PLANT.	100 VANCE TANK ROAD RAYTHEON COMPANY.	BRISTOL	TN	36720-5698		X			4
TENNESSEE VALLEY AUTHORITY.	TVA ALLEN STEAM PLANT	2574 PLANT RD	MEMPHIS	TN	38109		X	X	X	4
TENNESSEE VALLEY AUTHORITY.	TVA BULL RUN STEAM PLANT.	EDGEMOOR RD., 6 MI SE OF.	OAK RIDGE	TN	37930		X		X	4
TENNESSEE VALLEY AUTHORITY.	TVA CUMBERLAND STEAM PLANT.	TN HIGHWAY 149 SOUTH	CUMBERLAND CITY	TN	37050		X			4
TENNESSEE VALLEY AUTHORITY.	TVA HARTSVILLE NUCLEAR PLANT.	TN HWY 25	HARTSVILLE	TN	37050		X			4
TENNESSEE VALLEY AUTHORITY.	TVA JOHN SEVIER STEAM PLANT.	TN HWY 70E	RODGERSVILLE	TN	37134		X		X	4
TENNESSEE VALLEY AUTHORITY.	TVA KINGSTON STEAM PLANT.	NATURAL RESOURCES BUILDING.	NORRIS	TN	37828				X	4
TENNESSEE VALLEY AUTHORITY.	TVA SEQUOYAH NUCLEAR PLANT.	HIXSON PIKE RD	DAISYS	TN	37319		X		X	4
TENNESSEE VALLEY AUTHORITY.	TVA/WATTS BAR NUCLEAR PLT.	TN HWY 68	SPRING CITY	TN	37381		X		X	4
AGRICULTURE	SUBTROPICAL AGRICULTURE RESEARCH LAB.	FM1015	WESLACO	TX	76115		X			6
AIR FORCE	AIR FORCE PLANT #4 (GENERAL DYNAMICS).	GRANTS LANE	FORTWORTH	TX	76108	X	X		X	6
AIR FORCE	BERGSTROM AIR FORCE BASE.	67 CSG/DE	AUSTIN	TX	78743	X	X	X	X	6
AIR FORCE	CARSWELL AIR FORCE BASE.	7 CSG/CC	FORT WORTH	TX	76127	X	X	X	X	6
AIR FORCE	DYESS AIR FORCE BASE	96 CSG/CC	ABILENE	TX	79607	X		X	X	6
AIR FORCE	KELLY AIR FORCE BASE	SA-ALC/EM	SAN ANTONIO	TX	78241	X	X	X	X	6
AIR FORCE	LACKLAND AIR FORCE BASE.	3700 ABG/DE	SAN ANTONIO	TX	78236		X	X	X	6
AIR FORCE	LAUGHLIN AIR FORCE BASE.	47 ABG/DE	DEL RIO	TX	78843	X	X	X	X	6
AIR FORCE	RANDOLPH AIR FORCE BASE.	12 ABG/DE	SAN ANTONIO	TX	78150		X	X	X	6
AIR FORCE	REESE AIR FORCE BASE	64 ABG/DE	LUBBOCK	TX	79489	X	X	X	X	6
AIR FORCE	SHEPPARD AIR FORCE BASE.	3750 ABG/DE	WICHITA FALLS	TX	76311	X	X	X	X	6
ARMY	FUELS AND LUB RSH FACILITY.	6220 CUEVRA	SAN ANTONIO	TX	78284				X	6
ARMY	LAKE LAVON—NORTH GULLY SITE 1.	HIGHWAY 380	WYLIE	TX	75077			X		6
ARMY	US ARMY AIR DEFENSE CENTER & FORT BLISS.	PERSHING DRIVE	FORT BLISS	TX	79916	X	X	X		6
ARMY	US ARMY, CAMP STANLEY STORAGE.	Ralph FAIR ROAD	SAN ANTONIO	TX	78204		X			6
ARMY	US ARMY, CORPUS CHRISTI AMSA/AEC.	2022 SARATOGA	CORPUS CHRISTI	TX	78415		X		X	6
ARMY	US ARMY, FORT HOOD	BLDG 4213 SOUTH 77TH STREET.	FORT HOOD	TX	76544	X	X	X	X	6
ARMY	US ARMY, HOUSTON ARMED FORCES CENTER.	1850 OLD SPANISH TRAIL	HOUSTON	TX	77054		X			6
ARMY	US ARMY, LONE STAR ARMY AMMUNITION PLANT.	HIGHWAY 82W	TEXARKANA	TX	75501	X	X	X	X	6
ARMY	US ARMY, LONGHORN ARMY AMMUNITION PLANT.	HIGHWAY 43	KARNACK	TX	75670	X	X	X	X	6
ARMY	US ARMY, RED RIVER DEPOT.	HIGHWAY 82	TEXARKANA	TX	75507	X	X	X	X	6
ARMY	US ARMY, SAGINAW AIRCRAFT PLANT.	BLUE MOUND ROAD EAST, HIGHWAY 156.	SAGINAW	TX	76100		X			6
ENERGY	PANTEX PLANT	2000 SOUTH HOUSTON	AMARILLO	TX	75142	X	X	X	X	6
EPA	US ENVIRONMENTAL PROTECTION LABORATORY.	6608 HORNWOOD DR	HOUSTON	TX	77074		X		X	6
GENERAL SERVICES ADMIN.	GENERAL SERVICES ADMINISTRATION 7FS.	501 FELIX STREET	FORT WORTH	TX	76753		X			6
NASA	JOHNSON SPACE CENTER	2101 NASA ROAD	HOUSTON	TX	77058	X	X	X		6

FEDERAL FACILITIES DOCKET—Continued

AGENCY	FACILITY NAME	FACILITY ADDRESS	CITY	STATE	ZIP CODE	RCRA 3005	RCRA 3010	RCRA 3016	CERCLA 103	EPA REGION
NASA	NASA ELLINGTON FIELD	HIGHWAY 3	HOUSTON	TX	77088		X			6
NAVY	NAVAL AIR STATION CHASE FIELD.	HIGHWAY 202	BEEVILLE	TX	78102		X		X	6
NAVY	NAVAL AIR STATION CORPUS CHRISTI.	OCEAN DRIVE & SAIPAN ST BLDG 22 PUBLIC WORKS DPT.	CORPUS CHRISTI	TX	78419	X	X	X	X	6
NAVY	NAVAL AIR STATION DALLAS.	JEFFERSON AVENUE	GRAND PRAIRIE	TX	75222	X	X	X	X	6
NAVY	NAVAL AIR STATION, KINGSVILLE.	MILITARY HIGHWAY	KINGSVILLE	TX	78363		X		X	6
NAVY	NAVAL WEAPONS IND RES PLANT, DALLAS.	9314 W. JEFFERSON	GRAND PRAIRIE	TX	75222	X	X	X	X	6
NAVY	NAVAL WEAPONS IND. RESERVE PLANT, MCGREGOR.	1101 JOHNSON DRIVE, HERCULES INC.	MCGREGOR	TX	76657	X	X	X	X	6
TRANSPORTATION	COAST GUARD BASE, GALVESTON.	FERRY ROAD	GALVESTON	TX	77550		X			6
TRANSPORTATION	US COAST GUARD DEPOT	1201 NAVIGATION BLVD	CORPUS CHRISTI	TX	78407		X			6
AIR FORCE	AIR FORCE PLANT 78	35 MI. NW OF BRIGHAM CITY, MAIL STOP 250.	BRIGHAM CITY	UT	84302			X	X	8
AIR FORCE	HILL AIR FORCE BASE	2849 ABG/DEEXX	Hill AFB	UT	84056	X	X	X	X	8
ARMY	DOUGWAY PROVING GROUND, US ARMY.	45 MI. W. OF TOOELE	DOUGWAY	UT	84022		X	X	X	8
ARMY	TOOELE ARMY DEPOT	STATE HWY. 36	TOOELE	UT	84074	X	X	X	X	8
ARMY	US ARMY RESERVE HQ 25G PETROLEUM BTN.	1355 NO 220 WEST	PROVO	UT	84601		X			8
DEFENSE	OGDEN DEFENSE DEPOT	500 W. 1200 S	OGDEN	UT	84407-5000			X	X	8
INTERIOR	BLM—CHEVRON RED WASH UNIT.	T7SR7ESEC22	VERNAL	UT	84078				X	8
INTERIOR	BLM—COTTONWOOD CANYON.	T37SR21ESEC3	BLANDING	UT	84511				X	8
INTERIOR	BLM—DESERET MOUND MINE.	T35NR13WSEC35	CEDAR CITY	UT	84720				X	8
INTERIOR	BLM—EAST SUMMIT MINING CLAIMS.	T31WR20WSEC11, 14		UT					X	8
INTERIOR	BLM—FRYE CANYON TAILING.	T36SR16ESEC34	BLANDING	UT	84511				X	8
INTERIOR	BLM—ORE BUYIN STATION—MOAB.	T26SR22ESEC6PARCLABC	MOAB	UT	84532				X	8
INTERIOR	BLM—SILVER MAPLE CLAIMS.	T2SR4ESEC3, 4	PARK CITY	UT	84060			X	X	8
INTERIOR	IRECO CHEMICAL	T7SR1ESEC5, 6, 7		UT		X			X	8
NAVY	NAVAL IND RESERVE ORDNANCE PLANT—HERCULES INC.	8400 W. 1400 SOUTH	MAGNA	UT	84044			X	X	8
AIR FORCE	LANGLEY AFB	1 CSG/DE	HAMPTON	VA	23665	X	X		X	3
ARMY	ARLINGTON HALL STATION.	US ARMY	WARRENTON	VA	22186		X		X	3
ARMY	ARLINGTON NATIONAL CEMETERY.	UNOBTAINABLE	ARLINGTON	VA	22211		X			3
ARMY	CAMERON STATION	5010 DUKE ST	ALEXANDRIA	VA	22314		X		X	3
ARMY	CAPE CHARLES AIR FORCE STATION.		CAPE CHARLES	VA	23310		X			3
ARMY	DEFENSE PRINTING SERVICE OFFICE.	RMBE 854	THE PENTAGON ARLINGTON.	VA	20301		X			3
ARMY	DGSC RICHMOND	JEFFERSON DAVIS HIGHWAY.	RICHMOND	VA	X23297	X	X	X		3
ARMY	FORT A.P. HILL	US RTE 301	BOWLING GREEN	VA	22427	X	X	X	X	3
ARMY	FORT BELVOIR	DFAE BLDG 193 ATZA-FE	FORT BELVOIR	VA	22060	X	X	X	X	3
ARMY	FORT EUSTIS	US TRANS CTR—FT EUSTIS.	NEWPORT NEWS	VA	23604	X	X	X	X	3
ARMY	FORT LEE	FORT LEE	FORT LEE	VA	23801	X	X	X	X	3
ARMY	FORT MONROE	1 POINT COMFORT	HAMPTON	VA	23364		X	X	X	3
ARMY	FORT MYER	US ARMY FT MYER	FORT MYER	VA	22211		X		X	3
ARMY	FORT PICKETT	FORT PICKETT	BLACKSTONE	VA	23824		X		X	3
ARMY	FORT STORY	BLDG 300	FORT STORY	VA	23459	X	X		X	3
ARMY	HARRY DIAMOND LABS, WOODBRIDGE.	US ARMY	WARRENTON	VA	22186			X	X	3
ARMY	OYSTER POINT DEVEL CORP.	610 THIMBLE SHOALS BLVD.	NEWPORT NEWS	VA	23601				X	3
ARMY	RADFORD ARMY AMMO PLANT.	STATE RTE 114	RADFORD	VA	24141	X	X	X	X	3
ARMY	US ARMY ENGINEER DISTRICT BO*.	JOHN H KERR RESERVOIR	BOYDTON	VA	23917		X			3
ARMY	USA VINT HILL	VINT HILL FARMS STATION	WARRENTON	VA	22186		X		X	3
ARMY	WARRENTON TRAINING CENTER.	FAUQUIER SPRINGS RD	WARRENTON	VA	22186		X			3
CIA	CENTRAL INTELLIGENCE AGENCY HQ.		LANGLEY	VA			X			3
COMMERCE	US DEPT OF COMMERCE	FILE REPOSITORY 1232 SE	ARLINGTON	VA	22202		X			3
EPA	EPA ENVIRONMENTAL PHOTO INT*.	BLDG 166—VINT HILL FARM.	WARRENTON	VA	22186		X			3
INTERIOR	E. SHORE VA FISHERMAN ISLAND.	RD 1 BOX 122B	CAPE CHARLES	VA	23310			X		3
INTERIOR	US GEOLOGICAL SURVEY	12201 SUNRISE VALLEY DRIVE.	RESTON	VA	22092		X			3
NASA	NASA—LANGLEY RESEARCH CENTER.	MAIL STOP 453	HAMPTON	VA	23665		X	X		3
NASA	NASA WALLOPS FLIGHT CENTER.	RTE 175	WALLOPS ISLAND	VA	23337		X			3

FEDERAL FACILITIES DOCKET—Continued

AGENCY	FACILITY NAME	FACILITY ADDRESS	CITY	STATE	ZIP CODE	RCRA 3005	RCRA 3010	RCRA 3016	CERCLA 103	EPA REGION
NAVY	DOD ARMED FORCES EXPER TRAINING ACTIVITY.	CAMP PEARY, PO BOX 1447.	WILLIAMSBURG	VA	23185		X		X	3
NAVY	MARINE CORPS BATTALION HQ, ARLINGTON.	HENDERSON HALL	ARLINGTON	VA	22214				X	3
NAVY	MC DEVEL&EDUC COMM, QUANTICO.	N/A	QUANTICO	VA	22134	X	X	X	X	3
NAVY	NAVAL AIR STATION, NORFOLK.	N/A	NORFOLK	VA	23511	X	X	X	X	3
NAVY	NAVAL AIR STATION, OCEANA.	N/A	VIRGINIA BEACH	VA	23460	X	X	X	X	3
NAVY	NAVAL AMPH BASE—LITTLE CR.	LITTLE CREEK	NORFOLK	VA	23521	X	X	X	X	3
NAVY	NAVAL BASE, NORFOLK		NORFOLK	VA	23511				X	3
NAVY	NAVAL COMMUNICATION AREA MAS.	330 SLEEPY HOLE RD	SUFFOLK	VA	23434		X		X	3
NAVY	NAVAL HOSPITAL, PORTSMOUTH.	US NAVY	PORTSMOUTH	VA	23708		X	X		3
NAVY	NAVAL SHIPYARD—NORFOLK.	N/A	PORTSMOUTH	VA	23709	X	X	X	X	3
NAVY	NAVAL SUPPLY CENTER, NORFOLK.	CRANEY ISLAND	NORFOLK	VA	23512	X	X	X	X	3
NAVY	NAVAL SUPPLY CENTER—YORKTOWN.	NAVAL SUPPLY CNTR. FUEL D.	YORKTOWN	VA	23690		X			3
NAVY	NAVAL SURFACE WEAPONS CTR, DAHLGREN.	2 MI EAST OF INTERSECT 30.	DAHLGREN	VA	22448	X	X	X	X	3
NAVY	NAVY AND MARINE CORP RESERVE, ROANOKE.	5301 BARNES AVE	ROANOKE	VA	24019		X			3
NAVY	NWS YORKTOWN	N/A	YORKTOWN	VA	23691	X	X	X	X	3
NAVY	USN AUXILARY LANDING FIELD F.	3-4 MI S PRINCESS ANN CTH.	CHESAPEAKE	VA	23322				X	3
TRANSPORTATION	US COAST GUARD SUPPORT CENTER.	4000 COAST GUARD BLVD	PORTSMOUTH	VA	23703		X			3
ARMY	US ARMY ETHAN ALLEN FIRING RANGE.	GENERAL ELECTRIC COMPANY.	JERICHO	VT	05465		X			1
AGRICULTURE	HOLDEN MINE TAILING/WENACHEE NF.	T31N R17E WM SEC7	HOLDEN	WA	98816				X	10
AGRICULTURE	YAKIMA AGRICULTURAL RES LAV-U.	3706 W NOB HILL BLVD	YAKIMA	WA	98902		X			10
AIR FORCE	FAIRCHILD AFB	92 CSG/CC	SPOKANE	WA	99011		X			10
AIR FORCE	USAF MCCHORD AFB	62 ABG/DE	TACOMA	WA	98438				X	10
ARMY	USA—COE LAKE WASHINGTON.	3015 NW 54TH ST	SEATTLE	WA	98017				X	10
ARMY	US ARMY FORT LEWIS	ATTN AFZH-FEQ	FORT LEWIS	WA	98433				X	10
ARMY	WASHINGTON ARMY NAT GUARD.	298 CLEMONS RD	MONTESANO	WA	98430		X			10
ARMY	WASHINGTON ARMY NATIONAL GUARD.	1702 PACIFIC WAY	YAKIMA	WA	98901		X			10
ARMY	WASHINGTON ARMY NATIONAL GUARD.	1ST & EAST STREET CORNER.	EPHRATA	WA	98823		X			10
ARMY	WASHINGTON ARMY NATIONAL GUARD.	309 BYRD STREET	CENTRALIA	WA	98531		X			10
COMMERCE	USDOC—NOAA PACIFIC MARINE CENTER.	1801 FAIRVIEW AVE E	SEATTLE	WA	98102		X			10
COMMERCE	USDOC—NOAA WESTERN REGIONAL CENTER.	7600 SANDPOINT WAY	SEATTLE	WA	98115		X			10
CORPS OF ENGINEERS, CIVIL.	USCOE—HAMILTON ISLAND LDFL.	BONNEVILLE LOCK & DAM	NORTH BONNEVILLE	WA	98639				X	10
DEFENSE	USDOD—DLA DEFENSE FUEL SUPPORT PT.	FRONT ST & LOVELAND AVE.	MUKILTEO	WA	98275				X	10
ENERGY	USDOE HANFORD SITE	HANFORD SITE	RICHLAND	WA	99352				X	10
EPA	USEPA MANCHESTER LABORATORY.	7411 BEACH DR E	MANCHESTER	WA	98353		X			10
INTERIOR	BLM—KABBA—TEXAS MINE.	T40NR27ESEC13	OROVILLE	WA	98844				X	10
INTERIOR	BLM—OROVILLE LDFL	T40NR27ESEC18	OROVILLE	WA	98844				X	10
INTERIOR	GRAND COULEE DAM PROJECT.	PO BOX 620	GRAND COULEE	WA	99133		X			10
INTERIOR	USDOI—FWS NISQUALLY NATL WILDLIFE REFUGE.	BROWN FARM RD, END OF	OLYMPIA	WA	98506		X			10
JUSTICE	USDOJ—DEA/SEATTLE	PIER 37	SEATTLE	WA	98134		X			10
NAVY	NAVAL AIR STATION WHIDBEY ISLAND.	HWY 20 & AULT FIELD RD	OAK HARBOR	WA	98278				X	10
NAVY	NAVAL SHIPYARD PUGET SOUND.	1ST STREET CODE 106	BREMERTON	WA	98314				X	10
NAVY	NAVAL UNDERSEA WARFARE ENG STA, KEYPORT.	CODE 073 HWY 308, E END.	KEYPORT	WA	98345				X	10
NAVY	NAVAL UNDERSEA WARFARE ENG STAT, INDIAN ISLAND.	INDIAN ISLAND	HADLOCK	WA	98366		X		X	10
NAVY	SEATTLE NAVAL STATION	7500 SAND POINT WAY	SEATTLE	WA	98115		X			10
NAVY	US NAVY JACKSON PARK LDFL.	UNNAMED ROAD EAST OF ROOT RD.	BREMERTON	WA	98278				X	10
NAVY	US NAVY—CAMP WESLEY HARRIS MARINE FAC.	SEABECK HWY 3 MI W OF CY.	BREMERTON	WA	98310				X	10
NAVY	US NAVY—NAVAL SUPPLY CENTER, PUGET SND.	ORCHARD PT/LITTLE CLAM BAY.	BREMERTON	WA	98353		X			10
NAVY	US NAVY BANGOR SUBMARINE BASE.	CLEAR CREEK RD	BANGOR	WA	98315					10

FEDERAL FACILITIES DOCKET—Continued

AGENCY	FACILITY NAME	FACILITY ADDRESS	CITY	STATE	ZIP CODE	RCRA 3005	RCRA 3010	RCRA 3016	CERCLA 103	EPA REGION
NAVY	US NAVAL REGIONAL MEDICAL CENTER.	BOONE RD	BREMERTON	WA	98312		X			10
TRANSPORTATION	CUSTOMS SERVICE—SEATTLE.	909 FIRST AVE	SEATTLE	WA	98174		X			10
TRANSPORTATION	USDOT—CG CUTTER CONFIDENCE (WMEC 619).	CITY PIER	PORT ANGELES	WA	98362		X			10
TRANSPORTATION	USDOT—CG SEATTLE SUPPORT CENTER.	1519 ALASKAN WAY S	SEATTLE	WA	98134		X			10
TRANSPORTATION	USDOT—CG SUPPORT CENTER ANNEX.	2700 W COMMODORE	SEATTLE	WA	98119		X			10
AGRICULTURE	US FOREST SERVICE FOREST PROD LAB.	502 WALNUT STREET	MADISON	WI	53705	X	X			5
AIR FORCE	GEN BILLY MITCHELL FIELD.	440 CSG/DE	MILWAUKEE	WI	53207		X			5
AIR FORCE	VOLK FIELD—CAMP DOUGLASS OMS1.	HWY 94 JUNEAU COUNTY	CAMP DOUGLAS	WI	54618		X			5
ARMY	US ARMY BADGER ARMY AMMUNITION PLANT.	US HWY 12 S SALK COUNTY.	BARABOO	WI	53913	X	X	X	X	5
ARMY	US ARMY FORT MCCOY MILITARY RESERVATION.	HQ FORT MCCOY MONROE COUNTY.	SPARTA	WI	54656	X	X	X	X	5
ARMY	WI ARMY NATIONAL GUARD 13.	833 S. 17TH AVENUE	WAUSAU	WI	54401		x			5
ARMY	WI ARMY NATIONAL GUARD AASF 1.	2079 HIGHWAY 33	WEST BEND	WI	53905		X			5
ARMY	WI ARMY NATIONAL GUARD AASF 2.	1950 PEATSON STREET	MADISON	WI	53704		X			5
ARMY	WI ARMY NATIONAL GUARD OMS 11.	800 N. MILITARY AVENUE	GREEN BAY	WI	54304		X			5
ARMY	WI ARMY NATIONAL GUARD OMS 12.	735 IOWA AVENUE	HAYWARD	WI	54843		X			5
ARMY	WI ARMY NATIONAL GUARD OMS 14.	1710 SECOND STREET	WISCONSIN RAPIDS	WI	0		X			5
ARMY	WI ARMY NATIONAL GUARD OMS 5.	1225 E. HENRY CLAY STREET.	WHITEFISH BAY	WI	53217		X			5
ARMY	WI ARMY NATIONAL GUARD OMS 6.	4200 43RD STREET	KENOSHA	WI	53141		X			5
ARMY	WI ARMY NATIONAL GUARD OMS 8.	1120 S. ACADEMY STREET	JANESVILLE	WI	53545		X			5
CORPS OF ENGINEERS, CIVIL	US COE FOUNTAIN CITY-ST. PAUL BASE.	431 NORTH SHORE DRIVE BUFFALO COUNTY.	FOUNTAIN CITY	WI	54629		X	X	X	5
INTERIOR	HORICON NATIONAL WILDLIFE REFUGE.	RURAL RT. 2	MAYVILLE	WI	53050		X			5
TRANSPORTATION	US COAST GUARD GROUP MILWAUKEE BASE.	2420 LINCOLN MEMORIAL DR.	MILWAUKEE	WI	53207		X			5
VETERANS ADMINISTRATION.	VETERANS ADMIN MEDICAL CENTER.	5000 W. NATIONAL AVENUE.	WOOD	WI	53193		X			5
HEALTH AND HUMAN SERVICES.	NATIONAL INST FOR OCCUPATIONAL SAFETY.	944 CHESTNUT RIDGE ROAD.	MORGANTOWN	WV	26505		X			3
NAVY	NAV COMM AREA	10 MI OFF RTE 33	SUGAR GROVE	WV	26815		X		X	3
NAVY	USN ALLEGHENY BALLISTICS LAB.	WEST VIRGINIA SECONDARY R.	ROCKET CENTER	WV	26753	X	X	X	X	3

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federal register

Friday
February 12, 1988

Part IV

Department of Transportation

Federal Aviation Administration

14 CFR Parts 71 and 91

Transponder With Automatic Altitude Reporting Capability Requirement and Controlled Airspace Common Floor; Notice of Proposed Rulemaking

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 71 and 91

[Docket No. 25531, Notice No. 88-2]

Transponder with Automatic Altitude Reporting Capability Requirement and Controlled Airspace Common Floor

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to require that all aircraft be equipped with a transponder and automatic altitude reporting equipment (Mode C transponder) when operating in terminal airspace where air traffic control (ATC) radar service is provided, and when operating at and above 6,000 feet above the surface in controlled airspace in the United States (U.S.). The rules proposed would implement recent legislation requiring the use of Mode C transponders in terminal and other controlled airspace. In concert with these actions, the FAA is proposing to establish a 1,200-foot-above the surface common floor for controlled airspace over the U.S. This action would not affect the existing controlled airspace in the eastern U.S. which is already established at 1,200 feet above the surface. The lower base for controlled airspace would improve safety by increasing minimum weather requirements for flight under visual flight rules (VFR) and provide controlled airspace for aircraft using area navigation for flight under instrument flight rules (IFR).

DATES: Comments must be received on or before March 28, 1988.

ADDRESSES: Comments may be mailed or delivered in duplicate to: Federal Aviation Administration, Office of Chief Counsel, Attention: Rules Docket (AGC-204), Docket No. 25531, 800 Independence Avenue SW., Washington, DC 20591. Comments may be examined in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Reginald C. Matthews, Air Traffic Rules Branch, ATO-230, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, telephone (202) 267-9245.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in these proposed rulemaking procedures by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address above. All communications received on or before the closing date for comments will be considered by the Administrator before taking further rulemaking action. Persons wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 25531." The postcard will be date/time stamped and returned to the commenter. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-200, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future notices should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

Related Agency Actions

The FAA has taken other regulatory actions that are related to this proposal. First, on February 3, 1987, the FAA published Amendment 91-198 (52 FR 3380) which requires, effective December 1, 1987, all aircraft operating in a Group II terminal control area (TCA) be equipped with an operating Mode C transponder.

Second, on June 16, 1987, the FAA published Notice 87-7 (52 FR 22918), proposing to establish a single-class TCA wherein any aircraft conducting an operation within a TCA would have to be equipped with a Mode C transponder. Also under this proposal, each aircraft operating below 12,500 feet MSL within 30 miles of a TCA-primary airport would be required to have a Mode C transponder.

Third, on August 26, 1987, the FAA published Notice 87-8 (52 FR 32268) proposing to require the installation and use of Traffic Alert and Collision Avoidance Systems (TCAS) in large transport-type airplanes and certain turbine-powered smaller airplanes. TCAS, which utilizes the signal from transponders on other aircraft, provides a collision avoidance capability in the cockpit independent of the ground based ATC system.

Fourth, the FAA has proposed to require that fixed-wing aircraft night-time VFR operations in uncontrolled airspace be conducted with the same visibility as required for operations in controlled airspace. This action was proposed in Notice No. 84-14, Nighttime VFR Weather Minimums (50 FR 30124; 7/23/85).

Need For Rulemaking

Congress and various national aviation organizations, as well as the FAA, have previously expressed interest in greater use of Mode C transponders. For example, in response to a fiscal year (FY) 1987 appropriations act amendment (Pub. L. 99-591) the FAA issued Notice 87-7 proposing to require a Mode C transponder in all aircraft operating within 30 miles of a TCA primary airport (see RELATED AGENCY ACTIONS). The FAA is completing final action on that notice. That action addresses the most immediate issue associated with operations in proximity to the Nation's higher traffic density airport.

Congressional Mandates

Two recently enacted statutes require the FAA to adopt a broader requirement for the use of Mode C transponders. First, the *FY 1988 Continuing Resolution* (FY88CR) [Pub. L. 100-202] provides that the FAA shall issue regulations requiring a Mode C transponder: (1) In terminal airspace where ATC radar service is provided, and (2) in all other controlled airspace above a minimum altitude determined by the FAA. Under this statute, a final rule must be issued by December 22, 1988, and must be made effective at the earliest feasible date.

Second, *The Airport and Airway Safety and Capacity Expansion Act of 1987* (AASCE) [Pub. L. 100-223] provides that the FAA shall require a Mode C transponder in designated terminal airspace where radar service is provided for separation of aircraft. Under this act, access to designated airspace other than TCA's and airport radar service areas (ARSA) may be

granted to nonequipped aircraft if such access will not interfere with normal traffic flow. Additionally, this act provides that a final rule be issued by June 30, 1988, and that the final rule must be made effective no later than December 30, 1990.

Reconciliation of the two congressional mandates. Because the language of the two enactments is not identical, the FAA has reconciled the differences by interpretation which the FAA believes is consistent with both provisions. The proposed regulations dealing with Mode C transponder requirements in terminal airspace are based on the broader language of FY88CR—"terminal airspace where ATC radar service is provided" rather than the more specific language of the AASCE—"in designated terminal airspace where radar service is provided for separation of aircraft." Terminal ATC procedures are generally limited to airspace within which the 3-mile separation, or lesser terminal separation standards, are applied. These separation standards may not be applied beyond 40 miles of the terminal radar antenna. Therefore, it can be stated that "terminal airspace" exists generally within 40 miles of an airport for which radar service was established. Beyond 40 miles of such airports, radar service, when available, is normally provided by en route ATC facilities.

This is not inconsistent with the AASCE reference to "designated terminal airspace where radar service is provided for separation of aircraft." "Designated terminal airspace" is not a term used by the FAA, but could be considered to be that controlled airspace specifically designated for aircraft conducting instrument procedures to or from an airport, including TCA's, ARSA's control zones, and most transition areas. All of these terminal airspace areas would be included in the 40-mile radius used in this proposal. The term "for separation of aircraft" does not limit the definition of airspace in which "air traffic control radar service" is provided.

FY88CR further provides that the FAA shall require a Mode C transponder "*in all other controlled airspace above an altitude determined by the FAA.*" There is no similar language in the AASCE. Several years ago, the FAA's Office of Air Traffic Requirements established a goal to achieve radar coverage of the U.S. at and above 6,000 feet MSL or the minimum en route altitude (MEA) whichever is higher. While it is expected that this goal will not be fully met until the mid-1990's, existing radar coverage is within a relatively small percentage of meeting that requirement. Logically, existing or planned radar coverage should be the controlling factor ultimately determining the base-altitude for the Mode C transponder requirement of the FY88CR mandate. However, neither the existing nor projected minimum radar coverage can be readily translated into a clear regulatory direction for pilots. To illustrate, assuming that the other-than-terminal-airspace transponder requirement is limited to "controlled airspace" as stated in FY88CR, there are a number of areas in the U.S. where 6,000 feet MSL is below controlled airspace; MEA's do not exist in controlled airspace not designated as an airway or route. Therefore, the FAA believes that it would be very difficult for pilots conducting flight under VFR to correlate such a requirement with controlled airspace, particularly in areas where the MEA does not exist or is unknown to the pilot.

Accordingly, the FAA has determined that the minimum altitude for which a Mode C transponder would be required is 6,000 feet above the surface (vice 6,000 feet MSL). However, this altitude (6,000 feet above the surface), in some mountainous regions, may be higher than 12,500 feet MSL which is the base altitude of the current Mode C transponder requirement of § 91.24(b)(4). Therefore, the FAA is proposing, for purposes of implementing the provisions of FY88CR, that the base altitude for the Mode C transponder requirement be 6,000 feet above the surface or 12,500 feet MSL whichever is lower. However, it is important to emphasize that although the FAA is proposing such a mandate for Mode C transponder equipage, the ATC system does not yet have the the corresponding radar coverage capability throughout the U.S. The FAA has not analyzed the cost impact of establishing the Mode C floor at 6,000 feet MSL. Therefore, the FAA invites comment on whether a higher or lower floor would be appropriate.

As mentioned previously, FY88CR requires that the rule take effect at the "earliest feasible date," while the AASCE requires that the rule be made effective "not later than 36 months after the date of enactment," or by December 30, 1990. FAA has under consideration a proposed rule to impose a Mode C requirement within 30 miles of all TCA primary airports. It is FAA's preliminary assessment that such a requirement should be phased in over approximately a 2-year period to provide for availability of transponder equipment to comply with the rule. Because the rule proposed in this notice would affect substantially more operators than the 30-mile TCA veil, an additional year for acquisition of the necessary Mode C equipment is necessary. Accordingly, the FAA has used the December 30, 1990, date as the compliance date for the proposed requirements.

In summary, for the reasons stated above, the FAA has interpreted the two recent statutes to require as follows: The FAA shall issue a final rule by June 30, 1988, which will be effective no later than December 30, 1990, and which will require all aircraft operating within 40 miles of an airport at which terminal radar approach control service has been established, and in all other controlled airspace at and above 6,000 feet above the surface or 12,500 feet MSL whichever is lower, to have a Mode C transponder.

The benefits of Mode C transponders. There are three distinct advantages of a Mode C transponder. The first is that aircraft altitude information can be displayed directly on a controller's radar screen. The second is that automated radar tracking systems can be programmed to provide automatic conflict alert and low altitude alert warnings to the controller, which can be quickly relayed to pilot(s). The third is that it will activate TCAS in properly equipped aircraft.

The first of these advantages is important in areas in which aircraft are provided with Mode C transponders and ATC clearances.

Having all aircraft equipped with Mode C transponders in specified airspace would provide controllers with a continuous, more complete air traffic control picture. This would allow altitude, distance, and azimuth information to be correlated and issuance of the proper control instructions developed to assure that safe separation is maintained between participating and nonparticipating aircraft. In addition, the need to communicate via two-way radio is reduced. For example, controllers would not have to repeatedly ask pilots to report aircraft altitude; aircraft climb/descent paths could be independently observed for possible conflicts with other traffic; and unnecessary traffic advisories concerning noncontrolled aircraft are eliminated.

The second advantage of Mode C equipment is derived from an existing capability of automated radar tracking systems. These systems are currently programmed to continually predict and update the path of Mode C-equipped aircraft being tracked by the system. These predictions are constantly compared with those of controlled

aircraft that are also tracked by the system. In addition, these systems compare the data with pre-programmed terrain information. If any of the comparisons renders a potentially hazardous situation for controlled aircraft, a visual and aural alert immediately occurs at the radar position of the appropriate controller alerting him/her to issue appropriate safety instructions to the aircraft. This capability could be expanded to include predictions between controlled and noncontrolled aircraft which are responding with Mode C transponder information.

The third advantage of Mode C is its ability to provide critical information to TCAS-equipped aircraft. The TCAS equipment transmits periodic interrogation signals. If a nearby aircraft is equipped with a basic transponder, that aircraft's range and azimuth from the TCAS-equipped aircraft is generated to the TCAS-equipped aircraft. However, if a nearby aircraft is equipped with a Mode C transponder, altitude information is provided in addition to range and azimuth. TCAS will assimilate the data and consolidate range, direction, and altitude information, when available, into a collision risk prediction and issue traffic advisories to the flightcrew. While TCAS I will alert a flightcrew of a collision potential, that crew so alerted will have to determine the correct course of action to avoid a collision. TCAS II and TCAS III will issue resolution advisories, which are recommended maneuvers to alter a flightpath or to prevent a maneuver that would cause insufficient separation. TCAS II provides resolution advisories in a vertical plane; and TCAS III provides resolution advisories in both vertical and horizontal planes. These advisories are instructions to a flightcrew as to what evasive actions are most appropriate to avoid collision.

Industry Petitions

In the preamble of Notice 87–7, the FAA discussed the merits of two petitions for rulemaking by major national aviation organizations—the Airline Pilots Association (ALPA) and the Air Transport Association (ATA). Both of these organizations sought to expand the Mode C transponder equipage requirement.

In general, ALPA sought to lower the base altitude of the airspace where a Mode C transponder is required, from 12,500 to 10,000 feet MSL. ATA also sought to lower that base altitude, but to 4,000 feet above the surface in controlled airspace. ATA would have the FAA amend the rule to require all aircraft operating in all terminal airspace where the FAA provides radar service, to be equipped with a Mode C transponder. While the FAA stated in Notice 87–7 that it recognizes the benefits that could be obtained by expanding the Mode C transponder requirement to other airspace, the FAA limited the scope of the notice to the airspace in proximity to TCA's. However, as stated in that notice, at the time of the issuance of Notice 87–7 the FAA had not completed its review of the two industry petitions.

By issuing this notice, the FAA is adopting both the ALPA petition and certain aspects of the ATA petition by proposing to require a Mode C transponder on: (1) all aircraft operating below 12,500 feet MSL within 40 miles of an airport for which terminal radar approach control service was established; and (2) all aircraft operating in controlled airspace above 6,000 feet above the surface. The FAA has already proposed, in Notice 87–7, to require all aircraft operating below 12,500 feet MSL within 30 miles of a TCA primary airport to be equipped with a Mode C transponder.

A Common Floor for Controlled Airspace

The Continental Control Area (CCA), a controlled airspace designation, initially established a common controlled-airspace floor of 14,500 feet MSL over the continental U.S. However, with the exception of some areas west of the Mississippi River, most of the U.S. airspace at and above 1,200 feet above the surface is designated as controlled airspace through the regulatory designations of individual transition areas, additional control areas, Federal airways, etc. Therefore, there is no meaningful purpose for the CCA to continue to exist with a 14,500-foot-MSL floor in those areas.

In order that the legislation dealing with expanded use of Mode C transponders can be translated to clear regulatory language for pilots, the FAA is including in this notice a proposal to establish a revised common floor for controlled airspace in the U.S. The FAA believes that controlled airspace should exist at least coincidentally with the airspace where a Mode C transponder will be required in the en route ATC environment. The FAA is proposing to establish a new airspace designation—the U.S. Control Area, at or below the level established for Mode C. However, the FAA believes that a level as low as 1,200 feet AGL could provide additional benefits to users. With a 1,200-foot AGL floor, the elimination of the transition areas and additional control areas that overlap the proposed U.S. Control Area would be accomplished under separate rulemaking actions. The safety benefits envisioned by this action are discussed below. The FAA requests comments on the appropriate level at which to establish the U.S. Control Area.

Other Safety Benefits of the 1,200-foot controlled airspace floor. The FAA has reviewed its policy for the designation of general controlled airspace. In general, that policy is that controlled airspace is designated only as needed to contain instrument procedures. However, the FAA believes there are other benefits to be derived from the establishment of controlled airspace. For example, the floor of controlled airspace of a Federal airway is, in many cases, established at an altitude that provides a 300-foot segment of controlled airspace beneath the minimum en route altitude of that airway. This additional airspace is to preclude the potential of controlled IFR flights encountering noncontrolled IFR or VFR flights in or near the same airspace. Additionally, controlled IFR flights operating in instrument meteorological conditions (IMC) with visibility values greater than 1 mile but less than 3 miles would be under the risk of encountering flights operating in uncontrolled airspace under VFR directly beneath the airway. Further, the increased visibility requirement for VFR flight in controlled airspace increases the effectiveness of the see-and-avoid principle.

As previously mentioned, the FAA establishes controlled airspace to contain instrument procedures. Instrument procedures include charted procedures, area navigation procedures applied in both radar and non-radar ATC environments, and radar procedures randomly applied by ATC. However, the FAA believes that the increased visibility requirement associated with controlled airspace should be applied in areas other than where such instrument procedures are conducted.

Data compiled by the National Transportation Safety Board (NTSB) for the year 1979, indicate that weather was a cause or factor in about 40 percent of fatal accidents associated with general aviation activity. Of equal significance is the fact that "inadequate preparation or planning during preflight activity by the pilot" was the leading cause or factor (12 percent) in nonfatal accidents and a cause or factor in approximately 13 percent of fatal accidents.

Under Notice 85–14 (14 FR 30124; July 23, 1985), the FAA addressed these safety issues in part. The primary

impetus for Notice 85-14 was the General Aviation Safety Panel recommendations to the FAA. The panel's recommendation limited the scope of the issue to VFR-night flight in uncontrolled airspace. After further analysis, the FAA believes that the regulatory remedy to the safety issues identified by the panel should include more than the panel's recommendations. For example, in the NTSB publication "Annual Review of Aircraft Accident Data" for 1984, the 40 percent figure for weather-related fatal accidents remained constant. This data would indicate that the fatal accident rate where weather is a cause or factor, has not improved since 1979. Additionally, in 1984, of the fatal accidents attributed to weather, approximately one-third involved VFR flight encountering IMC.

The FAA believes that a pilot is more susceptible to entering IMC when operating in marginal visual meteorological conditions. For example, operations under VFR are permitted in uncontrolled airspace when the visibility is one mile; conversely, in controlled airspace, 3 miles visibility must exist for VFR flight. Understandably, a pilot should be better able to avoid continued flight in IMC when the visibility is 3 miles versus 1 mile.

Therefore, the FAA believes it necessary to establish higher visibility minimums for VFR flight in the airspace stratum where VFR-en-route flight is normally conducted. The FAA believes this stratum should have a base altitude of 1,200 feet above the surface. However, even if a 1,200-foot AGL level is adopted, VFR flight with less than 3 miles visibility, but more than 1 mile, would still be permitted below this base altitude provided the pilot maintains clear of clouds. The FAA believes that VFR flight can be safely conducted below 1,200 feet above the surface as visual contact with the surface would, in most cases be necessary because of the Section 91.79 requirement for pilots to maintain a minimum safe altitude. Also, the 1,200-foot floor would continue to permit traffic pattern operations at uncontrolled airports. The FAA specifically invites comments on this aspect of the proposal.

A second benefit of the lowered base for controlled airspace relates to new air navigation technology. Loran C is an area navigation system that can be effective for navigation in areas where signals from other navigational aids are not available to support the establishment of Federal airways. Where such airways are not established, IFR flight outside of terminal areas and below the Continental Control Area (14,500 feet MSL) is necessarily conducted in uncontrolled airspace. Even though all of the airspace is not now, or planned to be, within coverage of ATC radars, the FAA intends to provide non-radar ATC separation services to those aircraft operating under IFR in the newly designated controlled airspace.

A tangential benefit would be the simplification of aeronautical charts by removing the requirement that they graphically depict the various controlled airspace floors above 700 feet above the surface. Currently, 1,200-foot-above the surface floors are depicted by blue "feathering" outlines. Floors above 1,200 feet above the surface are currently depicted by solid blue lines. Adoption of this proposal would eliminate the need for these aeronautical chart graphics. There would also be an indirect benefit in that the FAA would no longer have to individually designate or maintain airspace descriptions for controlled airspace with floors above 700 feet above the surface. For example, 1,200-foot transition areas would be unnecessary and could be eliminated. Also, Federal airways would no longer serve to distinguish controlled airspace because the general base of controlled airspace would be nationally established at 1,200 feet above the surface. Such Federal airways, area low routes, etc., routes would continue to be described in a manner similar to the way they are today in Part 71 and Part 95, but the actual width of these routes would be a matter of ATC separation procedures and not regulations.

The Proposal

The FAA is proposing to require a Mode C transponder on all aircraft operating within 40 miles of an airport for which terminal radar approach control service was established, and on all aircraft operating in controlled airspace at or above 6,000 feet above the surface or 12,500 feet MSL whichever is lower.

Under the current Mode C transponder requirement of § 91.24(b)(4), only the operations in the 48 contiguous States and the District of Columbia are required to be operated with a Mode C transponder above 12,500 feet MSL. This proposal would effectively elimate that exclusion and require a Mode C transponder for operations in all controlled airspace of the U.S. at and above 6,000 feet above the surface, including the States of Hawaii and Alaska.

Additionally, the FAA is proposing to replace the Continental Control Area with the United States Control Area and described this new area as the airspace beginning at or below the level established for the use of Mode C transponders over the U.S. which includes the 50 States, the District of Columbia, Puerto Rico, and the possessions, including the territorial waters.

Regulatory Evaluation Summary

It is Department of Transportation policy, under the Department's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) to prepare a regulatory evaluation for rulemaking projects, which certain limited exceptions. The Mode C transponder requirements proposed by the FAA in this notice are required by legislation, and the statutes involved do not provide for exceptions to those requirements based on cost or economic impact. While the details of the proposals may be altered in response to comments received, it is not within the FAA's discretion to change the basic requirements proposed for Mode C transponders in terminal airspace where ATC radar service is provided and above a certain minimum altitude en route. Accordingly, those requirements will be adopted in some form notwithstanding the relative values of the costs or benefits of the requirements.

The FAA does intend to prepare a regulatory evaluation of the rules proposed, based on information developed during the public comment period. The evaluation will be placed in the public docket and a summary of the evaluation will be included in the final rule when issued. Although the numbers are not yet available, the primary safety benefit of the rule proposed would be the advantage to controllers of having the altitude of all aircraft presented on ATC radar displays and the ensuing safety benefits realized by pilots of controlled aircraft. The primary cost will be the cost to aircraft owners/operators of equipping aircraft with Mode C transponders and, in some cases, electrical systems. The cost of a basic transponder is approximately $1,050 installed. An altitude encoder suitable for general avaiation use is approximately $800 to $900 installed. The cost of installing an electrical system in an aircraft is approximately $2,000. If existing proposals are approved, most aircraft which operate in or around TCA's will be equipped with Mode C by regulation. Therefore, the additional aircraft which will need to equip with Mode C as a result of this proposal is expected to be minimal.

A second cost of the Mode C transponder requirement will be the

elimination of the existing exception, in § 91.24(b), for glider operations above 12,500 feet MSL and below the floor of positive control areas (PCA).

The related proposal to establish controlled airspace from 1,200 feet above the surface would have the benefit of increasing the safety of VFR operations in marginal weather conditions and providing controlled airspace for aircraft operating under IFR using area navigation systems. Costs of this proposal would be limited to the impact on VFR operations when weather is below the minimum for VFR flight under § 91.109.

The FAA has determined that this proposed rule: (1) Would not be a "major rule" under Executive Order 12291, and (2) is a "significant rule" under Department of Transportation Regulatory Policy and Procedures (44 FR 11034; February 26, 1979). The FAA cannot certify that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. However, even though the agency cannot consider alternatives to the proposal in consideration of the legislation requiring the proposal, the FAA will analyze the possible effects which may occur on small entities as a result of this proposal.

List of Subjects

14 CFR Part 91

Airport traffic area, Two-way radio communications, Positive control area and route, Control zone, Airport radar service area, Terminal control area, Federal airway, Flight visibility, Cloud clearance minimums, Special VFR, Controlled airspace, Transponder, Automatic altitude reporting equipment.

14 CFR Part 71

Transition area, Control zone, Continental control area, United States control area.

The Proposed Amendment

For the reasons set out in the preamble, the FAA is proposing to amend Parts 71 and 91 of the Federal Aviation Regulations as follows:

PART 71—[AMENDED]

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

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

2. Section 71.9 would be revised as follows:

§ 71.9 United States Control Area.

The United States Control Area consists of the airspace of the 50 States, the District of Columbia, Puerto Rico, and the possessions, including territorial waters, at and above [ ] feet above the surface of the earth, but does not include prohibited and restricted areas, other than restricted areas listed in Subpart D of this part.

PART 91—[AMENDED]

3. The authority citation for Part 91 is revised as follows:

Authority: 49 U.S.C. 1301(7), 1303, 1344, 1348, 1352 through 1355, 1401, 1421 through 1431, 1471, 1472, 1502, 1510, 1522, and 2122 through 2125; Articles 12, 29, 31, and 32(a) of the Convention on International Civil Aviation (61 Stat. 1180); 42 U.S.C. 4321 et seq.; E.O. 11514; Pub. L. 100–223; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983).

4. In Part 91, § 91.24(b) would be revised to read as follows:

§ 91.24 ATC transponder and altitude reporting equipment and use.

* * * * *

(b) *All aircraft.* No person may operate an aircraft in the airspace described in paragraphs (b)(1) and (b)(2) of this section, unless that aircraft is equipped with an operable coded radar beacon transponder having either Mode 3/A 4096 code capability, replying to Mode 3/A interrogations with the code specified by ATC and intermode and Mode 3/A interrogations with the code specified by ATC, or a Mode S capability, reply to Mode 3/A interrogations with the code specified by ATC and intermode and Mode S interrogations in accordance with the automatic pressure altitude reporting equipment having a radar transponder and Mode C capability that automatically replies to Mode C interrogations by transmitting pressure altitude information in 100-foot increments.

(1) *Controlled airspace.* All controlled airspace at and above the lower of:

(i) 6,000 feet above the surface.

(ii) 12,500 feet MSL.

(2) *All airspace.* Notwithstanding paragraph (b)(1) of this section, all airspace below 6,000 feet above the surface within 40 miles of any airport listed in Appendix D of this part (an airport for which terminal radar approach control service was established).

* * * * *

5. In Part 91, Appendix D is added as follows:

Appendix D—Airports/Locations Where the Transponder Requirements of § 91.24(b)(2) Apply

Section 1. The requirements of § 91.24(b)(2) apply below 6,000 feet avove the surface within a 40-nautical mile radius of each airport in the following list.

Abilene, TX (Abilene Municipal Airport)
Adak Island, AK (Adak NAS)
Akron, OH (Akron-Canton Regional Airport)
Alamogordo, NM (Holloman AFB)
Albany, NY (Albany County Airport)
Albuquerque, NM (Albuquerque International Airport)
Alexandria, LA (England AFB)
Allentown, PA (Allentown-Bethlehem-Easton Airport)
Altus, OK (Altus AFB)
Amarillo, TX (Amarillo International Airport)
Anchorage, AK (Anchorage International Airport)
Anderson, AFB, Guam (Anderson AFB)
Andrews AFB, MD (Andrews AFB Airport)
Ashville, NC (Ashville Regional Airport)
Atlanta, GA (The William B. Hartsfield Atlanta International Airport)
Alantic City, NJ (Atlantic City International Airport)
Augusta, GA (Bush Field Airport)
Austin, TX (Robert Mueller Municipal Airport)
Bakersfield, CA (Meadows Field Airport)
Baltimore, MD (Baltimore-Washington International Airport)
Bangor, ME (Bangor International Airport)
Baton Rouge, LA (Baton Rouge Metropolitan/ Ryan Field Airport)
Beale AFB, CA (Beale AFB Airport)
Beaufort, SC (Beaufort MCAS)
Beaumont, TX (Jefferson County Airport)
Beeville, TX (Chase Field NAS)
Belleville, IL (Scott AFB)
Billings, MT (Billings Logan International Airport)
Binghamton, NY (Edwin A Rink Field-Brown County Airport)
Birmingham, AL (Birmingham Municipal Airport)
Bismarck, ND (Bismarck Municipal Airport)
Blytheville, AR (Blytheville AFB)
Boise, ID (Boise Air Terminal)
Boston, MA (General Edward Lawrence Logan International Airport)
Bristol, TN (Tri-City Regional Airport)
Brunswick, ME (Brunswick NAS)
Buffalo, NY (Greater Buffalo International Airport)
Burbank, CA (Burbank-Glendale-Pasadena Airport)
Burlington, VT (Burlington International Airport)
Campbellsville, KY (Campbell AAF)
Casper, WY (Natrona County International Airport)
Cecil, FL (Cecil Field NAS)
Cedar Rapids, IA (Cedar Rapids Municipal Airport)
Champaign, IL (University of Illinois-Willard Airport)
Charleston, SC (Charleston AFB/ International Airport)
Charleston, WV (Yeager Airport)
Charlotte, NC (Charlotte/Douglas International Airport)

Chattanooga, TN (Lovell Field Airport)
Cherry Point, NC (Cherry Point MCAS-Cunningham Field)
Chicago, IL (Chicago-O'Hare International Airport)
Cincinnati, OH (Greater Cincinnati International Airport)
Clarksburg, WV (Benedum Airport)
Cleveland, OH (Cleveland-Hopkins International Airport)
Clovis, NM (Cannon AFB)
Cocoa Beach, FL (Patrick AFB)
Colorado Springs, CO (City of Colorado Springs Municipal Airport)
Columbia, SC (Columbia Metropolitan Airport)
Columbus, GA (Columbus Metropolitan Airport)
Columbus, MS (Columbus AFB)
Columbus, OH (Port Columbus International Airport)
Corpus Christi, TX (Corpus Christi International Airport)
Dallas, TX (Dallas Love Field Airport)
Dallas, TX (Dallas/Fort Worth Regional Airport)
Davis-Monthan AFB, AZ (Davis-Monthan AFB Airport)
Dayton, OH (James M. Cox Dayton International Airport)
Daytona Beach, FL (Daytona Beach Regional Airport)
Del Rio, TX (Laughlin AFB)
Denver, CO (Stapleton International Airport)
Des Moines, IA (Des Moines International Airport)
Detroit, MI (Metropolitan Wayne County Airport)
Dover, DE (Dover AFB)
Duluth, MN (Duluth International Airport)
Edwards AFB, CA (Edwards AFB Airport)
El Paso, TX (El Paso International Airport)
El Toro MCAS, CA (El Toro MCAS Airport)
Elmira, NY (Elmira/Corning Regional Airport)
Enid, OK (Vance AFB)
Erie, PA (Erie International Airport)
Eugene, OR (Mahlon Sweet Field Airport)
Evansville, IN (Evansville Dress Regional Airport)
Fairbanks, AK (Fairbanks International Airport)
Fairchild AFB, WA (Fairchild AFB Airport)
Fairfield, CA (Travis AFB)
Fallon, NV (Fallon NAS-Van Voorhis Field)
Fargo, ND (Hector International Airport)
Fayetteville, NC (Fayetteville Municipal/Grannis Field Airport)
Flint, MI (Flint Bishop Airport)
Florence, SC (Florence City-County Airport)
Fort Lauderdale, FL (Fort Lauderdale-Hollywood International Airport)
Fort Myers, FL (Fort Myers Southwest Florida Regional Airport)
Fort Smith, AR (Fort Smith Municipal Airport)
Fort Wayne, IN (Fort Wayne Municipal Airport)
Fresno, CA (Fresno Air Terminal Airport)
Galena, AK (Galena AAF)
Goldsboro, NC (Seymour-Johnson AFB)
Grand Forks, ND (Grand Forks AFB)
Grand Rapids, MI (Kent County International Airport)
Great Falls, MT (Great Falls International Airport)
Green Bay, WI (Austin Straubel Field Airport)
Greensboro, NC (Greensboro-High Point-Winston-Salem Regional Airport)
Greer, SC (Greenville-Spartanburg Airport)
Griffis AFB, NY (Griffis AFB Airport)
Gulfport, MS (Gulfport-Biloxi Regional Airport)
Gwinn, MI (K.I. Sawer AFB)
Harrisburg, PA (Capital City Airport)
Hilo, HI (General Lyman Field Airport)
Honolulu, HI (Honolulu International Airport)
Houston, TX (Houston Intercontinental Airport)
Houston, TX (Houston William P. Hobby Airport)
Huntington, WV (Tri-State/Walker-Long Field Airport)
Huntsville, AL (Huntsville Municipal Airport)
Indianapolis, IN (Indianapolis International Airport)
Islip, NY (Long Island MacArthur Airport)
Jackson, MS (Allen C. Thompson Field Airport)
Jacksonville, FL (Jacksonville International Airport)
Kahului, HI (Kahului International Airport)
Kalamazoo, MI (Kalamazoo County Airport)
Kansas City, MO (Kansas City International Airport)
Key West, FL (Key West NAS)
Killeen, TX (Robert Gray AAF)
King Salmon, AK (King Salmon AFB)
Kingsville, TX (Kingsville NAS)
Knoxville, TN (Knoxville McGhee Tyson Airport)
Lafayette, LA (Lafayette Regional Airport)
Lake Charles, LA (Lake Charles Municipal Airport)
Lansing, MI (Lansing Capital City Airport)
Las Vegas, NV (McCarran International Airport)
Las Vegas, NV (Nellis AFB)
Lawton, OK (Fort Sills/Henry Post AAF)
Lemoore, CA (Lemoore NAS-Reeves Field)
Lexington, KY (Standiford Field Airport)
Limestone, ME (Loring AFB)
Lincoln, NE (Lincoln Municipal Airport)
Lincoln Rock, AR (Adams Field, Little Rock)
Lompoc, CA (Vandenberg AFB)
Longview, TX (Gregg County Airport)
Los Angeles, CA (Los Angeles International Airport)
Louisville, KY (Louisville Standiford Field Airport)
Lubbock, TX (Lubbock International Airport)
Macon, GA (Lewis B. Wilson Airport)
Madison, WI (Madison Dane County Regional Airport-Truax Field)
Malstrom AFB, MT (Malstrom AFB Airport)
Mansfield, OH (Mansfield Lahm Municipal Airport)
March AFB, CA (March AFB Airport)
Mather AFB, CA (Mather AFB Airport)
McChord AFB, WA (McChord AFB Airport)
McClellan AFB, CA (McClellan AFB Airport)
Memphis, TN (Buffalo International Airport)
Merced, CA (Castle AFB)
Meridian NAS, MS (McCain Field Airport)
Miami, FL (Miami International Airport)
Midland, TX (Midland Regional Airport)
Milwaukee, WI (General Mitchell Field)
Minneapolis, MN (Minneapolis-St. Paul International Airport)
Minot, ND (Minot AFB)
Miramar NAS, CA (Mitscher Field Airport)
Mobile, AL (Bates Field, Mobile)
Moline, IL (Quad-City Airport)
Monroe, LA (Monroe Regional Airport)
Monterey, CA (Monterey Peninsula Airport)
Montgomery, AL (Dannelly Field Airport)
Mount Clemens, MI (Selfridge ANGB)
Mountain Home, ID (Mountain Home AFB)
Muskegon, MI (Muskegon County Airport)
Myrtle Beach, SC (Myrtle Beach AFB)
Nashville, TN (Nashville Metropolitan Airport)
New Orleans, LA (New Orleans International Airport-Moisant Field)
New York, NY (John F. Kennedy International Airport)
New York, NY (LaGuardia Airport)
Newark, NJ (Newark International Airport)
Norfolk, VA (Norfolk International Airport)
Norton AFB, CA (Norton AFB Airport)
Oak Harbor, WA (Whidbey Island NAS-Ault Field)
Oakland, CA (Metropolitan Oakland International Airport)
Offutt AFB, NE (Offutt AFB Airport)
Oklahoma City, OK (Will Rogers World Airport)
Omaha, NE (Eppley Airfield)
Ontario, CA (Ontario International Airport)
Orlando, FL (Orlando International Airport)
Oscoda, MI (Wurtsmith AFB)
Otis ANGB, MA (Otis ANGB Airport)
Ozark, AL (Fort Rucker/Cairns AAF)
Palm Springs, CA (Palm Springs Municipal Airport)
Panama City, FL (Tyndall AFB)
Patuxent River, MD (Patuxent River NAS)
Pensacola NAS, FL (Pensacola NAS Airport)
Pensacola, FL (Pensacola Regional Airport)
Peoria, IL (Greater Peoria Airport)
Peru, IN (Grissom AFB)
Philadelphia, PA (Philadelphia International Airport)
Phoenix, AX (Phoenix Sky Harbor International Airport)
Pittsburgh, PA (Greater Pittsburgh International Airport)
Point Mugu, CA (Point Mugu NAS)
Portland, ME (Portland International Jetport Airport)
Portland, OR (Portland International Airport)
Portsmouth, NH (Pease AFB)
Providence, RI (Providence Theodore Francis Green State Airport)
Pueblo, CO (Pueblo Memorial Airport)
Quonset Point, RI (Quonset State Airport)
Raleigh, NC (Raleigh-Durham Airport)
Rapid City, SD (Ellsworth AFB)
Reading, PA (Reading Municipal, Ceneral Carl A. Spaatz Field Airport)
Reno, NV (Cannon International Airport)
Richmond, VA (Richard Evelyn Byrd International Airport)
Roanoke, VA (Roanoke Regional/Woodrum Field Airport)
Rochester, MN (Rochester Municipal Airport)
Rochester, NY (Rochester-Monroe County Airport)
Rockford, IL (Greater Rockford Airport)
Sacramento , CA (Sacramento Metropolitan Airport)
Saginaw, MI (Tri-City Airport)
Salt Lake City, UT (Salt Lake City International Airport, UT)
San Antonio, TX (San Antonio International Airport)
San Diego, CA (San Diego International Airport)

San Francisco, CA (San Francisco International Airport)
San Juan, PR (Luis Munoz Marin International Airport)
Santa Barbara, CA (Santa Barbara Municipal Airport)
Savannah, GA (Savannah International Airport)
Seattle, WA (Seattle-Tacoma International Airport)
Shreveport, LA (Shreveport Regional Airport)
Sioux City, IA (Sioux Gateway Airport)
Sioux Falls, SD (Joe Foss Field Airport)
South Bend, IN (Michiana Regional Airport)
Spokane, WA (Spokane International Airport)
Springfield, IL (Capital Airport)
Springfield, MO (Springfield Regional Airport)
St. Louis, MO (Lambert-St. Louis International Airport)
St. Thomas, VI (Cyril E. King Airport)
Stockton, CA (Stockton Metropolitan Airport)
Sumter, SC (Shaw AFB)
Syracuse, NY (Syracuse Hancock International Airport)
Tacoma, WA (McChord AFB)
Tallahassee, FL (Tallahassee Municipal Airport, FL)
Terre Haute, IN (Hulman Regional Airport)
Tinker AFB, OK (Tinker AFB Airport)
Toledo, OH (Toledo Express Airport)
Tucson, AZ (Tucson International Airport)
Tulsa, OK (Tulsa International Airport)
Valdosta, GA (Moody AFB)
Valparaiso, FL (Eglin AFB)
Virginia Beach, VA (Oceana NAS-Soucek Field)
Waco, TX (Waco Regional Madison Cooper Airport)
Washington, DC (Dulles International Airport)
Washington, DC (Washington National Airport)
Waterloo, IA (Waterloo Municipal Airport)
West Palm Beach, FL (Palm Beach International Airport)
Whiting NAS, FL (Whiting NAS Airport)
Wichita Falls, TX (Sheppard AFB/Wichita Falls Municipal)
Wichita, KS (Wichita Mid-Continent Airport)
Wilkes Barre, PA (Wilkes-Barre/Scranton International Airport)
Wilmington, NC (New Hanover County Airport)
Windsor Locks, CT (Bradley International Airport)
Wrightstown, NJ (McGuire AFB)
Youngstown, OH (Youngstown Municipal Airport)
Yuma, AZ (Yuma MCAS/Yuma Int'l)

Issued in Washington, DC on February 9, 1988.

Paul H. Strybing,

Acting Director, Air Traffic Operations Service.

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Federal Register

Friday
February 12, 1988

Part V

Department of Transportation

Federal Aviation Administration

14 CFR Parts 25, 29, 91, 121, 125, and 135

Cockpit Voice Recorders (CVR) and Flight Recorders; Notice of Proposed Rulemaking

DEPARTMENT OF TRANSPORTATION

14 CFR Parts 25, 29, 91, 121, 125, and 135

[Docket No. 25530; Notice No. 88-1]

Cockpit Voice Recorders (CVR) and Flight Recorders

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to require digital flight recorders, with specific parameters, and/or cockpit voice recorders (CVRs) to be installed in a broad category of airplanes and rotorcraft, operated by air carriers or commuters, as well as in selected smaller aircraft operated in general aviation. This proposal is prompted by recent legislation which mandates that the Federal Aviation Administration (FAA) amend the current requirements for installation and operation of flight recorders and CVRs aboard air carrier and commuter air carrier aircraft. Legislation also requires the FAA to consider National Transportation Safety Board recommendations on installing flight recorders and CVRs on general aviation aircraft. The FAA has determined that the investigatory information currently available from accidents involving aircraft not required to be equipped with CVRs and/or flight recorders is insufficient to determine the causes of many of those accidents. This rulemaking action would, therefore, ensure that data eventually used to prevent accidents from recurring are preserved.

DATE: Comments must be received on or before March 28, 1988.

ADDRESSES: Comments on this notice may be mailed in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 25530, 800 Independence Avenue SW., Washington, DC 20591. All comments must be marked Docket No. 25530. Comments may be examined in Room 915 between 8:30 a.m. and 5:00 p.m. on weekdays, except on Federal Holidays.

FOR FURTHER INFORMATION CONTACT: Frank Rock, Technical Analysis Branch (AWS-120), Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; Telephone (202) 267-9567.

Comments Invited. Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, or economic impact that might result from adopting the proposals in this notice are also invited. Comments addressing economic issues should be accompanied by detailed supporting information that explains the derivation of estimates. Commenters should identify the regulatory docket or notice number and comments should be submitted in triplicate to the address specified above. All comments recieved on or before the closing date for comments specified will be considered by the Administrator before taking action on this proposed rulemaking. The proposals contained in this notice may be changed in light of comments received. All comments received will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contract with Federal Aviation Administration (FAA) personnel concerned with this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include a preaddressed, stamped postcard on which the following statement is made: "Comments to Docket No. 25530." The postcard will be date stamped and mailed to the commenter.

Availability of NPRM. Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attn.: Public Inquiry Center (APA-230), 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on the mailing list for future NPRM's should request a copy of Advisory Circular No. 11-2A, NPRM. Distribution System, which described the application procedure.

Background

On December 22, 1987, legislation was enacted compelling the Federal Aviation Administration (FAA) to initiate rulemaking proceedings which would expand the cockpit voice recorder (CVR) and flight recorder requirements currently contained in the Federal Aviation Regulations (FAR). Congress stated:

> * * * [Five] per centum of each sum [for necessary expenses] provided under this head for the Immediate Office of the Secretary, and the Office of the General Counsel shall not be available for the obligation until on or after the date that [a] final rule[ ] [is] issued by the Department of Transportation that * * * expand[s] existing requirements for installation and carriage of cockpit voice recorders and flight data recorders to smaller sizes of commuter air carrier aircraft and to require cockpit voice recorder and flight data recorder retrofits on certain types of existing commuter air carrier aircraft to be determined by the Federal Aviation Administration. Continuing Resolution (referring to the Department of Transportation and Related Agencies Appropriations Act, 1988), Pub. L. No. 100-202 (December 22, 1987).

On December 30, 1987, President Reagan signed the Airport and Airway Safety and Capacity Expansion Act of 1987. Title III, Section 303(c) of that act states:

> COCKPIT VOICE RECORDERS AND FLIGHT DATA RECORDERS—Not later than 120 days after the date of the enactment of this Act, the Secretary [of Transportation] shall initiate a rulemaking proceeding to consider the use of cockpit voice recorders and flight data recorders on commuter aircraft and other aircraft, commensurate with the recommendations of the National Transportation Safety Board. Airport and Airway Safety and Capacity Expansion Act of 1987, Pub. L. 100-223, § 303 (December 30, 1987).

In light of the recent legislation, and in light of the National Transportation Safety Board's (NTSB) Safety Recommendation letter of June 19, 1987, the FAA reviewed the CVR and flight recorder requirements. The FAA considers the Safety Recommendation letter of June 19 an appropriate starting point.

Since the NTSB issued its last flight recorder recommendations in August 1982, a number of significant events have occurred, including the March 25, 1987 (52 FR 9622), amendments to 14 CFR 91.35, 121.343, 125.202 and 135.151. Other events have necessitated that the FAA reconsider its requirements as well as the NTSB's recommendations: the technological development of solid-state flight data recorders (SFDRs), the continued growth of the commuter air carrier industry, the recent amendment of 14 CFR Part 23 to provide for the definition and certification of a commuter category airplane, and the adoption of revised CVR standards and recommendations developed by the International Civil Aviation Organization (ICAO). The NTSB also believes its views, which are based on years of experience as the primary user of flight recorder information for accident investigation purposes, satisfy the safety objectives of both government and industry.

The June 19, 1987, NTSB recommendations proposed two distinct recorder groups: one for airplanes and

rotorcraft used in air carrier operations, and one for commuter category and selected smaller aircraft operated under 14 CFR Parts 135 and 91, respectively. The proposed requirements pertaining to large airplanes would expand the current requirements (as detailed in Appendix B of 14 CFR Part 121) to include the NTSB's recommendation for newly manufactured airplanes and existing airplanes equipped with an Aeronautical Radio, Inc. (ARINC) 429 digital data bus or its equivalent. In addition, the recorder requirements of Appendix B would be extended to include Part 135 operations with airplanes and rotorcraft capable of carrying 20 passengers or more. Another flight recorder requirement would apply to newly manufactured, multiengine, turbine-powered aircraft capable of carrying 10 or more passengers. It would be required that airplanes be equipped with flight recorders that at least record the parameters detailed in Appendix B of Part 121. Flight recorders capable of recording the parameters detailed in Appendix C of Part 135 would be required on rotorcraft with a 10- to 19-passenger seating capacity. On all existing and newly manufactured rotorcraft with a 20- or more passenger seating capacity, flight recorders that at least record the parameters detailed in Appendix E of Part 135 would be required.

Specifically, the NTSB has stated that the amendments to 14 CFR Parts 91, 121, 125 and 135, issued in the **Federal Register** [52 FR 9622, March 25, 1987], were a step in the right direction, but that additional requirements are needed. The NTSB considers that the following requirements are essential to assist them in establishing the probable causes of accidents and to develop recommendations that might preclude those types of accidents from recurring:

(1) Require that each large airplane (Ref. Federal Aviation Regulation (FAR) § 121.343) that is equipped with a ARINC 429 digital data bus or equivalent be retrofitted with a flight recorder capable of recording the parameters listed in Appendix B of Part 121.

(2) Require that each newly manufactured large airplane (Ref. FAR § 121.343) be equipped with a flight recorder capable of recording the parameters listed in Appendix B of Part 121.

(3) Require that each rotorcraft used in scheduled air carrier operations (Ref. FAR Part 135, Subpart A) and each newly manufactured rotorcraft be equipped with a flight recorder capable of recording the parameters listed in Appendix E of Part 135.

(4) Require that each newly manufactured, multiengine turbine-powered airplane or rotorcraft capable of carrying 10 to 19 passengers, brought onto the U.S. register, be equipped with a flight recorder capable of recording the parameters listed in Appendix B (airplanes) or Appendix C (rotorcraft) of Part 135.

(5) Require that each multiengine, turbine-powered airplane or rotorcarft capable of carrying 6 or more passengers and for which two pilots are required for any type of operation (14 CFR Parts 91, 121, or 135), be equipped with a CVR.

(6) Require that each airplane or rotorcraft capable of carrying 20 or more passengers (Ref. 14 CFR 135.2) be equipped with a flight recorder capable of recording the parameters listed in Appendix B of Part 121, and a CVR (Ref. FAR § 135.151).

(7) Require that each multiengine, turbine-powered airplane or rotorcraft capable of carrying 10 or more passengers and operating under part 91 be equipped with a flight recorder capable of recording the parameters listed in Appendix B (airplanes) and Appendix C (rotorcraft) of Part 135.

(8) Require that the design of any new aircraft (see 14 CFR Parts 23, 25, 27 and 29) be evaluated to determine if any additional parameters must be recorded on the flight recorder due to any unique features or operational characteristics.

(9) Require that each newly manufactured airplane (Parts 23 and 25) and each new CVR installation provide for uninterrupted recording from the boom or mask microphones and headphones of each flight crew position and from an area microphone and that the recordings be made on dedicated channels of the CVR.

(10) Require the use of boom microphones by all flight crewmembers operating under Parts 121 or 135 and below 18,000 ft. on aircraft equipped to record the uninterrupted audio signals.

(11) Issue a technical standard order (TSO) for solid state flight recorders specifying all required criteria not covered by TSO–C–51A.

Discussion

Flight Recorder Requirements, 14 CFR Part 121

The NTSB considered the 14 CFR Part 121 rule changes [52 FR 9622; March 25, 1987] eliminating the foil-type flight recorders a step forward, but it is still concerned with the adequacy of the minimum standards set forth in 14 CFR Part 121, Appendix B, which were not affected by those rule changes. The accident investigation experience acquired by the NTSB during the last 17 years has permitted it to identify the usefulness of the required parameters and the potential significance of parameters that are not currently required. The NTSB has concluded that there is an urgent need to update the mandatory parameter list and to define new parameters, improved accuracies, ranges, and sampling intervals. (See June 19, 1987, safety recommendation letter.)

The international aviation community has also become aware of the need for improved flight recorder standards as exemplified by ICAO's adoption of new flight recorder standards that recommend a 32 parameter flight recorder system. These 32 parameters and associated accuracies and recording intervals are consistent with those recommended by the NTSB. In addition, the European Organization for Civil Aviation Electronics (EUROCAE) was recently tasked to develop a minimum operational performance requirement (MOPR) which defines the minimum operational performance standards, guidance material for installation, parameters recorded, data compression, data retrieval, and crash survivability testing for the next generation of recorders.

The above concerns indicate that technological changes have had a significant effect on the information needed to properly analyze an accident or incident. The current lists of flight recorder parameters, whether required by the FAA or recommended by the NTSB or ICAO, have always presented a compromise between desired parameters and economically feasible parameters. However, new electronic display systems (i.e., "glass cockpits"), that include an ARINC 429 data bus provide some relief from economic constraints and, at the same time, introduce additional investigative requirements. The ARINC 429 digital data bus, which is on the Boeing 757, 767, and 747–400, as well as the Airbus A300–600, A310, and 320, can provide a wealth of additional data. In fact, the amount of data is so extensive that the only constraint to the flight recorder system appears to be the recording capacity of the flight recorder. On the other hand, such new electronic displays pose new investigative challenges due to their operational and physical characteristics. For example, the video display units will supply little useful information in the post-accident environment. With the expanding role of technology in the operation of modern aircraft, a thorough knowledge of the interaction of man and machine in

accident investigations has become even more critical. The introduction of the Airbus A320 with its fly-by-wire technology will present new challenges in accident investigation that will require the recording of information of a quantity and quality that goes far beyond the current minimum standards. The FAA agrees with the NTSB that there is a definite need for additional flight recorder parameters; that the core requirements be increased to include those recommended by the NTSB and ICAO; and that the minimum parameter list for a particular make and model aircraft be based on any unique design or operational capability defined at the time of type certification.

Commuter Category/General Aviation Flight Recorder Requirements, 14 CFR Parts 91 and 135. According to the 1986 Annual Report of the Regional Airline Association, the number of passengers enplaned by commuter air carrier operations between 1981 and 1986 grew by 84 percent and is expected to grow at an annual rate of 8.3 percent during the next decade. This growth has resulted in the acquisition of newly manufactured aircraft designed specifically for the commuter market. The maximum takeoff weight of most of these new airplanes is in excess of 12,500 pounds, but since a significant number of them carry less than 30 passengers and have payloads of 7,500 pounds or less, they presently may be operated without flight recorders under Part 135. The NTSB is concerned by the substantial growth trends of the commuter air carrier fleet and the lack of flight recorder and, until recently, CVR requirements.

These technological and operational changes in the commuter air carrier industry are comparable to those faced by the certificated air carrier industry some years ago when wide-bodied jets were introduced. At that time, the existing flight recorder requirements were considered inadequate, and a new set of standards was developed.

A closer examination of the "commuter category" concept is necessary to understand more fully the impact of industry growth and development on the need for CVRs in this category. The NTSB has stated that the January 15, 1987, change to 14 CFR Part 23, that defines the "commuter category" for type and airworthiness certification, is consistent with a logical division point for the complexity and type of recorder required. As defined in Part 23, "communter category" airplanes are those having a seating configuration, excluding the pilot seats, of 19 or less, and having a maximum certificated takeoff weight of 19,000 pounds or less. An examination (addressed in the 1986 Annual report of the Regional Airline Association) of the commuter air carrier fleet indicates that only three airplane models have a seating capacity of from 20 to 30 passengers, and a maximum payload of 7,500 pounds or less. Two of the three airplanes, the Embraer EMB–120 and Shorts 330, have a seating capacity of 30 passengers. The other airplane, the CASA 212, has a seating capacity of 26 passengers. The FAA agrees with the NTSB that these airplanes are of sufficient size and complexity to warrant the installation of flight recorders that meet the requirements of 14 CFR Part 121. At least two models, the EMB–120 and Shorts 330, are being operated in Europe with complete flight recorder and CVR systems.

Therefore, the airplanes that fall into the designation of commuter category, 19 or less passengers and 19,000 pounds or less, are distinctly different from their larger Part 135 counterparts. The NTSB believes that a more logical division for those airplanes requiring compliance with 14 CFR Part 121 flight recorder rules would be 20 passengers or more. This would be more consistent with the current division that exists within the commuter fleet. It would also align those few airplane models of larger capacity with the intent of the 14 CFR Part 121 recorder rules.

As previously discussed, the technological economical feasibility of a flight recorder for the commuter category aircraft (19 passengers or less) is no longer in question. In fact, one recorder manufacturer has developed a recorder for the general aviation market that meets the technical standards set forth in the Society of Automotive Engineers, Inc., document, "Minimum Performance Standards, General Aviation Flight Recorder" (SAE 8039). In addition, the U.S. Army has just embarked on a prototype program to install 200 flight recorders in its UH–64 Blackhawk helicopters. These recorders are a standard off-the-shelf version of a digital data recorder currently in use by a number of U.S. and foreign air carriers. This prototype program is a prelude to a much larger program which specifies that solid-state flight data recorders (SFDRs) be installed on the U.S. Army's entire fleet of aircraft. Also, the U.S. Air Force is currently flying F–16 and B1 airplanes equipped with solid state flight recorders. In addition, a solid-state version of the 25-hour air carrier flight recorder has been proposed by one recorder manufacturer and is under development by others. Consequently, it is considered that small lightweight recorders can be retrofitted into general aviation/commuter category aircraft with systems similar to those generally found in the commuter air carrier fleet.

Recent investigations of commuter airplane accidents continue to emphasize the need for CVRs and flight recorders. On December 6, 1984, a Provincetown Boston Air (PBA) Embraer EMB–110 crashed shortly after taking off from Jacksonville, Florida. Although the evidence of an in-flight structural failure was obvious, the reason for the failure was not. In fact, the investigators had so few clues with which to work that Emergency Airworthiness Directive 85–01–51 was issued on January 10, 1985, which essentially grounded the U.S. EMB–110 fleet until a inspection of remaining airplanes could be completed. The investigation continued for 18 months. In addition, the degree of certainty as to why the accident occurred would have been significantly more positive had CVR and flight recorder information been available.

During a 7-month period from August 25, 1985, to March 13, 1986, the commuter air carrier industry suffered a number of fatal accidents in which the subsequent investigations "revealed" a lack of information pertinent to the causes. (For more detailed information, read Aircraft Accident Report-"Bar Harbor Airlines, Flight 1808, Beech B–99, N300WP, Auburn Lewiston Airport, Maine, August 25, 1985" [NTSB/AAR–86–07], Aircraft Accident Report-"Henson Airlines Flight 1517, Beech B–99, N339HA, Shenandoah Valley Airport, Grottoes, Virginia, September 23, 1985" [NTSB/AAR–86–07], and Aircraft Accident Report-"Simmons Airlines, Flight 1746, Embraer Bandeirante EMB–1101P1, N1356P, Near Alpena, Michigan, March 13, 1986" [NTSB/MAR–87–02].)

In all three accidents, the flightcrews were involved in precision instrument approaches in instrument meteorological conditions. The recorded air traffic control (ATC) communications in all three instances gave no indication that the flightcrews were experiencing any mechanical or ILS navigational problems. The ensuing examinations of the airplane wreckage and navigational aids did not disclose any problems that would have caused or would have contributed to the flightcrew's wings level controlled crashes. Therefore, with the lack of any evidence to suggest mechanical malfunctions, the investigations focused on flightcrew performance.

Unfortunately, the lack of flight recorder information severely limited the scope of the flightcrew performance investigations. As a result, the investigators were confined to areas such as interviews with fellow crewmembers, training records, FAA surveillance, cockpit standardization, and a number of additional operational factors. Although the investigative efforts produced a number of significant safety recommendations based on sound evidence of potentially hazardous conditions and practices, the specific flightcrew actions, inactions, environmental conditions, previously undetermined equipment failures or combinations thereof that caused the accidents could not be positively identified. Furthermore, the lack of a definitive accident cause diminished the effectiveness of the NTSB's ability to recommend safety recommendations. However, the NTSB indicates confidence that, had flight recorder information been available, the specific deficiencies in flightcrew performance or some heretofore unknown failure or malfunction would have been determined for these accidents.

Two more recent incidents further exemplify the need and benefits of flight recorders and CVRs. The first incident involved a 42-passenger turboprop airplane. (For more detailed information read, Aircraft Accident/Incident Summary Investigation No. DCA–87–IA015.) On the same day, a second airplane of the same type operated by the same operator had a similar but far less severe encounter. The FAA acted promptly to prohibit operations into forecasted icing conditions until the airworthiness of the airplane could be further evaluated. The flight recorder from both airplanes and the CVR from the first airplane were removed and analyzed. The recorded data clearly identified the cause of the loss of control as operational rather than anything related to airworthiness and thus allowed for a prompt implementation of corrective action and the removal of the icing prohibition. This all took place within a matter of days.

In stark contrast is the March 4, 1987, fatal accident in Detroit, Michigan, involving a 26-passenger CASA 212 that crashed inverted while on final approach to the airport. This type of airplane is not currently required to have a CVR or flight recorder installed. Without the CVR and flight recorder information, the investigation was limited to witness statements, ground impact marks, badly damaged and burned wreckage, limited air traffic control radar data, and flight test data. An FAA flight test team was dispatched to Madrid, Spain, to conduct a flight test in the area of stall characteristics, stall warning, directional stability, and engine-out controllability. The team determined that the natural stall warning was inadequate. An NPRM was issued on April 10 that would require the installation of an artificial stall warning system in the CASA–212. However, even with the information obtained from this flight test program, a positive determination of factors that caused the accident may never be made. In the interim, however, there are 29 CASA 212s in the United States and over 300 worldwide operating without restriction and without a determination as to what caused the accident or even what happened.

On May 8, 1987, another CASA–212 in scheduled commuter operation crashed on the final approach to the airport in Mayaguez, Puerto Rico. The airplane was destroyed. There was no CVR or flight recorder aboard the airplane, and investigations were limited to information similar to that available in the Detroit accident.

Cockpit Voice Recorder "Hot Mic," 14 CFR Parts 23, 25, 121, and 135

The NTSB indicates that the performance of CVR installations where the audio signal from the boom microphone of each flight crewmember is continuously recorded on a dedicated channel, often referred to as a "hot mic," to be far superior to the standard cockpit area microphone (CAM). This conclusion was reached after the NTSB investigated a number of accidents/incidents involving both U.S. and foreign registered airplanes equipped with CVR "hot mics." In fact, the "hot mic" has proven to be a most significant technological improvement in CVRs. This level of improvement far surpasses any technological improvement that could be achieved by state-of-the art recording or signal processing equipment.

In contrast, the quality of the audio signal recorded by the standard CAM can generally be described as poor because it requires considerable time and effort to produce a transcript. Frequently, the tape contains unintelligible dialogue that is important to the determination of causal factors. The high quality audio signal available from the "hot mic" should eliminate this problem for the most part, and at the same time, provide additional benefits, as follows:

(1) Positive crewmember identification,

(2) Redundant multichannel recordings,

(3) A potential for the evaluation of crewmember incapacitation by monitoring respiration rates, and

(4) Improved accuracy in determining which pilot was controlling the aircraft.

The Civil Aviation Authority (CAA) of the United Kingdom (UK) has required CVR "hot mic" since 1974. The UK Accident Investigation Branch's nearly 13 years of experience in analyzing CVR "hot mic" recording has prompted it to promote the adoption of standards by the international aviation community. As a result, both ICAO and EUROCAE have adopted CVR "hot mic" standards. In addition, the Board of Directors of the Air Line Pilots Association voted in May 1987 to adopt a resolution to promote the use of CVR "hot mics."

Although the benefits of CVR "hot mic" are numerous, the economic penalties are slight. In fact, most if not all major airplane manufacturers are now offering CVR "hot mics" as standard equipment, and wiring an existing microphone jack to a CVR is a relatively easy task. Therefore, a CVR "hot mic" requirement would not pose an economic penalty either for operators purchasing new equipment or retrofitting a CVR on an existing aircraft.

General Aviation, 14 CFR Part 91

The general aviation (multiengine, turbine-powered aircraft) fleet is undergoing a technological evolution similar to, and in some respects greater than, that occurring in the air carrier and commuter fleets. The technological advances in the general aviation fleet have been numerous and varied. An indication of how pervasive the introduction of state-of-the-art technology has become was the November 1986 release by the General Aviation Manufacturers Association (GAMA) of three digital data bus standards for general aviation aircraft. As discussed earlier, these digital systems offer both an opportunity and a challenge to future accident/incident investigations. The opportunity stems from the relative ease by which vast amounts of significant information can be accessed and recorded. The challenge will come if this opportunity is not taken, because without "crash-protected" information (i.e., pre-impact information that usually is preserved after impact) future investigations will have even less evidence than is currently available on conventional aircraft from cockpit instruments, light bulbs, switch settings, etc.

Accident experience continues to present evidence of the formidable cost, both in lives and property, of inadequate

flight recorder information. The accident/incident histories of the Mitsubishi MU–2 and the Gates Learjet Models 24 and 25 airplanes have been well documented in previous Safety Board recommendations (see the June 19, 1987, NTSB safety recommendation letter) and need not be reiterated in detail. Briefly stated, however, both airplanes have a history of experiencing a sudden loss or reduction of control, which in many instances have resulted in uncontrolled, high-speed collisions with the ground.

In a recent MU–2 accident, shortly before the fatal uncontrolled ground collision, the pilot radioed that the autopilot was pitching the airplane nose-down and that he could not control it. Because of this information, the NTSB has been able to focus its investigative efforts in this accident, and other MU–2 accidents, on specific components of the autopilot system. This was accomplished by the correlation of the service difficult reports and accident/incident histories of the MU–2 and Learjet airplanes. Although these investigative efforts appear to be providing some answers, the investigative process is still too long and costly in terms of lives and property. The time taken to reach this point stems directly from the lack of information of the type provided by modern recorders. If data similar to that proposed had been available, a more timely resolution of the safety problems could have been made which might have prevented subsequent occurrences.

A number of flight recorders have been installed voluntarily and have begun to yield valuable information. An indication of this was the recent National Business Aircraft Association (NBAA) policy that now encourages its members to consider voluntary installation of CVRs. In stating this policy, the NBAA cited the value of CVR information in the recent investigation of a collision between a corporate jet and a small plane.

Expanded Flight Recorder Requirements for New Airplanes, 14 CFR Part 25

Recent technological advancements as well as those envisioned for the future raise serious questions about the adequacy of any fixed listing of required parameters for new airplanes. New airplanes may have unique design or operational characteristics that affect their performance, such as unique handling qualities and performance limitations; critical autopilot configurations; and, particularly, artificial intelligence dedicated to a monitoring function deemed critical to airplane operation. Such design features and operational characteristics must be evaluated at the time of airplane certification. This would ensure that sufficient information will be recorded to help determine airplane and crew performance.

One can conclude that the aviation community, particularly the commuter airlines, cannot afford to identify its safety problems by an accumulation of accidents in which the cause cannot be determined in a timely and definitive manner. The public expects and deserves a prompt and accurate determination of cause, and it should never be subjected to a repeat of unresolved accidents. The NTSB believes that the CVR and flight recorder installations they recommend would provide data of sufficient quality and quantity to determine specific safety problems in a much more timely manner and with a much higher degree of certainty.

The FAA also recognized the benefits of recorders, as evidenced by NPRM Notice No. 85–1 "Flight Recorders and Cockpit Voice Recorders," which encouraged the voluntary installation of approved flight recorders and the soon-to-be adopted Technical Standard Order (TSO) C–111, "General Aviation Flight Recorders." Technology has progressed, and there are a number of solid state fight recorders in operation on military aircraft which might be adapted for use in the commuter and general aviation fleets.

A regulatory schedule that would require a prewire phase for newly manufactured aircraft to precede the mandatory compliance date would ensure the most comprehensive coverage with the least retrofit cost.

Rotorcraft Air Taxi Operations and Commercial Operators, 14 CFR Part 135

NTSB recommendation A–87–79 proposes an amendment to Part 127, Subpart H, to require that all existing and newly manufactured rotorcraft, regardless of the date of original type certificate, be equipped with one or more approved flight recorders.

However, the FAA issued a final rule, SFAR 38–2 (50 FR 23944, June 7, 1985), as amended, which requires rotorcraft operations that were conducted under Part 121 or Part 127 to be conducted under Part 135. The amendment, in effect, suspends Part 127 and 121.13 and 121.157(e), and requires all rotorcraft operations to be conducted under Part 135. Therefore, those recommended amendments to Part 127 will be included in the pertinent sections of Part 135 and will address rotorcraft with a seating configuration of 20 or more seats.

Flight Recorder Requirements for Transport Category Aircraft, 14 CFR Part 29

Consistent with the NTSB safety recommendations, flight recorder requirements would be added to mandate digital flight recorders on rotorcraft with 20 or more passenger seats. The flight recorders would be capable of recording the parameters listed in proposed Appendix E of Part 135.

Regulatory Evaluation

This notice of proposed rulemaking would expand the cockpit voice recorder (CVR) and flight recorder requirements for various categories of aircraft, including airplanes and rotorcraft operated under Parts 91, 121, and 135. This rulemaking responds to a congressional mandate that the Department of Transportation initiate a rulemaking proceeding to consider the use of CVRs and flight recorders on commuter aircraft and other aircraft, commensurate with the recommendations of the National Transportation Safety Board (NTSB). The NTSB recommendations were listed in a recent letter to the Administrator which consolidated earlier NTSB recommendations that were not adopted as regulations in the final rule on cockpit voice and flight recorders issued in March 1987 by the FAA. The NTSB letter also reflected developments in recorder technology that had occurred since its earlier recommendations.

Costs

Compliance costs have been estimated for the various proposals contained in this notice. It is anticipated that the proposals, if adopted, would become effective in late 1988 or early 1989. Therefore, the 10-year period of this analysis is from 1989 to 1998. All costs are expressed in 1987 dollars. Discounted present values have been calculated using the 10 percent discount rate prescribed by the Office of Management and Budget for regulatory actions.

The major compliance cost categories that have been estimated for the various proposals include equipment and installation costs (for both newly manufactured and existing aircraft); maintenance costs; fuel consumption costs because of the additional aircraft weight; and miscellaneous costs resulting from engineering, certification, support equipment, and administrative start-up requirements. Cost information was obtained from various recorder manufacturers, and fleet forecast information was obtained from the FAA

Forecasting Branch and several industry publications. Total compliance cost for these proposals is estimated to be $222 million (discounted present value). Cost estimates are summarized below in Table 1.

TABLE 1.—COCKPIT VOICE RECORDER AND FLIGHT RECORDER: TOTAL COSTS BY AIRCRAFT TYPE AND OPERATING RULE

[1989 through 1998]

	Undiscounted	Discounted present value
Part 91—Airplanes:		
Equipment/Installation	$130,805,000	$99,184,000
Maintenance	4,906,000	2,914,000
Fuel consumption	12,124,000	7,212,000
Certification, start up, and support equipment (10 percent of equipment/installation)	13,080,000	9,918,000
Total	160,915,000	119,228,000
Part 91—Rotorcraft:		
Equipment/Installation	18,802,000	10,955,000
Maintenance	291,000	151,000
Fuel consumption	785,000	410,000
Certification, start up, and support equipment (10 percent of equipment/installation)	1,880,000	1,096,000
Total	21,758,000	12,612,000
Part 135—Airplanes:		
Equipment/Installation	53,633,000	38,622,000
Maintenance	2,645,000	1,539,000
Fuel consumption	7,593,000	4,480,000
Certification, start up, and support equipment (10 percent of equipment/installation)	5,363,000	3,862,000
Total	69,234,000	48,503,000
Part 135—Rotorcraft:		
Equipment/Installation	32,609,000	20,522,000
Maintenance	1,114,000	626,000
Fuel consumption	3,767,000	2,099,000
Certification, start up, and support equipment (10 percent of equipment/installation)	3,261,000	2,052,000
Total	40,751,000	25,299,000
Part 121—Airplanes:		
Equipment/Installation (other cost categories are minimal)	8,090,000	4,708,000
Total	8,090,000	4,708,000
Part 125—Airlines:		
Equipment/Installation	10,600,000	9,651,000
Maintenance	1,080,000	659,000
Fuel consumption	1,170,000	714,000
Certification, start up, and support equipment (10 percent of equipment/installation)	1,060,000	965,000
Total	13,910,000	11,989,000
Total cost for all operating rules	314,658,000	222,339,000

These costs are based on existing electro-mechanical digital recording systems. Solid state digital recording systems are in use in many military applications, and corresponding commercial crash recorder applications are under development. Early projections from manufacturers indicate that these solid state recorders will cost approximately the same as their electro-mechanical counterparts. However, they do offer important advantages over older systems, such as reduced weight and space requirements.

Installation of the relatively heavy electro-mechanical recorders on many of the small aircraft that would be affected by these proposals could result in diminished payload carrying capability and/or reduced range. Although these costs have not been quantified in this analysis, they may be significant, especially for commuter aircraft. Further, there may be limited space available to install these units on small aircraft. These limitations could result in lost transportation capacity, and require tradeoffs with other equipment that operators might need or wish to install as a result of regulatory or voluntary actions, such as traffic alert and collision avoidance systems (TCAS), ground proximity warning systems, weather radar, etc. Some manufacturers believe that potential reductions in volume and weight that may be achieved using solid state technology could eliminate or substantially reduce these problems. Commenters are invited to submit their views on these issues.

Benefits

The benefits of flight recorders and CVRs cannot be measured in specific terms of numbers of lives saved or accidents prevented. Nevertheless, these tools have provided invaluable information in determining the primary and contributing causes of accidents in the past, and they have become an indispensable part of aircraft accident investigation.

It is universally recognized that accident investigation has played a primary role in increasing the safety of air transportation. Even so, accident investigation itself is not credited with specific increases in safety. Instead, the credit is given to those changes to aircraft, flight procedures, airmen certification, etc., that are implemented to resolve safety deficiencies that come to light as a result of accident investigations. Since the benefits of improvements to CVRs and flight recorders are intangible, this benefits analysis will discuss qualitatively how

flight recorders can contribute to improvements in aviation safety, but will not attempt to estimate safety benefits quantitatively.

Expanded parameter flight recorders have proven effective in the determinations of aircraft structural, mechanical, and systems failures which have led directly to corrective actions, such as aircraft modifications or changes in operating procedures that will prevent future accidents. Expanded parameter recorders are extremely useful in identifying the response of flight crews to hazardous situations. Determinations can then be made whether or not the crew's response was appropriate for the situation and consistent with the training they had received, and whether additional or modified training and procedures would help prevent similar accidents in the future. Human factors analysis is one of the primary areas of study where flight recorders can be extremely beneficial.

The determination that an accident was *not* caused by an aircraft mechanical, structural, or systems problem can also be quite beneficial because costly but unnecessary design analyses or modifications to an aircraft prompted by hypotheses rather than conclusive evidence can be prevented. Similarly, use of expanded parameter flight recorders could prevent temporary grounding of aircraft and avert economic losses to passengers and operators alike.

Another benefit resulting from the determination of accident cause through expanded parameter flight recorders is the ability to define more precisely those operational problems that need to be addressed through research and development programs, such as windshear encounters. Analysis of windshear accidents aided by expanded parameter flight recorders has resulted in combined government and industry efforts to develop ground-based and airborne windshear detection systems, improved flight guidance systems, better crew training, and other corrective actions that are now being implemented to prevent future catastrophic accidents.

New aircraft are now being developed with innovative design features such as fly-by-wire technology, canards, extensive structural use of composite materials, and tilt rotors. The result is that some aircraft are now entering service with these design features. Additional recorded information would aid significantly in the analysis of those accidents that will inevitably be experienced by aircraft embodying these emerging technologies. The introduction of new technology raises a greater possibility that a particular aircraft type will experience a series of accidents that are especially difficult to resolve as to cause. A fuller understanding of the factors contributing to these types of accidents will reduce the probability of their recurrence, as well as the possibility of aircraft being unnecessarily grounded.

Experience has shown that existing recorders do not monitor some factors that may cause accidents, and that accident investigation of smaller air carrier aircraft not currently equipped with recorders is greatly handicapped. The amendments proposed in this notice, if adopted, would increase the amount of information provided by recorders and significantly increase accident investigators' ability to identify modifications that will reduce the number of accidents involving commuter aircraft, high performance general aviation airplanes and rotorcraft.

International Trade Impact Assessment

These proposals would have little or no impact on trade for either U.S. firms doing business in foreign countries or foreign firms doing business in the United States. The proposed amendments would affect only U.S. air carriers and operators. Foreign air carriers are prohibited from operating between points within the United States; therefore, they would not gain any competitive advantage over the domestic operations of U.S. carriers. In international operations, foreign air carriers are not expected to realize any cost advantages over U.S. air carriers because many foreign countries have recorder requirements that are as stringent as those proposed in this notice. Further, general aviation operations conducted in the United States are not in any direct competition with foreign enterprises. For these reasons, the FAA does not expect that these proposals will result in any trade impact.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily and disproportionately burdened by government regulations. The RFA requires agencies to review rules that may have "a significant economic impact on a substantial number of small entities."

Any small entity that operates any aircraft in the categories that are included in the proposed amendments to Parts 91, 121, 125, and 135 would be affected by this notice, if adopted. Some of these proposals could result in "a significant economic impact on a substantial number" of small entity operators and air carriers. Most manufacturers that certificate aircraft under Parts 25 and 29 are not small entities and, therefore, are not subject to the RFA.

The following analysis explains the reasons for this determination concerning operators and air carriers. In developing estimates of annualized net compliance costs, uniform annualized costs for capital investments have been determined by multiplying the amount of the investment by a capital recovery factor appropriate for the discount rate and period of the analysis. A capital recovery factor of .155, based upon a 10 percent discount rate over a 10-year period, has been used in this analysis. Threshold cost values and small entity size standards are those stated in FAA Order 2100.14A, *Regulatory Flexibility Criteria and Guidance*. Values have been adjusted to 1987 dollars.

The threshold values defining a significant economic impact for scheduled carriers are $96,200 if the entire fleet has a seating capacity of over 60 seats, and $53,800 for other scheduled carriers. The threshold value for an unscheduled operator is only $3,800. Furthermore, a small entity operator of aircraft for hire is defined as one which owns nine or fewer aircraft.

The annualized cost for the least expensive requirement proposed in this notice, a CVR retrofit, is approximately $3,500 per aircraft. Therefore, an operator owning only one aircraft is very close to the $3,800 threshold for unscheduled operators, and any operator owning more than one aircraft (but less than ten) is well over the threshold. This would apply to virtually all small Part 135 operators affected by the proposal. A similar argument can be made for Part 125 operators owning only one aircraft because they would be required to retrofit the far more expensive flight recorders as well as CVRs. It is possible that a substantial number of other small entities (defined as one-third of the small entities affected by the particular proposal) could incur significant economic impacts, particularly scheduled Part 135 operators (commuters) if they obtain between six and nine new aircraft with 19 or fewer seats, or retrofit between four and nine aircraft with 20 to 30 seats. Further, any small unscheduled Part 121 operator purchasing one or more new aircraft not equipped with an ARINC 429 data bus will exceed the threshold for nonscheduled operators.

Part 91 operators of aircraft affected by these proposals generally are not small entities, however, and, therefore, would not be subject to the RFA.

For these reasons, the FAA has determined that these proposals may have a significant economic impact on a substantial number of those small entities operating under Parts 121, 125, and 135, and a regulatory flexibility analysis is required under the terms of the RFA. The regulatory flexibility analysis for these operators follows.

Initial Regulatory Flexibility Analysis

As required by section 603 of the RFA, the following analysis deals with the proposed flight recorder requirements as they relate to small operators.

A. Why Agency Action is Taken

This rulemaking is in response to congressional action and to several recommendations made by the NTSB. The reasons for agency action are detailed in the notice and the regulatory evaluation.

Briefly, the advantages of additional recorded information have been demonstrated by those aircraft so equipped, and it is desirable that more specific information be obtained following an accident involving additional categories of aircraft than is possible under current regulations.

B. Objectives of and Legal Basis for the Rule

The objective of these proposals is simply to make air transportation safer. The Federal Aviation Act explicitly states that:

> The Administrator (of the FAA) shall exercise and perform his powers and duties under this Act in such manner as will best tend to reduce or eliminate the possibility of, or recurrence of, accidents in air transportation, but shall not deem himself required to give preference to either air transportation or other air commerce in the administration and enforcement of this title.

(Ref. Federal Aviation Act of 1958, Title VI—Safety Regulation of Civil Aeronautics, section 601(b).)

This objective has been discussed in the notice and the regulatory evaluation.

The legal bases of these proposals are sections 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 (as amended by the Airport and Airway Safety and Capacity Expansion Act of 1987, Pub. L. 100–223, December 30, 1987) 1422 through 1430, and 1502); 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and the Continuing Resolution of December 22, 1987, Pub. L. 100–202.

C. Description of Small Entities Affected by the Proposals

The small entities are operators subject to Parts 121, 125, and 135 with nine or fewer aircraft in those categories stipulated in the NTSB letter and the proposals. This is covered in detail in the Regulatory Flexibility Determinations above.

D. Compliance Requirements of the Rule

The proposals would require the installation of various types of cockpit voice recorders and flight recorders in several categories of new and existing aircraft.

E. Overlap of the Proposals With Other Federal Rules

There are no other Federal rules that duplicate, overlap, or conflict with the proposed rules.

F. Alternatives to the Proposals

No alternatives to these proposals have been considered. The Secretary of Transportation has been directed by Congress to initiate a rulemaking that considers the recommendations of the NTSB to the FAA concerning the use of cockpit voice recorders and flight data recorders on commuter and other aircraft.

The FAA intends to issue a final rule in this proceeding with respect to large and commuter air carrier aircraft no later than June 30, 1988. The FAA has greater flexibility with respect to requirements for flight recorders in Part 91 aircraft than with respect to Part 135. If the record indicates that additional time is necessary for the commenters and the FAA to examine the Part 91 issues, the agency may deal separately with Part 91 at the final rule stage. In the absence of any such indication, however, the FAA expects to issue a final rule on Part 91 at the same time as it concludes the proceeding on Parts 135 and 121.

The FAA believes it is especially important that interested parties address, in their comments, the costs and benefits of flight recorders and cockpit voice recorders in Part 91 operations. The FAA is particularly interested in receiving comments from the NTSB and others who would participate in the accident investigation about the benefits to be gained from recorders in aircraft operated under Part 91, and about whether there are any alternatives that would provide essential information but still be less burdensome to the owners and operators of these aircraft. What other regulatory options to NTSB's recommendations for Part 91 aircraft should be considered, based on such factors as: newly manufactured versus existing aircraft, various aircraft types and uses, and the extent to which new technology is incorporated into aircraft designs.

Because the costs of this rule as it applies to Part 91 operations are significant, and may approach those of a major rule, the FAA invites commenters to provide estimates, and the bases for those estimates, on the following, with respect to aircraft types that would be affected by the proposals:

1. The frequency of operation of existing aircraft in the following groups: 6–9 passengers, 10–19 passengers, and 20–30 passengers; and

2. The percentage of aircraft in each group with "glass cockpits" (i.e., new electronic display system). Such data, if available, would be relevant to the cost per seat mile of CVR and FDR for different sizes of aircraft. In addition, the FAA has available a substantial amount of data with respect to:

1. Acquisition costs of various flight recorder and cockpit voice recorder installations;

2. Maintenance and operational costs of recorder installations;

3. Projections of new aircraft entering service;

4. Accident information, including fatalities, injuries, and severity of property damage.

This data will be placed in the docket for public inspection, along with all relevant assumptions and analyses performed by the FAA in formulating its proposal.

The benefits of this rule will mainly take the form of an increased understanding of the causes and contributing factors of crashes. Therefore, the FAA is also interested in the following: To what extent has the availability of CVR and/or FDR facilitated the success of accident investigations, as indicated by the ability of the NTSB to determine the cause of, and factors contributing to, accidents? To what extent has NTSB's confidence in such a finding been enhanced be the availability of CVR/FDR or reduced by the lack of it? Also, to the extent that data resulting from coverage under other parts may be applicable to Part 91 aircraft, what are the additional benefits of the Part 91 proposals to operations conducted under Part 91 and other parts?

List of Subjects

14 CFR Part 25

Aircraft, Aviation safety, Safety.

14 CFR Part 29

Aircraft, Aviation safety, Safety.

14 CFR Part 91

Air carriers, Aviation safety, Safety, Aircraft, Aircraft pilots, Pilots.

14 CFR Part 121

Aviation safety, Safety, Air carriers, Aircraft, Aircraft pilots, Airplanes, Transportation, Common carriers.

14 CFR Part 125

Aircraft, Airplanes, Airworthiness.

14 CFR Part 135

Air carriers, Aviation safety, Safety, Air taxi, Aircraft, Airplanes, Rotorcraft.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Parts 25, 29, 91, 121, 125, and 135 of the Federal Aviation Regulations as follows:

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

1. The authority citation for Part 25 is revised to read as follows:

Authority: 49 U.S.C. 1344, 1354(a), 1355, 1421, 1423, 1424, 1425, 1428, 1429, 1430; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 49 CFR 1.47(a); Pub. L. 100–202, December 22, 1987.

2. By revising § 25.1457(c) (1), (2), (3), and (4) (i) to read as follows:

§ 25.1457 Cockpit voice recorders.

* * * * *

(c) * * *

(1) For the first channel, from each boom, mask, or hand-held microphone, headset, or speaker used at the first pilot station.

(2) For the second channel from each boom, mask, or hand-held microphone, headset, or speaker used at the second pilot station.

(3) For the third channel—from the cockpit-mounted area microphone.

(4) For the fourth channel from—

(i) Each boom, mask, or hand-held microphone, headset, or speaker used at the station for the third and fourth crew members.

* * * * *

3. By revising § 25.1459 (a)(6) and adding new (e) to read as follows:

§ 25.1459 Flight recorders.

* * * * *

(a) * * *

(6) There is a means to record data from which the time of each radio transmission to ATC can be determined.

* * * * *

(e) Any novel or unique design or operational characteristics of the aircraft shall be evaluated to determine if any dedicated parameters must be recorded on flight recorders in addition to or in place of existing requirements.

PART 29—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY ROTORCRAFT

1. The authority citation for Part 29 is revised to read as follows:

Authority: 49 U.S.C. 1344, 1354(a), 1355, 1421 (as amended by Pub. L. 100–223, December 30, 1987), 1423, 1424, 1425, 1428, 1429, 1430; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); Pub. L. 100–202, December 22, 1987.

2. By adding new § 29.1459 to read as follows:

§ 29.1459 Flight recorders.

(a) Each flight recorder required by the operating rules of chapter G of this chapter must be installed so that—

(1) It is supplied with airspeed, altitude, and directional data obtained from sources that meet the accuracy requirements of §§ 29.1323, 29.1325, and 29.1327, as applicable;

(2) The vertical acceleration sensor is rigidly attached, and located longitudinally within the approved center of gravity limits of the rotorcraft;

(3) It receives its electrical power from the bus that provides the maximum reliability for operation of the flight recorder without jeopardizing service to essential or emergency loads;

(4) There is an aural or visual means for preflight checking of the recorder for proper recording of data in the storage medium;

(5) Except for recorders powered solely by the engine-driven electrical generator system, there is an automatic means to simultaneously stop a recorder that has a data erasure feature and prevent each erasure feature from functioning, within 10 minutes after any crash impact; and

(6) There is a means to record data from which the time of each radio transmission to ATC can be determined.

(b) Each nonejectable recorder container must be located and mounted so as to minimize the probability of container rupture resulting from crash impact and subsequent damage to the record from fire.

(c) A correlation must be established between the flight recorder readings of airspeed, altitude, and heading and the corresponding reading (taking into account correction factors) of the first pilot's instruments. This correlation must cover the airspeed range over which the airplane is limited, and must cover 360 degrees of heading. Correlation may be established on the ground as appropriate.

(d) Each recorder container must—

(1) Be either bright orange or bright yellow;

(2) Have a reflective tape affixed to its external surface to facilitate its location under water; and

(3) Have an under water locating device, when required by the operating rules of this chapter, on or adjacent to the container which is secured in such a manner that they are not likely to be separated during crash impact.

PART 91—GENERAL OPERATING AND FLIGHT RULES

1. The authority citation for Part 91 is revised to read as follows:

Authority: 49 U.S.C. 1301 (7), 1303, 1344, 1348, 1352–1355, 1401, 1421 (as amended by Pub. L. 100–223, December 30, 1987), 1422–1431, 1471, 1472, 1502, 1510, 1522, and 2121–2125; Articles 12, 29, 31, and 32(a) of the Convention on International Civil Aviation (61 Stat. 1180); 42 U.S.C. 4321 *et seq*; E.O. 11514; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); Pub. L. 100–202, December 22, 1987.

2. By amending § 91.35 by redesignating the introductory text as (a) and redesignating (a), (b), (c), and (d), as (1), (2), (3), and (4), and adding new paragraphs (b), (c), (d), and (e) to read as follows:

§ 91.35 Flight recorders and cockpit voice recorders.

(a) * * *

(1) * * *

(2) * * *

(3) * * *

(4) * * *

(b) No person may operate a U.S. civil registered, multiengine, turbine-powered airplane or rotorcraft having a passenger seating configuration, excluding any pilot seats, of 10 or more that has been manufactured:

(1) After (1 year after the effective date of this rule) unless it has been prewired to accept a flight recorder capable of recording the data specified in Appendix D, for an airplane, or Appendix E for a rotorcraft, of this part.

(2) After (2 years after the effective date of the rule) unless it is equipped with one or more approved flight recorders that utilize a digital method of recording and storing data and a method of readily retrieving that data from the storage medium, that are capable of recording the data specified in Appendix D, for an airplane, or Appendix E, for a rotorcraft, of this part within the range, accuracy, and recording interval specified, and that are capable of retaining no less than 8 hours of aircraft operation.

(c) Whenever a flight recorder, required by this section, is installed, it must be operated continuously from the instant that airplane begins the takeoff

roll or the rotorcraft begins lift-off until the airplane has completed the landing roll or the rotorcraft has landed at its destination.

(d) After (2 years after the effective date of this rule) no person may operate a U.S. civil registered, multiengine, turbine-powered airplane or rotorcraft having a passenger seating configuration of six passengers or more and for which two pilots are required by type certification or operating rule unless it is equipped with an approved cockpit voice recorder that—

(1) Is installed in compliance with § 25.1457 (a) (1) and (2), (b), (c), (d), (e), (f), and (g) of this chapter; and

(2) Is operated continuously from the use of the check list before the flight to completion of the final check list at the end of the flight; and

(e) In complying with this section, an approved cockpit voice recorder having an erasure feature may be used, so that at any time during the operation of the recorder, information recorded more than 15 minutes earlier may be erased or otherwise obliterated.

3. By adding Appendices D and E to Part 91, to read as follows:

Appendix D—Airplane Flight Recorder Specifications

Parameters	Range	Installed System [1] minimum accuracy (to recovered data)	Sampling interval (per second)	Resolution readout
Relative time (from recorded on prior to takeoff).	8 hr minimum	±0.125% per hour	1	1 sec.
Indicated airspeed	V_{so} to V_D (KIAS)	±5% or ±10 kts., whichever is greater. Resolution 2 kts. below 175 KIAS.	1	1%.
Altitude	−1,000 ft. to max cert. alt. of A/C.	±100 to ±700 ft. (see Table 1, TSO C51-a).	1	25 to 150.
Magnetic heading	360°	±5°	1	1°
Vertical acceleration	−3g to +6g	±0.2g in addition to ±0.3g maximum datum.	4 (or 1 per second where peaks, ref. to 1g are recorded).	0.03g.
Longitudinal acceleration	±1.0g	±0.5g in addition to max. datum error of ±0.1g.	2	0.01g.
Pitch altitude	100% of usable	±2°	1	0.8°.
Roll altitude	±60° or 100% of usable range, whichever is greater.	±2°	1	0.8°.
Stabilizer trim position OR	Full range	±3% unless higher uniquely required	1	1%.
Pitch control position	Full range	±3% unless higher uniquely required	1	1%.
ENGINE POWER, EACH ENGINE				
Fan or N_1 Speed or EPR or cockpit indications used for aircraft certification. OR	Maximum range	±5%	1	1%.
Prop speed and torque (sample once/sec as close together as practicable).			1 (prop speed) 1 (torque)	
Altitude rate [2] (need depends on altitude resolution).	±8,000 fpm	±10%. Resolution 250 fpm below 12,000 ft. indicated.	1	250 fpm. below 12,000.
Angle of attack [2] (need depends on altitude resolution).	−20 to 40 or of usable range	±2	1	0.8%
Radio transmitter keying (discrete).	On/off		1	
TE flaps (discrete or analog)	Each discrete position (U, D, T/O, AAP). OR		1	
	Analog 0-100% range	±3	1	1%.
LE flaps (discrete or analog)	Each discrete position (U, D, T/O, AAP). OR		1	
	Analog 0-100% range	±3	1	1%.
Thrust reverse, each engine (discrete).	Stowed or full reverse		1	
Spoiler/speedbrake (discrete)	Stowed or out		1	
Autopilot engaged (discrete)	Engaged or disengaged		1	

[1] When data sources are aircraft instruments (except altimeters) of acceptable quality to fly the aircraft the recording system excluding these sensors (but including all other characteristics of the recording system) shall contribute no more than half of the values in this column.

[2] If data from the altitude encoding altimeter (100 ft. resolution) is used, then either ine if these parameters should also be recorded. If however, altitude is recorded at a minimum resolution of 25 feet, then these two parameters can be omitted.

Appendix E—Helicopter Flight Recorder Specification

Parameters	Range	Installed system [1] minimum accuracy (to recovered data)	Sampling interval (per second)	Resolution readout
Relative time (from recorded on prior to takeoff).	4 hr minimum	±.125% per hour	1	1 sec.
Indicated airspeed	V_{mo} in to V_D (KIAS) (minimum airspeed signal attainable with installed pilot-static system).	±5% or ±10 kts., whichever is greater.	1	1 kt.
Altitude	−1,000 ft. to 20,000 ft. pressure altitude.	±100 to ±700 ft. (see Table 1, TSO C51-a).	1	25 to 150 ft.
Magnetic heading	360°	±5°	1	1°.
Vertical acceleration.	−3g to +6g	±0.2g in addition to ±0.3g maximum datum.	4 (or 1 per second where peaks, ref. to 1g are recorded).	0.5g.
Longitudinal acceleration.	±1.0g	±0.5g in addition to max. datum error of ±0.1g.	2	0.03g*.
Pitch attitude	100% of usable range.	±2°	1	0.8°.
Roll altitude	±60° or 100% of usable range, whichever is greater.	±2°	1	0.8°
Altitude rate	±8,000 fpm	±10% Resolution 250 fpm below 12,000 ft. indicated.	1	250 fpm below 12,000.
ENGINE POWER, EACH ENGINE				
Main roto speed	Maximum range	±5%	1	1%.
Free or power turbine.	Maximum range	±5%	1	1%.
Engine torque	Maximum range	±5%	1	1%.
FLIGHT CONTROL HYDRAULIC PRESSURE				
Primary (discrete)	High/low		1	
Secondary—if applicable (discrete).	High/low		1	
Radio transmitter keying (discrete).	On/off		1	
Autopilot engaged (discrete).	Engaged or disengaged.		1	
SAS status—engaged (discrete).	Engaged/disengaged.		1	
SAS fault status (discrete).	Fault/OK		1	
FLIGHT CONTROLS				
Collective	Full range	±3%	2	1%.
Pedal position	Full range	±3%	2	1%.
Latitude cyclic	Full range	±3%	2	1%.
Longitude cyclic	Full range	±3%	2	1%.
Controllable stabilator position.	Full range	±3%	2	1%.

[1] When data sources re aircraft instruments (except altimeters) of acceptable quality to fly the aircraft the recording system excluding these sensors (but including all other characteristics of the recording system) shall contribute no more than half of the values in this column.

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

1. The authority citation for Part 121 is revised to read as follows:

Authority: 49 U.S.C. 1354(a), 1355, 1356, 1357, 1401, 1421 (as amended by Pub. L. 100-223, December 30, 1987), 1422-1430, 1485, and 1502; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); Pub. L. 100-202, December 22, 1987.

2. By amending § 121.343 by redesignating existing paragraphs (e), (f), (g), (h), and (i) as (g), (h), (i), (j), and (k), and adding two new paragraphs (e) and (f), to read as follows:

§ 121.343 Flight recorders.

* * * * *

(e) After (2 years from the effective date of this amendment) no person may operate a large airplane equipped with an ARINC 429 digital data bus or equivalent unless it is equipped with one or more approved flight recorders that utilize a digital method of recording and storing data and a method of readily retrieving that data from a storage medium. The parameters specified in Appendix B of this part must be recorded within the ranges, accuracies, resolutions, and sampling intervals specified.

(f) After (2 years after the effective date of this amendment) no person may operate an airplane specified in paragraph (b) of this section that is manufactured after (2 years after the effective date of the amendment) nor an airplane specified in paragraph (a) of this section that has been type certificated after September 30, 1969, and manufactured after (2 years after the effective date of this amendment), unless it is equipped with one or more flight recorders that utilize a digital method of recording and storing data and a method of readily retrieving that data from the storage medium. The parameters specified in Appendix B of this part must be recorded within the range, accuracy, resolution, and recording intervals specified.

3. By redesignating existing paragraph (e) as paragraph (f) and adding new § 121.359(e) to read as follows:

§ 121.359 Cockpit voice recorders.

* * * * *

(e) For those aircraft equipped to record the uninterrupted audio signals received by a boom or mask microphone the flight crewmembers are required to use the boom microphone below 18,000 feet mean sea level.

4. By revising Appendix B of Part 121 to read as follows:

Appendix B—Airplane Flight Recorder Specification

Parameters	Range	Accuracy sensor input to DFDR readout	Sampling interval (per second)	Resolution readout
Time (GMT)	24 hrs	±0.125% per hour	0.25 (1 per 4 seconds)	1 sec.
Altitude	−1,000 ft to max certificated altitude of aircraft.	±100 to ±700 ft (see table 1, TSO-C51a).	1	5' to 35'.
Airspeed	50 KIAS to V_{so}, and V_{so} to 1.2 V_D.	±5%, ±3%	1	1 kt.
Heading	360°	±2°	1	0.5°.
Normal acceleration (vertical)	−3g to +6g	±1% of max range excluding datum error of ±5%.	8	0.01g.
Pitch attitude	±75°	±2°	1	0.5°.
Roll attitude	±180°	±2°	1	0.5°
Radio transmitter keying	On-off (discrete)		1	
Thrust/power on each engine	Full range forward	±2%	1 (per engine)	0.2%.
Trailing edge flap or cockpit control selection.	Full range or each discrete position.	±3° or as pilot's indicator	0.5	0.5%.
Leading edge flap or cockpit control selection.	Full range or each discrete position.	±3° or as pilot's indicator	0.5	0.5%.
Thrust reverser position	Stowed, in transit, and reverse (discrete).		1 (per engine)	
Ground spoiler/speed brake selection.	Full range or each discrete position.	±2% unless higher accuracy uniquely required.	1	0.2%.
Marker beacon passage	Discrete		1	
Autopilot engagement	Discrete		1	
Longitudinal acceleration	±g	±1.5% max range excluding datum error of ±5%.	4	0.01g.
Pilot input and surface position-primary controls (pitch, roll, yaw).	Full range	±2 unless higher accuracy uniquely required.	1	0.2%.
Lateral acceleration	±1g	±1.5% max range excluding datum of ±5%.	4	0.01g.
Pitch trim position	Full range	±3% unless higher accuracy uniquely required.	1	0.3%.
Glideslope deviation	±400 microamps	±.3%	1	0.3%.
Localizer deviation	±400 microamps	±3%	1	0.3%.
AFCS mode and engagement status.	Discrete (5 bits necessary		1	
Radio altitude	−20 ft to 2,500 ft	±2 ft or ±3% whichever is greater below 500 ft and ±5% above 500 ft.	1	1 ft +5% above 500'.
Master warning	Discrete		1	
Nav 1 and 2 frequency selection	Full range	As installed	0.25	
DME 1 and 2 distance	0–200 NM;	As installed	0.25	1mi.
Main gear squat switch status	Discrete		1	
Angle of attach (if recorded directly).	As installed	As installed	2	0.3%.
Outside air temperature	−90 C to +50 C	±2 c	0.5	0.3 c.
Hydraulics, each system low pressure.	Discrete		0.5	Or 0.5%.
Groundspeed	As installed	Most accurate systems installed (IMS equipped aircraft only).	1	0.2%.
Landing gear or gear selector position.	Discrete		4	
GPWS (ground proximity warning system).	Discrete		1	

PART 125—CERTIFICATION AND OPERATION: AIRPLANES HAVING A SEATING CAPACITY OF 20 OR MORE PASSENGERS OR A MINIMUM PAYLOAD CAPACITY OF 6,000 POUNDS OR MORE

1. The authority citation for Part 125 is revised to read as follows:

Authority: 49 U.S.C. 1354, 1421 (as amended by Pub. L. 100–223, December 30, 1987), 1422–1430, and 1502; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); Pub. L. 100–202 December 22, 1987.

§ 125.202 [Removed]

2. By removing existing § 125.202.

3. By adding a new § 121.225, to read as follows:

§ 125.225 Flight recorders.

(a) Except as provided in paragraph (d) of this section, after (2 years after the effective date of this rule), no person may operate a large airplane type certificated before October 1, 1969, for operations above 25,000 feet altitude, nor a multiengine, turbine powered airplane type certificated before October 1, 1969, unless it is equipped with one or more approved flight recorders that utilize a digital method of recording and storing data and a method of readily retrieving that data from the storage medium. The following information must be able to be determined within the ranges, accuracies, resolution, and recording intervals specified in Appendix D of Part 125 of this chapter:

(1) Time;
(2) Altitude;
(3) Airspeed;
(4) Vertical acceleration;
(5) Heading;
(6) Time of each radio transmission to or from air traffic control;
(7) Pitch altitude;
(8) Roll altitude;
(9) Longitudinal acceleration;
(10) Control column or pitch control surface position; and:
(11) Thrust of each engine.

(b) Except as provided in paragraph (d) of this section, after (2 years after the effective date of this rule), no person may operate a large airplane type certificated after September 30, 1969, for operations above 25,000 feet altitude, nor a multiengine, turbine powered airplane type certificated after September 30, 1969, unless it is equipped with one or more approved flight recorders that utilize a digital method of recording and storing data and a method of readily retrieving that data from the

storage medium. The following information must be able to be determined within the ranges, accuracies, resolutions, and recording intervals specified in Appendix D of Part 125 of this chapter:

(1) Time;
(2) Altitude;
(3) Airspeed;
(4) Vertical acceleration;
(5) Heading;
(6) Time of each radio transmission either to or from air traffic control;
(7) Pitch altitude;
(8) Roll altitude;
(9) Longitudinal acceleration;
(10) Pitch trim position;
(11) Control column or pitch control surface position;
(12) Control wheel or lateral control surface position;
(13) Rudder pedal or yaw control surface position;
(14) Thrust of each engine;
(15) Position of each thrust reverser;
(16) Trailing edge flap or cockpit flap control position; and
(17) Leading edge flap or cockpit flap control position.

(c) After (2 years from the effective date of this amendment) no person may operate a large airplane equipped with an ARINC 429 digital data bus or equivalent unless it is equipped with one or more approved flight recorders that utilize a digital method of recording and storing data and a method of readily retrieving that data from the storage medium. The information must be able to be determined within the ranges, accuracies, resolutions, and sampling intervals specified in Appendix D of Part 125 of this chapter.

(d) No person may operate under this part an airplane that is manufactured after (2 years after the effective date of this rule) unless it is equipped with one or more approved flight recorders for recording and storing data and a method of readily retrieving that data from the storage medium. The parameters specified in Appendix D of Part 125 of this chapter must be recorded within the range, accuracy, resolution and recording intervals specified. For the purpose of this section, "manufactured" means the point in time at which the airplane inspection acceptance records reflect that the airplane is complete and meets the FAA-approved type design data.

(e) Whenever a flight recorder required by this section is installed, it must be operated continuously from the instant the airplane begins the takeoff roll until it has completed the landing roll at an airport.

(f) Except as provided in paragraph (g) of this section, and except for recorded data erased as authorized in this paragraph, each certificate holder shall keep the recorded data prescribed in paragraph (a), (b), (c), or (d) of this section, as applicable, until the airplane has been operated for at least 25 hours of the operating time specified in § 121.359(a) of this chapter. A total of 1 hour of recorded data may be erased for the purpose of testing the flight recorder or the flight recorder system. Any erasure made in accordance with this paragraph must be of the oldest recorded data accumulated at the time of testing. Except as provided in paragraph (g) of this section, no record need be kept more than 60 days.

(g) In the event of an accident or occurrence that requires immediate notification of the National Transportation Safety Board under 49 CFR Part 830 and that results in termination of the flight, the certificate holder shall remove the recording media from the airplane and keep the recorded data required by paragraphs (a), (b), (c), or (d) of this section, as applicable, for at least 60 days or for a longer period upon the request of the Board or the Administrator.

(h) Each flight recorder required by this section must be installed in accordance with the requirements of § 25.1459 of this chapter in effect on August 31, 1977. The correlation required by § 24.1459(c) of this chapter need be established only on one airplane of any group of airplanes—

(1) That are of the same type;
(2) On which the flight recorder models and their installations are the same; and
(3) On which there are no differences in the type design with respect to the installation of the first pilot's instruments associated with the flight recorder. The most recent instrument calibration, including the recording medium from which this calibration is derived, and the recorder correlation must be retained by the certificate holder.

(i) Each flight recorder required by this section that records the data specified in paragraphs (a), (b), (c), or (d) of this section must have an approved device to assist in locating that recorder under water.

4. By adding a new § 125.227, to read as follows:

§ 125.227 Cockpit voice recorders.

(a) No certificate holder may operate a large turbine engine powered airplane or a large pressurized airplane with four reciprocating engines unless an approved cockpit voice recorder is installed in that airplane and is operated continuously from the start of the use of the checklist (before starting engines for the purpose of flight) to completion of the final checklist at the termination of the flight.

(b) Each certificate holder shall establish a schedule for completion, before the prescribed dates, of the cockpit voice recorder installations required by paragraph (a) of this section. In addition, the certificate holder shall identify any airplane specified in paragraph (a) of this section he intends to discontinue using before the prescribed dates.

(c) The cockpit voice recorder required by this section must also meet the following standards:

(1) The requirements of Part 25 of this chapter in effect after (2 years from the effective date of this amendment).

(2) After September 1, 1980, each recorder container must—

(i) Be either bright orange or bright yellow;

(ii) Have reflective tape affixed to the external surface to facilitate its location under water; and

(iii) Have an approved underwater locating device on or adjacent to the container which is secured in such a manner that they are not likely to be separated during crash impact, unless the cockpit voice recorder, and the flight recorder, required by § 121.343 of this chapter, are installed adjacent to each other in such a manner that they are not likely to be separated during crash impact.

(d) In complying with this section, an approved cockpit voice recorder having an erasure feature may be used, so that at any time during the operation of the recorder, information recorded more than 30 minutes earlier may be erased or otherwise obliterated.

(e) When operating aircraft equipped to record the uninterrupted audio signals received by a boom or mask microphone, flight crewmembers are required to use the boom microphone below 18,000 feet mean sea level.

(f) In the event of an accident or occurrence requiring immediate notification of the National Transportation Safety Board under 49 CFR Part 830 of its regulations, which results in the termination of the flight, the certificate holder shall keep the recorded information for at least 60 days or, if requested by the Administrator or the Board, for a longer period. Information obtained from the record is used to assist in determining the cause of accidents or occurrences in connection with investigations under 49 CFR Part 830. The Administrator does not use the record in any civil penalty or certificate action.

5. By adding a new Appendix D to Part 125, to read as follows:

Appendix D—Airplane Flight Recorder Specification

Parameters	Range	Accuracy sensor input to DFDR readout	Sampling interval (per second)	Resolution readout
Time (GMT)	24 hrs	±0.125% per hour	0.25 (1 per 4 seconds)	1 sec.
Altitude	−1,000 ft to max certificated altitude of aircraft.	±100 to ±700 ft (see table 1, TSO-C51a).	1	5' to 35'
Airspeed	50 KIAS to V_{so}, and V_{so} to 1.2 V_D.	±5% ±3%	1	1 kt.
Heading	360°	±2°	1	0.5°
Normal acceleration (vertical)	−3g to +6g	±1% of max range excluding datum error of ±5%.	8	0.01g.
Pitch attitude	±75°	±2°	1	0.5°
Roll attitude	±180°	±2°	1	0.5°
Radio transmitter keying	On-off (discrete)		1	
Thrust/power on each engine	Full range forward	±2%	1 (per engine)	0.2%.
Trailing edge flap or cockpit control selection.	Full range or each discrete position.	±3° or as pilot's indicator	0.5	0.5%.
Leading edge flap or cockpit control selection.	Full range or each discrete position.	±3° or as pilot's indicator	0.5	0.5%.
Thrust reverser position	Stowed, in transit, and reverse (discrete).		1 (per engine)	
Ground spoiler/speed brake selection.	Full range or each discrete position.	±2% unless higher accuracy uniquely required.	1	0.2%.
Marker beacon passage	Discrete		1	
Autopilot engagement	Discrete		1	
Longitudinal acceleration	±1g	±1.5% max range excluding datum error of ±5%.	4	0.01g.
Pilot input and surface position—primary controls (pitch, roll, yaw).	Full range	±2 unless higher accuracy uniquely required.	1	0.01g.
Lateral acceleration	±1g	±1.5% max range excluding datum of ±5%.	4	0.01g.
Pitch trim position	Full range	±3% unless higher accuracy uniquely required.	1	0.3%.
Glideslope deviation	±400 microamps	±3%	1	0.3%.
Localizer deviation	±400 microamps	±3%	1	0.3%
AFCS mode and engagement status.	Discrete (5 bits necessary).		1	
Radio altitude	−20 ft to 2,500 ft	±2 ft or ±3% whichever is greater below 500 ft and ±5% above 500 ft.	1	1 ft + 5% above 500'
Master warning	Discrete		1	
Nav 1 and 2 frequency selection	Full range	As installed	0.25	
DME 1 and 2 distance	0–200 NM;	As installed	0.25	1mi.
Main gear squat switch status	Discrete		1	
Angle of attach (if recorded directly).	As installed	As installed	2	0.3%.
Outside air temperature	−90 C to +50 C	±2 c	0.5	0.3c.
Hydraulics, each system low pressure.	Discrete		0.5	or 0.5%.
Groundspeed	As installed	Most accurate systems installed (IMS equipped aircraft only).	1	0.2%.
Landing gear or gear selector position.	Discrete		4	

PART 135—AIR TAXI OPERATIONS AND COMMERCIAL OPERATORS

1. The authority citation for Part 135 is revised to read as follows:

Authority: 49 U.S.C. 1354(a), 1355(a), 1421 (as amended by Pub. L. 100-223, December 30, 1987), 1422-1431, and 1502; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); Pub. L. 100-202, December 22, 1987.

2. By amending § 135.151 by revising paragraph (a), by redesignating existing paragraph (b) as (c), and by adding new paragraphs (b), (c), and (d) to read as follows:

§ 135.151 Cockpit voice recorders.

(a) After (2 years after the effective date of this amendment) no person may operate a multiengine, turbine-powered airplane or rotorcraft having a passenger seating configuration of six or more and for which two pilots are required by certification or operating rules unless it is equipped with an approved cockpit voice recorder that:

(1) Is installed in compliance with § 25.1457 (a) (1) and (2), (b), (c), (d), (e), (f), and (g) of this chapter; and

(2) Is operated continuously from the use of the check list before the flight to completion of the final check list at the end of the flight.

(b) After (2 years after the effective date of this amendment) no person may operate a multiengine, turbine-powered airplane or rotorcraft having a passenger seating configuration of 20 or more seats unless it is equipped with an approved cockpit voice recorder that—

(1) Is installed in compliance with § 25.1457 of this chapter; and

(2) Is operated continuously from the use of the check list before the flight to completion of the final check list at the end of the flight.

(c) For those aircraft equipped to record the uninterrupted audio signals received by a boom or mask microphone, the flight crewmembers are required to use the boom microphone below 18,000 feet mean sea level.

(d) In complying with this section, an approved cockpit voice recorder having an erasure feature may be used, so that during the operation of the recorder, information:

(1) Recorded in accordance with paragraph (a) of this section and

recorded more than 15 minutes earlier; or

(2) Recorded in accordance with paragraph (b) of this section and recorded more than 30 minutes earlier; may be erased or otherwise obliterated.

* * * * *

3. By adding a new § 135.152 to read as follows:

§ 135.152 Flight recorders.

(a) No person may operate a multiengine, turbine-powered airplane or rotorcraft having a passenger seating configuration, excluding any pilot seat, of 10 to 19 seats, that is brought onto the U.S. register after (1 year after the effective date of this rule) unless it is prewired to accept an approved flight recorder that utilizes a digital method of recording and storing data, and a method of readily retrieving that data from the storage medium. The parameters specified in Appendix B or C, as applicable, of this part must be recorded within the range, accuracy, and recording intervals as specified.

(b) No person may operate a multiengine, turbine-powered airplane or rotorcraft having a passenger seating configuration, excluding any pilot seat, of 10 to 19 seats, that is brought onto the U.S. register after (2 years after the effective date of this rule) unless it is equipped with one or more approved flight recorders that utilize a digital method of recording and storing data, and a method of readily retrieving that data from the storage medium. The parameters specified in Appendix B or C, as applicable, of this part must be recorded within the range, accuracy, resolution, and recording intervals as specified. The recorder shall retain no less than 8 hours of aircraft operation.

(c) After (2 years after the effective date of this amendment) no person may operate a multiengine, turbine-powered airplane having a passenger seating configuration, of 20 to 30 seats or a multiengine, turbine-powered rotorcraft having a passenger seating configuration of 20 or more seats unless it is equipped with one or more approved flight recorders that utilize a digital method of recording and storing data, and a method of readily retrieving that data from the storage medium. The parameters in Appendix D or E of this part, as applicable, must be recorded within the range, accuracy, resolution, and recording intervals as specified.

(d) Whenever a flight recorder required by this section is installed, it must be operated continuously from the instant the airplane begins the takeoff roll or the rotorcraft begins the lift-off until the airplane has completed the landing roll or the rotorcraft has landed at its destination.

(e) Except as provided in paragrpah (d) of this section, and except for recorded data erased as authorized in this paragraph, each certificate holder shall keep the recorded data prescribed in paragraph (b) of this section until the aircraft has been operating for at least 8 hours of the operating time specified in paragraph (d) of this section, and each certificate holder shall keep the recorded data prescribed in paragrpah (c) of this section until the aircraft has been operating for at least 25 hours of the operating time specified in paragraph (d) of this section. A total of 1 hour of recorded data may be erased for the purpose of testing the flight recorder or the flight recorder system. Any erasure made in accordance with this paragraph must be of the oldest recorded data accumulated at the time of testing. Except as provided in paragraph (d) of this section, no record need be kept more than 60 days.

(f) In the event of an accident or occurrence that requires the immediate notification of the National Transportation Safety Board under 49 CFR Part 830 of its regulations and that results in termination of the flight, the certificate holder shall remove the recording media from the helicopter and keep the recorded data required by paragraph (a) of this section for at least 60 days or for a longer period upon request of the Board or the Administrator.

(g) Each flight recorder required by this section must be installed in accordance with the requirements of § 25.1459 or 29.1459, as appropriate, of this chapter. The correlation required by § 25.1459 or 29.1459(c) as appropriate, of this chapter need be established only on one rotorcraft of a group of rotorcraft.

(1) That are of the same type;

(2) On which the flight recorder models and their installations are the same; and

(3) On which there are no differences in the type design with respect to the installation of the first pilot's instruments associated with the flight recorder. The most recent instrument calibration, including the recording medium from which this calibration is derived, and the recorder correlation must be retained by the certificate holder.

(h) Each flight recorder required by this section that records the data specified in paragraph (a) of this section must have an approved device to assist in locating that recorder under water.

4. By adding new Appendices B, C, D, and E to Part 135, to read as follows:

Appendix B—Airplane Flight Recorder Specifications

Parameters	Range	Installed system [1] minimum accuracy (to recovered data)	Sampling interval (per second)	Resolution read out
Relative Time (From Recorded on Prior to Takeoff).	8 hr minimum	±0.125% per hour	1	1 sec.
Indicated Airspeed	V_{so} to V_D (KIAS)	±5% or ±10 kts., whichever is greater. Resolution 2 kts. below 175 KIAS.	1	1%.
Altitude	−1,000 ft. to max cert. alt. of A/C.	±100 to ±700 ft. (see Table 1, TSO C51−a).	1	25 to 150.
Magnetic Heading	360°	±5°	1	1°.
Vertical Acceleration	−3g to +6g	±0.2g in addition to ±0.3g maximum datum.	4 (or 1 per second where peaks, ref. to 1g are recorded).	0.03g.
Longitudinal Acceleration	±1.0g	−0.5g in addition to max. datum error of −0.1g.	2	0.01g.
Pitch Altitude	100% of usable	±2°	1	0.8°
Roll altitude	±60° or 100% of usable range, whichever is greater.	±2°	1	0.8°
Stabilizer Trim Position OR	Full Range	±3% unless higher uniquely required	1	1%.
Pitch Control Position	Full Range	±3% unless higher uniquely required	1	1%.

Parameters	Range	Installed system [1] minimum accuracy (to recovered data)	Sampling interval (per second)	Resolution read out
ENGINE POWER, EACH ENGINE				
Fan or N_1 Speed or EPR or Cockpit indications Used for Aircraft Certification. OR	Maximum Range	+5%	1	1%.
Prop. speed and Torque (Sample Once/Sec as Close together as Practicable).			1 (prop Speed) 1 (torque)	
Altitude Rate [2] (need depends on altitude resolution).	+8,000 fpm	+10%. Resolution 250 fpm below 12,000 ft. indicated.	1	250 fpm below 12,000.
Angle of Attack [2] (need depends on altitude resolution).	−20° to 40° or of usable range	+2	1	0.8°
Radio Transmitter Keying (Discrete).	On/Off		1	
TE Flaps (Discrete or Analog)	Each discrete position (U, D, T/O, AAP). OR		1	
	Analog 0–100% range	+3	1	1%.
Le Flaps (Discrete or Analog)	Each discrete possition (U, D, T/O, AAP). OR		1	
	Analop 0–100%	+3	1	1%.
Thrust Reverser, Each Engine (Discrete).	Stowed or full reverse		1	
Spoiler/Speedbrake (Discrete)	Stowed or out		1	
Autopilot Engaged (Discrete)	Engaged or Disengaged		1	

[1] When data sources are aircraft instruments (except altimeters) of acceptable quality to fly the aircraft the recording system excluding these sensors (but including all other characteristics of the recording system) shall contribute no more than half of the values in this column.
[2] If data from the altitude encoding altimeter (100 ft. resolution) is used, then either ine if these parameters should also be recorded. If however, altitude is recorded at a minimum resolution of 25 feet, then these two parameters can be omitted.

Appendix C—Helicopter Flight Recorder Specifications

Parameters	Range	Installed system [1] minimum accuracy (to recovered data)	Sampling interval (per second)	Resolution read out
Relative Time (From Recorded on Prior to Takeoff).	8 hr. minimum	±0.125% per hour	1	1 sec.
Indicated Airspeed	$V_m$in to V_D (KIAS) (minimum airspeed signal attainable with installed pilot-static system).	±5% or ±10 kts., whichever is greater	1	1 kt.
Altitude	−1,000 ft. to 20,000 ft. pressure altitude.	±100 to ±700 ft. (see Table 1, TSO C51-a).	1	25 to 150 ft.
Magnetic Heading	360°	±5°	1	1°.
Vertical Acceleration	−3g to +6g	±0.2g in addition to ±0.3g maximum datum.	4 (or 1 per second where peaks, ref. to 1g are recorded).	0.05g.
Longitudinal Acceleration	±1.0g	±0.5g in addition to max. datum error of ±0.1g.	2	0.03g*.
Pitch Altitude	100% of usable range	±2°	1	0.8°.
Roll Altitude	±60° or 100% of usable range, whichever is greater.	±2°	1	0.8°.
Altitude Rate	±8,000 fpm	+10% Resolution 250 fpm below 12,000 ft. indicated.	1	250 fpm below 12,000.
ENGINE POWER, EACH ENGINE				
Main Rotor Speed	Maximum Range	+5%	1	1%.
Free or Power Turbine	Maximum Range	+5%	1	1%.
Engine Torque	Maximum Range	+5%	1	1%.
FLIGHT CONTROL HYDRAULIC PRESSURE				
Primary (Discrete)	High/Low		1	
Secondary—if applicable (Discrete).	High/Low		1	
Radio Transmitter Keying (Discrete).	On/Off		1	
Autopilot Engaged (Discrete)	Engaged or Disengaged		1	
SAS Status-Engaged (Discrete)	Engaged/Disengaged		1	
SAS Fault Status (Discrete)	Fault/OK		1	
FLIGHT CONTROLS				
Collective	Full range	+3%	2	1%.
Pedal Position	Full range	+3%	2	1%.
Lat. Cyclic	Full range	+3%	2	1%.
Long. Cyclic	Full range	+3%	2	1%.

Parameters	Range	Installed system [1] minimum accuracy (to recovered data)	Sampling interval (per second)	Resolution read out
Controllable Stabilator Position	Full range	+3%	2	1%.

[1] When data sources re aircraft instruments (except altimeters) of acceptable quality to fly the aircraft the recording system excluding these sensors (but including all other characteristics of the recording system) shall contribute no more than half of the values in this column.

Appendix D—Airplane Flight Recorder Specifications

Parameters	Range	Accuracy sensor input to DFDR readout	Sampling internal (per second)	Resolution read out
Time (GMT)	24 Hrs	±0.125% Per Hour	0.25 (1 per 4 seconds)	1 sec.
Altitude	−1,000 ft to max certificated altitude of aircraft.	±100 to ±700 ft (See Table 1, TSO-C51a).	1	5' to 35'.
Airspeed	50 KIAS to V_{so}, and V_{so} to 1.2 V_D	±5% ±3%interstate	1	1 kt.
Heading	360°	±2°	1	0.5°
Normal Acceleration (Vertical)	−3g to +6g	±1% of max range excluding datum error of ±5%.	8	0.01g.
Pitch Attitude	±75°	±2°	1	0.5°
Roll Attitude	±180°	±2°	1	0.5°
Radio Transmitter Keying	On-Off (Discrete)		1	
Thrust/Power On Each Engine	Full Range Forward	±2%	1 (per engine)	0.2%
Trailing Edge Flap Or Cockpit Control Selection.	Full Range Or Each Discrete Position.	±3° Or As Pilot's Indicator	0.5	0.5%
Leading Edge Flap Or Cockpit Control Selection.	Full Range Or Each Discrete Position.	±3° Or As Pilot's Indicator	0.5	0.5%.
Thrust Reverser Position	Stowed, In Transit, And Reverse (Discrete).		1 (per engine)	
Ground Spoiler/Speed Brake Selection.	Full Range Or Each Discrete Position.	±2% Unless Higher Accuracy Uniquely Required.	1	0.2%
Marker Beacon Passage	Discrete			1
Autopilot Engagement	Discrete		1	
Longitudinal Acceleration	±1g	±1.5% max range excluding datum error of ±5%.	4	0.01g.
Pilot Input And Surface Position-Primary Controls (Pitch, Roll, Yaw).	Full Range	±2 Unless Higher Accuracy Uniquely Required.	1	0.01g.
Lateral Acceleration	±1g	±1.5% max range excluding datum of +5%.	4	0.01g.
Pitch Trim Position	Full Range	±3% Unless Higher Accuracy Uniquely Required.	1	0.3%.
Glideslope Deviation	±400 Microamps	±3%	1	0.3%.
Localizer Deviation	±400 Microamps	±3%	1	0.3%.
AFCS Mode And Engagement Status.	Discrete (5 bits Necessary)		1	
Radio Altitude	−20 ft to 2,500 ft	±2 Ft or +3% Whichever Is Greater Below 500 Ft and ±5% Above 500 Ft.	1	1 ft+5% above 500'.
Master Warnings	Discrete		1	
Nav 1 and 2 Frequency Selection	Full range	As installed	0.25	
DME 1 and 2 Distance	0–200 NM;	As Installed	0.25	1mi.
Main Gear Squat Switch Status	Discrete		1	
Angle of Attach (If Recorded Directly).	As Intalled	As Installed	2	0.3%.
Outside Air Temperature	−90 C to +50 C	±2 c	0.5	0.3 c.
Hydraulic, Each System Low Pressure.	Discrete		0.5	or 0.5%.
Groundspeed	As Installed	Most Accurate Systems Installed (IMS Equipped Aircraft Only).	1	0.2%.
Landing gear or gear selector position.	Discrete		4	

Appendix E—Helicopter Flight Recorder Specifications

Parameters	Range	Accuracy sensor input to DFDR readout [1]	Sampling interval (per second)	Resolution read out
Time (GMT)	24 Hrs	±0.125% Per Hour	0.25 (1 per 4 seconds)	1 sec.
Altitude	−1,000 ft to max certificated altitude of aircraft.	±100 to ±700 ft (See Table 1, TSO-C51a).	1	5' to 30'
Airspeed	As the installed measuring system.	±3%	1	1 kt.

Parameters	Range	Accuracy sensor input to DFDR readout [1]	Sampling interval (per second)	Resolution read out
Heading	360°	±2°	1	0.5°.
Normal Acceleration (Vertical)	−3g to +6g	±1% of max range excluding datum error of ±5%.	8	0.01g.
Pitch Attitude	±75°	±2°	2	0.5°.
Roll Attitude	±180°	±2°	2	0.5°.
Radio Transmitter Keying	On-Off (Discrete)		1	0.25 sec.
Power in Each	0–130% (power Turbine Speed) Full range (Torque).	±2%	1 speed 1 torque (per engine)	0.2% to 0.4%.
Main Rotor Speed	0–130%	±2%	2	0.3%.
Altitude Rate	±6,000 ft/min	As installed	2	0.2%.
Pilot Input—Primary Controls (Collective, Longitudinal Cyclic, Lateral Cyclic, Pedal).	Full range	±3%	2	0.5%.
Flight control Hydraulic Pressure Low.	Discrete, each circuit		1	
ENGINE POWER, EACH ENGINE				
Main Rotor Speed	Maximum Range	+5%	1	1%.
Free or Power Turbine	Maximum Range	+5%	1	1%.
Engine Torque	Maximum Range	+5%	1	1%.
FLIGHT CONTROL, HYDRAULIC PRESSURE				
Primary (Discrete)	High/Low		1	
Secondary—if applicable (Discrete).	High/Low		1	
Radio Transmitter Keying (Discrete).	On/Off		1	
Autopilot Engaged (Discrete)	Engaged or Disengaged		1	
SAS Status—Engaged (Discrete).	Engaged/Disengaged		1	
SAS Fault Status (Discrete)	Fault/OK		1	
FLIGHT CONTROLS				
Collective	Full range	+3%	2	1%.
Pedal Position	Full range	+3%	2	1%.
Lat. Cyclic	Full range	+3%	2	1%.
Long. Cyclic	Full range	+3%	2	1%.
Controllable Stabilator Position	Full range	+3%	2	1%.

[1] When data sources re aircraft instruments (except altimeters) of acceptable quality to fly the aircraft the recording system excluding these sensors (but including all other characteristics of the recording system) shall contribute no more than half of the values in this column.

Issued in Washington, DC, on February 9, 1988.

M.C Beard,

Director, Office of Airworthiness.

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Federal Register

Friday
February 12, 1988

Part VI

Department of the Interior

Minerals Management Service

Outer Continental Shelf, Central Gulf of Mexico, Oil and Gas Lease Sale 113; Notices

UNITED STATES
DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE

Outer Continental Shelf
Central Gulf of Mexico
Oil and Gas Lease Sale 113

1. Authority. This Notice is published pursuant to the Outer Continental Shelf (OCS) Lands Act (43 U.S.C. 1331-1356, (1982)), as amended by the OCS Lands Act Amendments of 1985 (100 Stat. 147), and the regulations issued thereunder (30 CFR Part 256).

2. Filing of Bids. Sealed bids will be received by the Regional Director (RD), Gulf of Mexico Region, Minerals Management Service (MMS), 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394. Bids may be delivered in person to that address during normal business hours (8 a.m. to 4 p.m., c.s.t.) until the Bid Submission Deadline at 10 a.m., March 29, 1988. Hereinafter, all times cited in this Notice refer to Central Standard Time (c.s.t.) unless otherwise stated. Bids will not be accepted the day of Bid Opening, March 30, 1988. Bids received by the RD later than the time and date specified above will be returned unopened to the bidders. Bids may not be modified unless written modification is received by the RD prior to 10 a.m., March 29, 1988. Bids may not be withdrawn unless written withdrawal is received by the RD prior to 8:30 a.m., March 30, 1988. Bid Opening Time will be 9 a.m., March 30, 1988, at the Marriott Hotel, 555 Canal Street, New Orleans, Louisiana. All bids must be submitted and will be considered in accordance with applicable regulations, including 30 CFR Part 256. The list of restricted joint bidders which applies to this sale appeared in the Federal Register at 52 FR 38819, published on October 19, 1987.

3. Method of Bidding. A separate bid in a sealed envelope labeled "Sealed Bid for Oil and Gas Lease Sale 113, insert (map number, map name, and block number(s)), not to be opened until 9 a.m., c.s.t., March 30, 1988," must be submitted for each block or prescribed bidding unit bid upon. For example, a label would read as follows: "Sealed Bid for Oil and Gas Lease Sale 113, NG 16-1, Atwater Valley, Block 701, not to be opened until 9 a.m., c.s.t., March 30, 1988." For those blocks which must be bid upon as a bidding unit (see paragraph 12), it is recommended that all numbers of blocks comprising the bidding unit appear on the sealed envelope. A suggested bid form appears in 30 CFR Part 256, Appendix A. In addition, the total amount bid must be in whole dollar amounts (no cents). Bidders must submit with each bid one-fifth of the cash bonus, in cash or by cashier's check, bank draft, or certified check, payable to the order of the U.S. Department of the Interior--Minerals Management Service. No bid for less than all of the unleased portions of a block or bidding unit, as referenced in paragraph 12, will be considered. Bidders are advised to use the description "All the Unleased Federal Portions" for those blocks having only aliquot portions currently available for leasing.

All documents must be executed in conformance with signatory authorizations on file. Partnerships also need to submit or have on file in the Gulf of Mexico Regional Office a list of signatories authorized to bind the partnership. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places after the decimal point; e.g., 50.12345 percent. Other documents may be required of bidders under 30 CFR 256.46. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bidding Systems. All bids submitted at this sale must provide for a cash bonus in the amount of $25 or more per acre or fraction thereof. All leases awarded will provide for a yearly rental payment of $3 per acre or fraction thereof. All leases will provide for a minimum royalty of $3 per acre or fraction thereof. The bidding systems to be employed for this sale apply to blocks or bidding units as shown on Map 2 (see paragraph 12). The following bidding systems will be used:

(a) Bonus Bidding with a 12-1/2 Percent Royalty. Bids on the blocks and bidding units offered under this system must be submitted on a cash bonus basis with a fixed royalty of 12-1/2 percent.

(b) Bonus Bidding with a 16-2/3 Percent Royalty. Bids on the blocks and bidding units offered under this system must be submitted on a cash bonus basis with a fixed royalty of 16-2/3 percent.

5. Equal Opportunity. Each bidder must have submitted by the Bid Submission Deadline stated in paragraph 2, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form MMS-2033 (June 1985), and the Affirmative Action Representation Form, Form MMS-2032 (June 1985). See paragraph 14(f).

6. Bid Opening. Bid opening will begin at the Bid Opening Time stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing bids received, and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight on the day of Bid Opening, that bid will be returned unopened to the bidder as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid may be deposited by the Government in an interest-bearing account in the U.S. Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Blocks. The United States reserves the right to withdraw any block from this sale prior to issuance of a written acceptance of a bid for the block.

9. Acceptance, Rejection, or Return of Bids. The United States reserves the right to reject any and all bids. In any case, no bid will be accepted, and no lease for any block or bidding unit will be awarded to any bidder, unless:

(a) the bidder has complied with all requirements of this Notice and applicable regulations;

(b) the bid is the highest valid bid; and

(c) the amount of the bid has been determined to be adequate by the authorized officer.

No bonus bid will be considered for acceptance unless it provides for a cash bonus of $25 or more per acre or fraction thereof. Any bid submitted which does not conform to the requirements of this Notice, the OCS Lands Act, as amended, and other applicable regulations may be returned to the person submitting that bid by the RD and not considered for acceptance.

10. Successful Bidders. Each person who has submitted a bid accepted by the authorized officer will be required to execute copies of the lease, pay the balance of the cash bonus bid together with the first year's annual rental, as specified below, and satisfy the bonding requirements of 30 CFR 256, Subpart I. Successful bidders are required to submit the balance of the bonus and the first year's annual rental payment, for each lease issued, by electronic funds transfer in accordance with the requirements of 30 CFR 218.155.

11. Leasing Maps and Official Protraction Diagrams. Blocks or bidding units offered for lease may be located on the following Leasing Maps or Official Protraction Diagrams which may be purchased from the Gulf of Mexico Regional Office (see paragraph 14(a)):

(a) Outer Continental Shelf Leasing Maps--Louisiana Nos. 1 through 12. This is a set of 27 maps which sells for $17.

(b) Outer Continental Shelf Official Protraction Diagrams:

NH 16-4	Mobile	(revised April 19, 1983).
NH 16-7	Viosca Knoll	(revised December 2, 1976).
NH 15-12	Ewing Bank	(revised December 2, 1976).
NH 16-10	Mississippi Canyon	(revised December 2, 1976).
NG 15-3	Green Canyon	(revised December 2, 1976).
NG 15-6	Walker Ridge	(revised December 2, 1976).
NG 15-9	(No Name)	(approved March 3, 1987).
NG 16-1	Atwater Valley	(revised November 10, 1983).
NG 16-4	(No Name)	(approved December 2, 1976)
NG 16-7	(No Name)	(approved March 3, 1987).

These sell for $2 each.

12. Description of the Areas Offered for Bids.

(a) Acreages of blocks are shown on Leasing Maps and Official Protraction Diagrams. Some of these blocks, however, may be partially leased, or transected by administrative lines such as the Federal/State jurisdictional line. In these cases, the following supplemental documents to this Notice are available from the Gulf of Mexico Regional Office (see paragraph 14(a)).

(1) Central Gulf of Mexico Lease Sale 113 - Final. Unleased Split Blocks.

(2) Central Gulf of Mexico Lease Sale 113 - Final. Unleased Acreage of Blocks with Aliquots Under Lease.

(b) References to Maps 1, 2, and 3 in this Notice refer to the following maps which are available on request from the Gulf of Mexico Regional Office.

Map 1 entitled "Central Gulf of Mexico Lease Sale 113 - Final. Stipulations, Lease Terms, and Warning Areas."

Map 2 entitled "Central Gulf of Mexico Lease Sale 113 - Final. Bidding Systems and Bidding Units," refers largely to Royalty Rates and Bidding Units.

Map 3 entitled "Central Gulf of Mexico Lease Sale 113 - Final. Detailed Maps of Biologically Sensitive Areas," pertains to areas referenced in Stipulation No. 2.

(c) In several instances, two or more blocks have been joined together into bidding units totaling less than 5,760 acres. Any bid submitted for a bidding unit having two or more blocks must be for all of the unleased Federal acreage within all of the blocks in that bidding unit. The list of those bidding units and their total acreages appears on Map 2.

(d) The areas offered for leasing include all those blocks shown on the OCS Leasing Maps and Official Protraction Diagrams listed in paragraph 11(a) and (b), except for those blocks or partial blocks described as follows:

(1) Descriptions of blocks listed represent all Federal acreage leased unless otherwise noted.

Sabine Pass	West Cameron (continued)	West Cameron (continued)	West Cameron (continued)	West Cameron, West Addition (continued)	West Cameron, South Addition
3	72	176	252	331	447
9	73	177	253	332	448
10	75	178	254	333	450
11	91	180	255	336	451
13	92	181	261	341	455
	93	184	264	343	456
West Cameron	95	185	265	345	457
	98	186	266	346	458
17	100	187	277	352	459
18 (SW¼)	101	188	278	353	461
20	102	192	279	360	463
21 (SW¼SW¼)	108	193	280	362	464
22	109	195	281	363	468
23	110	196	282	364	472
24	111 (SE¼)	197		365	477
26	115	198	West	366	478
28 (N½;	116	199	Cameron,	367	479
N½N½S½)	117	201	West	368	480
34	118	202	Addition	369	483
35	130	204		370	485
39	132	205	161	379	487
40	134	206	163	382	488
41 (E½)	137	208	287	389	493
42	141	209	288	391	494
43	142	211	289	395	498
44 (NW¼NW¼,	143	212	290	396	499
Portion	144	215	291	398	501
seaward	145	216	292	401	502
of 8g Line)	146	217	293	402	504
45	149	220	294	405	505
47 (NW¼)	150	222	295	409	506
48	151	224	296	414	507
49	152	225	300	416	509
53	153	226	303	417	510
55	165	227	304	420	512
56	168	228	306	421	516
57	169	229	311	424	518
64	170	230	312	425	522
65	171	236	313	426	523
66	172	237	314	427	524
67	173	238	315	433	526
68 (S½)	174	239	317	436	527
69 (N½)	175	240	322	437	530
71		249	323	440	531
		250	329	442	

W. Cameron, S. Addition (continued)	W. Cameron, S. Addition (continued)	W. Cameron, S. Addition (continued)	E. Cameron (continued)	E. Cameron (continued)	E. Cameron S. Addition
532	594	661	65	143	236
533	595	663	66	148	237
534	596		67	149	239
535	597	East	70	151	240
536	598	Cameron	71	157	245
537	599		72	158	246
538	600	2	73	160 (E½)	247
539	601	8	76	161	254
540	603	9	78	172	261
541	604	11 (Portion	81	178	264
542	605	landward	82	185	265
543	606	of 8g line)	83	188	266
549	608	14 (Portion	87	189	267
551	609	landward	88	192	269
552	610	of 8g line)	89	193	270
553	611	15	90	194-	271
554	612	23	91	(E½E½SE¼)	272
555	613	24	96	195 (S½)	273
556	614	25	97	196	274
557	616	26	99	198	275
560	617	31	100	202	276
561	618	32	102	203	278
563	619	33	104	204 (N½N½)	279
564	620	34	106	205	280
565	624	35	109	206	281
566	628	38	110	208	282
570	629	39 (Portion	111	209	283
571	630	seaward	113	213	284
572	633	of 8g line)	114	215	286
573	637	42	116	216	294
575	638	44	117	217	295
576	639	45	118 (S½)	219	296
577	642	46	119	220	297
579	643	47	121	221	298
580	645	48	122	222	299
583	646	49	123	229	300
584	648	50	128	231	301
585	650	51	129	232	302
586	652	55	131	235	303
587	653	56	133		306
588	654	57	134		311
589	656	58	138		312
591	658	60	139		313
592	659	63	140		314
593	660	64	142		315

East Cameron South Addition (continued)

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Vermilion

16
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21
22
23
24
25
26
27
28
30
31
34 ($W\frac{1}{2}NW\frac{1}{4}$)
35
36 ($E\frac{1}{2}NE\frac{1}{4}$)
38
39
40
42
43
45
46 ($N\frac{1}{2}$)
48
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Vermilion (continued)

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Vermilion (continued)

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164
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169
171
172
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176
178
179 ($NE\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$)
182
185
186
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198
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203
204
207
214
215
216
217 ($SW\frac{1}{4}$, $W\frac{1}{2}W\frac{1}{2}SE\frac{1}{4}$)
218 ($E\frac{1}{2}SE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$)
219
220
221
225 ($E\frac{1}{2}NE\frac{1}{4}$; $NE\frac{1}{4}SE\frac{1}{4}$)
226
227
232

Vermilion (continued)

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Vermilion, South Addition (continued)

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Vermilion, South Addition (continued)

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S. Marsh Island, North Addition

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220-
(Landward of lease 0310 stip. line)
221-
(Landward of lease 0310 stip. line)
222
223
224
225
226
227
228
229
230-
(Landward of lease 0310 stip. line)
231
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233

S. Marsh Island, North Addition (continued)

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S. Marsh Island

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S. Marsh Island (continued)

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S. Marsh Island, South Addition

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S. Marsh Island, South Addition (continued)

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S. Marsh Island, South Addition (continued)

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Eugene Island

Eugene Island

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31-
(Landward of 8g Line)
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Eugene Island (con.)

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93 ($E\frac{1}{2}$)
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105
106
107
108
109
110
111
112
113A
116 ($E\frac{1}{2}$)

Eugene Island (continued)	Eugene Island (continued)	Eugene Island (continued)	Eugene Island, South Addition (continued)	Eugene Island, South Addition (continued)	Ship Shoal (continued)
119	211	264	314	368	37
120	212	265	315	371	38
125	214-	266	316	372	49
126	(W½W½E½, W½)		317	373	52
128	215	Eugene	319	374	55
128A	217	Island,	320	375	57
129	218	South	322	378	58
129A	219	Addition	323	380	59
133	221		324	381	62-
136	224	267	325	384	(Landward of
138	225	269	326	385	8g Line)
147	227	270	327	386	63
150	229	271	328	387	64 (W½)
158	230	272	329	388	65
159	231	273	330	389	66
160	232	274	331	390	68
161	234	275	332	391	69
164	235	276	333	392	70
171	237	277	334	393	71 (W½)
172	238	278	335	394	72
173	240	284	336	395	79
174	241	285	337	397	80
175	242	286	338		84
176	243	287	339	Ship	85
179	245	290	341	Shoal	86
181	246	291	342		87 (N½)
182	247	292	343	11	89
183	248	293	346	13 (S½SE¼)	90
184	249	294	347	14 (S½S½)	91
185	251	295	348	15	92
188	252	296	349	16	93
189	253 (E½;	297	352	25-	94 (S½SE¼)
190	E½W½;	298	353	(Seaward of	97
191	E½W½W½;	300	354	Zone 2)	98
192	W½NW¼NW¼,	301 (S½)	355	26	99
193	W½W½SW¼)	305	356	27	100
196	254 (S½)	306	358	28	107
198	255 (S½)	307	359	29	108
199	256	308	360	30	109
202	257	309	361	31	111
204	258	310	362	32	112
205	259	311	363	33	113
206	260 (SE¼)	312	365	34	114
208	261	313	366	36	115
210	262		367		

Ship Shoal (continued)	Ship Shoal (continued)	Ship Shoal, South Addition (continued)	Ship Shoal, South Addition (continued)	South Timbalier (continued)	South Timbalier (continued)
117	196	252	327	33 (Portion	145
118	197	253	328	seaward of	146
119	198	257	330	8g Line	147
120	199	258	331	34	148
128	201	259	332	35	149
129	202	260	333	36	150
130	203	261	336	37	151
133	204	262	339	47	152
134	205	263	341	48	156
135	206	264	342	50	159
136	207	266	343	51	160
139	208	268	344	52	161
145	209	269	345	53	162
146	210	270	346	54	163
149	211	271	347	55	164
150	214	274	348	63	165
153	215	276	350	64	166
154	216	280	351	66	167
157	217	281	352	67	169
158	218	282	353	72	170
160	219	283	354	75	171
163	220	285	355	76	172
165	222	288	356	77	173
166	223	290	357	84	175
167	224	291	358	85	176
168	225 (N½)	(N½; SE¼)	359	86	177
169	229	293	362	90	182
170	230	295	364	97	184
173	232	299	366	98	185
175	233	300	367	99	186
176	235	301	368	100	188 (NW¼)
177		303		107	189
178	Ship Shoal,	304	South	111	190
179	South	307	Timbalier	112	192
180	Addition	308		128	193
181		313	21	129	194
182	237	316	22	130	195
183	238	317	23	131	196
184	239	321	24	132	197
186	240	322	26	133	198
188	242	323	27 (N½,	134	200
189	246	325	N½SW¼)	135	203
190	247	326	28 (NE¼)	136	205
191	248		29	143	206
193	249		30	144	

West Delta	South Pass	Main Pass	Main Pass	Main Pass	Main Pass, S.

South Timbalier, S. Addition

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South Timbalier, S. Addition (continued)

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South Pelto

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18
19 (W½)

South Pelto (continued)

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Bay Marchand

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Grand Isle

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22
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24
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26
27
29 (N½)
30 (Portion in Zone 2)
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Grand Isle (continued)

53
54
65
72
75
76
78-
(N½; SE¼)
79
81-
(NE¼; S½)
82-
(NW¼; S½)
83
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Grand Isle, South Addition

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West Delta

16

West Delta (continued)

17
18
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20
21-
(S½N½S½; S½S½)
22 (E½)
23
24
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33
34 (N½)
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West Delta (continued)

74
75
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78
79
80 (N½; N½S½; SW¼SW¼)
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West Delta, South Addition

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West Delta, S. Addition (continued)

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South Pass

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17 (Seaward of the 4th Supp. Decree to 1ft. swd. of 3rd Supp. Decree)
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54
55 (Seaward of line 3mi. swd. of 1965 Decree Line)
56 (Seaward of line 3mi. swd.of 3rd Supp.Decree)

South Pass (continued)

57
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South Pass, South & East Addition

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64
65
66 (Seaward of 1965 Decree Line)
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92
93-
(Seaward of the 8g Line)
94
96

Main Pass

6
7-
(N½; N½S½, in Zone 2)
18 (S½)
19
20
(NE¼NE¼NE¼, S½NE¼NE¼; SE¼NE¼; SE¼NW¼NE¼, E½SW¼NE¼, E½SE¼; E½W½SE¼)
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Main Pass (continued)

101
102
103
105
106
107-
(W½E½E½; W½, E½SE¼SE¼)
108
109
111
113-
(W½E½E½; W½E½; W½, E½SE¼SE¼)
114
116
117
120
122
123
124
125
126
127 (N½)
128
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Main Pass (continued)

149
151
152 (Seaward of 1965 Decree Line)
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Main Pass, S. & E. Addition (continued)

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Main Pass, S. & E. Addition (continued)

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Breton Sound

42
53-
(W½ Portion
Seaward of
75 Decree
Line)
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Chandeleur

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Chandeleur (continued)

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Chandeleur, East Addition

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Mobile

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Mobile (continued)

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Mobile (continued)

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Viosca Knoll

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Viosca Knoll (continued)

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Viosca Knoll (continued)

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Viosca Knoll (continued)

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Ewing Bank

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Ewing Bank (continued)

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Ewing Bank (continued)

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Mississippi Canyon

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Mississippi Canyon (continued)

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Mississippi Canyon (continued)

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Mississippi Canyon (continued)

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Mississippi Canyon (continued)	Mississippi Canyon (continued)	Mississippi Canyon (continued)	Green Canyon (continued)	Green Canyon (continued)	Green Canyon (continued)	Green Canyon (continued)	Green Canyon (continued)	Atwater Valley (continued)	Atwater Valley (continued)
542	679	809	9	67	144	234	385	62	405
543	680	830	10	68	145	235	386	89	406
545	686	837	11	69	146	236	398	106	407
546	687	838	13	70	147	237	403	133	408
547	688	839	14	71	149	243	404	134	413
551	705	840	15	72	150	245	428	177	414
561	707	843	16	73	152	246	429	178	415
562	709	848	18	74	153	247	430	179	425
566	710	852	19	75	154	248	431	266	426
568	711	853	20	76	155	249	446	267	427
573	713	881	21	78	156	250	448	289	428
575	714	884	22	79	158	251	471	290	429
576	717	885	23	80	160	252	472	299	430
582	718	890	24	81	161	253	473	300	431
583	719	893	25	82	162	254	475	310	444
584	720	925	26	92	163	256	505	311	445
589	721	928	27	96	165	257	506	332	446
591	728	929	28	97	166	258	509	333	450
592	730	931	29	98	167	271	514	334	451
593	731	933	30	102	168	272	515	335	455
594	732	934	31	103	184	285	516	336	456
605	751	935	32	104	185	286	517	339	457
606	755	936	34	105	186	287	558	340	458
612	756	937	35	106	188	288	559	341	471
613	760	940	36	107	198	290	567	343	472
617	762	941	38	108	199	294	568	344	488
618	763	955	39	109	200	295	646	345	489
620	764	956	40	110	202	296	647	362	490
621	772	969	41	111	204	297	691	363	573
622	773	971	45	112	205	298	871	370	574
627	774	972	46	113	206	301	872	371	575
635	775	973	48	114	207	304	873	375	617
636	785	975	49	115	208	305	955	376	618
638	786	978	50	116	209	313	999	377	
642	793	999	52	117	210	320		378	Walker
643	794	1000	53	118	212	329	Atwater	379	Ridge
656	795		54	120	213	330	Valley	380	
657	798	Green	55	121	224	333		381	425
661	799	Canyon	58	122	225	334	1	382	426
663	801		59	123	227	340	3	383	469
665	802	4	60	136	228	342	5	384	470
666	804	5	61	140	230	354	18	387	
673	806	6	64	141	232	355	19	388	
674	807	7	65	142	233	372	47	389	
676	808	8	66			377	50	401	

(ii) Although currently unleased and shown on the OCS Official Protraction Diagram, Mobile NH 16-4 (Approved October 10, 1972; Revised December 21, 1977; Revised April 19, 1983), no bids will be accepted at this sale on the following blocks:

Mobile -- Blocks 765 through 768
809 through 816
818 through 820.

13. Lease Terms and Stipulations.

(a) Leases resulting from this sale will have initial terms as shown on Map 1 and will be on Form MMS-2005 (March 1986). Copies of the lease form are available from the Gulf of Mexico Regional Office (see paragraph 14(a)).

(b) The applicability of the stipulations which follow is as shown on Map 1 and Map 3 and as supplemented by references in this Notice.

Stipulation No. 1--Protection of Archaeological Resources.

(This stipulation will apply to all blocks offered for lease in this sale.)

(a) "Archaeological resource" means any prehistoric or historic district, site, building, structure, or object (including shipwrecks); such term includes artifacts, records, and remains which are related to such a district, site, building, structure, or object (section 301(5), National Historic Preservation Act, as amended, 16 U.S.C. 470w(5)). "Operations" means any drilling, mining, or construction or placement of any structure for exploration, development, or production of the lease.

(b) If the Regional Director (RD) believes an archaeological resource may exist in the lease area, the RD will notify the lessee in writing. The lessee shall then comply with subparagraphs (1) through (3).

(1) Prior to commencing any operations, the lessee shall prepare a report, as specified by the RD, to determine the potential existence of any archaeological resource that may be affected by operations. The report, prepared by an archaeologist and a geophysicist, shall be based on an assessment of data from remote-sensing surveys and of other pertinent archaeological and environmental information. The lessee shall submit this report to the RD for review.

(2) If the evidence suggests that an archaeological resource may be present, the lessee shall either:

(i) Locate the site of any operation so as not to adversely affect the area where the archaeological resource may be; or

(ii) Establish to the satisfaction of the RD that an archaeological resource does not exist or will not be adversely affected by operations. This shall be done by further archaeological investigation, conducted by an archaeologist and a geophysicist, using survey equipment and techniques deemed necessary by the RD. A report on the investigation shall be submitted to the RD for review.

(3) If the RD determines that an archaeological resource is likely to be present in the lease area and may be adversely affected by operations, he will notify the lessee immediately. The lessee shall take no action that may adversely affect the archaeological resource until the RD has told the lessee how to protect it.

(c) If the lessee discovers any archaeological resource while conducting operations on the lease area, the lessee shall report the discovery immediately to the RD. The lessee shall make every reasonable effort to preserve the archaeological resource until the RD has told the lessee how to protect it.

Stipulation No. 2--Topographic Features.

(This stipulation will be included in leases located in the areas so indicated on Maps 1 and 3 described in paragraph 12.)

The banks which cause this stipulation to be applied to blocks of the Central Gulf are:

Bank Name	Isobath (meters)	Bank Name	Isobath (meters)
McGrail Bank	85	Parker Bank	85
Bouma Bank	85	Fishnet Bank[2]	76
Rezak Bank	85	Jakkula Bank	85
Sidner Bank	85	Sweet Bank[1]	85
Sonnier Bank	55	Rankin Bank	85
Sackett Bank[2]	85	29 Fathom Bank	64
Ewing Bank	85	Bright Bank	85
Diaphus Bank[2]	85	Geyer Bank[3]	85
Alderdice Bank	80	MacNeil Bank[3]	82

[1]Only paragraph (a) of the stipulation applies.
[2]Only paragraphs (a) and (b) apply.
[3]Western Gulf of Mexico bank with a portion of its "3-Mile Zone" in the Central Gulf of Mexico.

Stipulation No. 4--Military Areas.

(a) No activity including structures, drilling rigs, pipelines, or anchoring will be allowed within the listed isobath ("No Activity Zone" as shown on Map 3) of the banks as listed above.

(b) Operations within the area shown as "1,000-Meter Zone" on Map 3 shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a downpipe that terminates an appropriate distance, but no more than 10 meters, from the bottom.

(c) Operations within the area shown as "1-Mile Zone" on Map 3 shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a downpipe that terminates an appropriate distance, but no more than 10 meters, from the bottom. (Where there is a "1-Mile Zone" designated, the "1,000- Meter Zone" in paragraph (b) is not designated.)

(d) Operations within the area shown as "3-Mile Zone" on Map 3 shall be restricted by shunting all drill cuttings and drilling fluids from development operations to the bottom through a downpipe that terminates an appropriate distance, but no more than 10 meters, from the bottom.

Stipulation No. 3--Live Bottoms.

(To be included only on leases in the following blocks: Main Pass Area, South and East Addition, Blocks 219-226, 244-266, 276-288; Viosca Knoll, Blocks 521, 522, 564, 565, 566, 609, 610, 654, 692-698.)

For the purpose of this stipulation, "live bottom areas" are defined as seagrass communities; or those areas which contain biological assemblages consisting of such sessile invertebrates as sea fans, sea whips, hydroids, anemones, ascidians, sponges, bryozoans, or corals living upon and attached to naturally occurring hard or rocky formations with rough, broken, or smooth topography; or areas whose lithotope favors the accumulation of turtles, fishes, and other fauna.

Prior to any drilling activities or the construction or placement of any structure for exploration or development on this lease, including, but not limited to, anchoring, well drilling, and pipeline and platform placement, the lessee will submit to the Regional Director (RD) a live bottom survey report containing a bathymetry map prepared utilizing remote sensing techniques. The bathymetry map shall be prepared for the purpose of determining the presence or absence of live bottoms which could be impacted by the proposed activity. This map shall encompass such an area of the seafloor where surface disturbing activities, including anchoring, may occur.

If it is determined that the live bottoms might be adversely impacted by the proposed activity, the RD will require the lessee to undertake any measure deemed economically, environmentally, and technically feasible to protect the pinnacle area. These measures may include, but are not limited to, the following:

(a) the relocation of operations; and

(b) the monitoring to assess the impact of the activity on the live bottoms.

Stipulation No. 4--Military Areas.

(This stipulation will be included in leases located within the Warning Areas and Eglin Water Test Areas 1 and 3, as shown on Map 1 described in paragraph 12.)

(a) Hold and Save Harmless

Whether compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf (OCS) to any persons or to any property of any person or persons who are agents, employees, or invitees of the lessee, its agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the OCS, if such injury or damage to such person or property occurs by reason of the activities of any agency of the United States government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with the programs and activities of the command headquarters listed in the following table.

Notwithstanding any limitation of the lessee's liability in section 14 of the lease, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of its officers, agents, or employees. The lessee further agrees to indemnify and hold and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, or to indemnify and hold and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, or subcontractors, or any of its officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

(b) Electromagnetic Emissions

The lessee agrees to control its own electromagnetic emissions and those of its agents, employees, invitees, independent contractors or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the commander of the command headquarters listed in the following table to the degree necessary to prevent damage to, or unacceptable interference with, Department of Defense flight, testing or operational activities, conducted within individual designated warning areas. Necessary monitoring control, and coordination with the lessee, its agents, employees, invitees, independent contractors or subcontractors, will be affected by the commander of the appropriate onshore military installation conducting operations in the particular warning area; provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

(c) Operational

The lessee, when operating or causing to be operated on its behalf, boat or aircraft traffic in the individual designated warning areas shall enter into an agreement with the commander of the individual command headquarters listed in the following table, upon utilizing an individual designated warning area prior to commencing such traffic. Such an agreement will provide for positive control of boats and aircraft operating in the warning areas at all times.

Warning Areas' Command Headquarters

Warning Areas	Command Headquarters
W-155 (For Agreement)	Chief, Naval Air Training Naval Air Station ATTN: Lt. Col. T. M. Aiton, USMC or Lt. J. L. Keith Corpus Christi, Texas 78419-5100 Telephone: (512) 939-3927/3902
W-155 (For Operational Control)	Fleet Area Control & Surveillance Facility (FACSFAC) Naval Air Station ATTN: ACC Gannaway Pensacola, Florida 32508 Telephone: (904) 452-2735/4671
W-92	Naval Air Station Air Operations Department Air Traffic Division/Code 52 ATTN: Chief Wheeler New Orleans, Louisiana 70146-5000 Telephone: (504) 393-3100/3208/3106
W-453	159th Tactical Fighter Group (ANG) NAS NOLA ATTN: Major John Posey or Major Bob Lemoine New Orleans, Louisiana 70143 Telephone: (504) 393-3376/3377
Eglin Water Test Areas 1 and 3	Commander Armament Division ATTN: Howard Dimmig/CCN Eglin AFB, Florida 32542 Telephone: (904) 882-5558

14. Information to Lessees

(a) Supplemental Documents. For copies of the various documents identified as available from the Gulf of Mexico Regional Office, prospective bidders should contact the Public Information Unit, Minerals Management Service, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394, either in writing or by telephone at (504) 736-2519. For additional information, contact the Regional Supervisor for Leasing and Environment at that address, or by telephone at (504) 736-2755.

(b) Navigation Safety. Operations on some of the blocks offered for lease may be restricted by designation of fairways, precautionary zones, anchorages, safety zones, or traffic separation schemes established by the U.S. Coast Guard pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et. seq.), as amended. U.S. Corps of Engineers permits are required for construction of any artificial islands, installations, and other devices permanently or temporarily attached to the seabed located on the OCS in accordance with section 4(e) of the OCS Lands Act, as amended.

(c) Offshore Pipelines. Bidders are advised that the Department of the Interior and the Department of Transportation have entered into a Memorandum of Understanding, dated May 6, 1976, concerning the design, installation, operation, and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

(d) Exploration Plans for 10-Year Leases. For those blocks identified as having lease terms with an initial period of 10 years, bidders are advised that pursuant to 30 CFR 250.34-1(a)(3), the lessee shall submit to the MMS either an exploration plan or a general statement of exploration intention prior to the end of the ninth lease year.

(e) 8-Year Leases. Bidders are advised that any lease issued for a term of 8 years will be cancelled after 5 years, following notice pursuant to the OCS Lands Act, as amended, if within the initial 5-year period of the lease, the drilling of an exploratory well has not been initiated, or if initiated, the well has not been drilled in conformance with the approved exploration plan criteria, or if there is not a suspension of operations in effect. See 30 CFR 256.37.

(f) Affirmative Action. Revision of Department of Labor regulations on affirmative action requirements for Government contractors (including lessees) has been deferred, pending review of those regulations (see Federal Register of August 25, 1981, at 46 FR 42865 and 42968). Should changes become effective at any time before the issuance of leases resulting from this sale, section 18 of the lease form (Form MMS-2005, March 1986), would be deleted from leases resulting from this sale. In addition, existing stocks of the affirmative action forms described in paragraph 5 of this Notice contain language that would be superseded by the revised regulations at 41 CFR 60-1.5(a)(1) and 60-1.7(a)(1). Submission of Form MMS-2032 (June 1985) and Form MMS-2033 (June 1985) will not invalidate an otherwise acceptable bid, and the revised regulations' requirements will be deemed to be part of the existing affirmative action forms.

(g) Ordnance Disposal Areas. Bidders are cautioned as to the existence of two inactive ordnance disposal areas in the Mississippi Canyon area, shown on map 1, described in paragraph 12 of this Notice. These areas were used to dispose of ordnance of unknown composition and quantity. Water depths range from approximately 750 to 1,525 meters. Bottom sediments in both areas are generally soft, consisting of silty clays. Exploration and development activities in these areas require precautions commensurate with the potential hazards.

The U. S. Air Force has released an indeterminable amount of unexploded ordnance throughout Eglin Water Test Areas 1 and 3. The exact location of the unexploded ordnance is unknown, and lessees are advised that all lease blocks included in this sale within these water test areas should be considered potentially hazardous to drilling and platform and pipeline placement.

15. OCS Orders. Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Gulf of Mexico OCS Orders, as of their effective dates, and any other applicable OCS Order as it becomes effective.

Director, Minerals Management Service

Approved:

Wm D Bettenberg

Assistant Secretary - Land and Minerals Management

James E Cason

2/9/88

Date

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[FR Doc. 88-3003 Filed 2-11-88; 8:45 am]

BILLING CODE 4310-MR-C

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Outer Continental Shelf
Central Gulf of Mexico

Notice of Leasing Systems, Sale 113

Section 8(a)(8) (43 U.S.C. 1337(a)(8)) of the Outer Continental Shelf Lands Act (OCSLA) requires that, at least 30 days before any lease sale, a Notice be submitted to the Congress and published in the Federal Register:

1. identifying the bidding systems to be used and the reasons for such use; and

2. designating the tracts to be offered under each bidding system and the reasons for such designation.

This Notice is published pursuant to these requirements.

1. Bidding systems to be used. In the Outer Continental Shelf (OCS) Sale 113, blocks will be offered under the following two bidding systems as authorized by section 8(a)(1) (43 U.S.C. 1337(a)(1)): (a) bonus bidding with a fixed 16 2/3-percent royalty on all unleased blocks in less than 400 meters of water; and (b) bonus bidding with a fixed 12 1/2-percent royalty on all remaining unleased blocks.

a. Bonus Bidding with a 16 2/3-Percent Royalty. This system is authorized by section (8)(a)(1)(A) of the OCSLA. This system has been used extensively since the passage of the OCSLA in 1953 and imposes greater risks on the lessee than systems with higher contingency payments, but may yield more rewards if a commercial field is discovered. The relatively high front-end bonus payments may encourage rapid exploration.

b. Bonus Bidding with a 12 1/2-Percent Royalty. This system is authorized by section (8)(a)(1)(A) of the OCSLA. It has been chosen for certain deeper water blocks proposed for the Central Gulf of Mexico (Sale 113) because these blocks are expected to require substantially higher exploration, development, and production costs, as well as longer times before initial production, in comparison to shallow water blocks. Department of the Interior analyses indicate that the minimum economically developable discovery on a block in such high-cost areas under a 12 1/2-percent royalty system would be less than for the same blocks under a 16 2/3-percent royalty system. As a result, more blocks may be explored and developed. In addition, the lower royalty rate system is expected to encourage more rapid production and higher economic profits. It is not anticipated, however, that the larger cash bonus bid associated with a lower royalty rate will significantly reduce competition, since the higher costs for exploration and development are the primary constraints to competition.

2. Designation of Blocks. The selection of blocks to be offered under the two systems was based on the following factors:

a. Lease terms on adjacent, previously leased blocks were considered to enhance orderly development of each field.

b. Blocks in deep water were selected for the 12 1/2-percent royalty system based on the favorable performance of this system in these high-cost areas as evidenced in our analyses.

The specific blocks to be offered under each system are shown on Map 2 entitled "Central Gulf of Mexico Lease Sale 113 - Final, Bidding Systems and Bidding Units." This map is available from the Minerals Management Service, Gulf of Mexico Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394.

Wm. D. Bettenberg
Director, Minerals Management Service

Approved:

James E. Cason
ACTING Assistant Secretary - Land and Minerals Management

FEB 9 1988

James E Cason

[FR Doc. 88-3046 Filed 2-11-88; 8:45 am]
BILLING CODE 4310-MR-C

federal register

Friday
February 12, 1988

Part VII

Department of Transportation

Research and Special Programs Administration

49 CFR Parts 171 and 173

Standard for Construction of Fireworks and Novelties; Approval for Transportation; Notice of Proposed Rulemaking

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171 and 173

[Docket No. HM-202; Notice No. 88-1]

Standard for Construction of Fireworks and Novelties; Approval for Transportation

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: RSPA proposes to simplify requirements in the Hazardous Materials Regulations (HMR) for approval of Class B and C fireworks and Class C novelties (a novelty being a device which produces limited visible or audible effects; e.g., toy smoke devices, trick noise makers). The proposal, based on a petition filed by the American Pyrotechnics Association, Inc. (APA), would eliminate the examination of certain fireworks and novelties prior to their approval for transportation by the Director, Office of Hazardous Materials Transportation (OHMT) and incorporate by reference APA's Standard 87–1, entitled "Standard for Construction and Approval for Transportation of Fireworks and Novelties." The intended effect of this action is to expedite the DOT approval process for fireworks and novelties, and to reduce paperwork and costs in processing applications for approval.

DATE: Comments must be received by April 4, 1988.

ADDRESS: Address comments to Dockets Unit, Office of Hazardous Materials Transportation (DHM–30), U.S. Department of Transportation, Washington, DC 20590. Comments should be submitted, when possible, in five copies and should identify the docket. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed stamped postcard. The Dockets Unit is located in Room 8426 of the Nassif Building, 400 Seventh Street SW., Washington, DC 20590. Office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday, except public holidays.

FOR FURTHER INFORMATION CONTACT:

Christine E. Whitney, (202) 366–4514, Office hours are 7:30 a.m. to 4:00 p.m., Exemptions and Approvals Division; or

Hattie L. Mitchell, (202) 366–4488, Office hours are 8:00 a.m. to 4:30 p.m. Standards Division, Office of Hazardous Materials Transportation, Department of Transportation, Washington, DC 20590.

SUPPLEMENTARY INFORMATION: RSPA has been petitioned by the American Pyrotechnics Association (APA) to amend the HMR to incorporate by reference APA Standard 87–1, "Standard for Construction and Approval for Transportation of Fireworks and Novelties" (September 1987). APA requested that the requirements for obtaining approval of certain Class B and C fireworks and Class C novelties be simplified by eliminating the need for the Bureau of Explosives (BOE) or the Bureau of Mines (BOM) to examine these devices if they conform with APA Standard 87–1. Except for explosives made by or under the direction or supervision of the Department of Energy or the Department of Defense and certain small arms ammunition, the HMR currently require that all new explosives, including fireworks and novelties, be examined by the BOE or the BOM prior to their being classed and approved by the Director, OHMT. In supplementary information submitted in support of the petition, APA stated, in part:

> Most of the firms in the fireworks industry are very small businesses. The requested changes would therefore be especially beneficial, since they would greatly simplify the burden and expense of complying with the DOT regulations.
>
> The DOT regulations presently require that all fireworks be examined by the Bureau of Explosives [BOE] or other laboratory acceptable to DOT for the proposed classification. The reports must then be submitted to DOT for approval and assignment of an EX Number. In many cases, firms have had to wait for several weeks for a report due to a heavy backlog of samples at the [BOE] Laboratory. Under the proposed procedure the paperwork and time involved would be eliminated in most cases because information sufficient to classify an item would be submitted directly to DOT. The chemical mixtures that would be involved have been in use for more than 50 years and their safety and stability are well known. A laboratory examination would still be required for potentially-unstable or new compositions.
>
> In addition, there would be very significant financial benefits for this small industry. Currently, sample examinations by [BOE] each cost between $90 and $105. Based on the number of samples examined in the last three years, this would amount to a savings of more than $400,000.00, if the proposed changes are promulgated.

ARA further stated:

> Also, present regulations prohibit shipment of unclassified fireworks, including samples. It therefore becomes necessary to go through the additional step of obtaining a special authorization to even ship a sample to the laboratory for examination. This, of course, is in addition to the burden and expense of packaging and shipping the sample itself.
>
> Obviously the requested changes would also reduce the regulatory paperwork required of DOT, and expedite the approval process. As stated in our original submission, these changes would in no way compromise the public safety because all current safeguards regarding transportation safety would remain unchanged.

APA Standard 87–1 contains detailed information on different types of fireworks and novelties, including definitions, descriptions, and drawings of the different devices. It contains descriptions of test procedures and acceptable test results to be used for evaluating the thermal stability of fireworks and novelties. It also outlines procedures for obtaining DOT approval and the applicable requirements in Parts 172 and 173 for offering the devices for transportation. Those paragraphs contained in APA Standard 87–1 that are applicable to the transportation of fireworks and novelties are marked with an asterisk. APA Standard 87–1 contains additional information that may alert manufacturers, importers and distributors to the existence of other Federal, state, and local agencies' requirements applicable to fireworks and novelties. RSPA has reviewed APA Standard 87–1 and believes that its adoption would enhance uniformity and safety in the construction and transportation of common and special fireworks and novelties. A copy of APA Standard 87–1 is available for review in the Dockets Unit.

RSPA agrees with the petitioner that it should not be necessary for each manufacturer to go through the examination process if the manufacturer produces fireworks and novelties of a chemical composition and construction identified in APA Standard 87–1. Within the past five years, RSPA has classed and approved over 5,000 fireworks and novelties, a number of which were identical or similar in chemical composition and construction. Requiring that these standard devices be repeatedly submitted for examination is costly and time-consuming for the fireworks industry. Furthermore, such examinations offer little or no additional safety benefits to the public. RSPA believes that adoption of APA Standard 87–1 would provide an equivalent level of safety for classifying and approving fireworks and novelties while significantly reducing the regulatory burden of the fireworks industry. Therefore, RSPA is proposing to incorporate APA Standard 87–1 by reference.

As proposed, the Director, OHMT would continue to approve finished fireworks and novelties, but an

examination by the BOE or the BOM would not be required if the devices conform with APA Standard 87–1, and the manufacturer certifies such compliance in his application. At his discretion, the Director, OHMT may require examination of a device if he has reason to believe that an examination is necessary; for example, when insufficient information has been submitted to support proper classification of a device or to determine its safety in transportation.

This proposed change would only apply to fireworks and novelties. The chemical mixtures identified in APA Standard 87–1 have been in use for more than 50 years and the safety and stability of these mixtures are well known. For other types of explosives, other than certain types of small arms ammunition, manufacturers would continue to submit each new explosive compound, mixture or device for examination and approval even though it may appear to be the same product as that submitted for examination and approval by another facility.

Review by Section

Section 171.7. APA's mailing address would be added under paragraph (c)(33), and APA Standard 87–1 would be incorporated by reference under paragraph (d)(29).

Section 171.8. A definition for "EX number" would be added. The EX number would be assigned by the Director, OHMT, and would be used to provide better identification of explosives.

Section 173.86. Requirements for approval of new explosives are contained in § 173.86. Paragraph (b) would be revised to indicate that there are exceptions to the requirement for examination of explosives and for clarity. The latest edition of the Explosives Hazard Classification Procedures contained in DOD TB 700–2 also would be referenced in paragraph (b).

New paragraph (j) would contain the requirements applicable to the examination of fireworks and novelties. Under these provisions, a manufacturer of a firework or novelty produced in conformance with APA Standard 87–1 may submit a written application to the Director, OHMT, containing the information outlined in the APA Standard. This information would include a detailed description of the device, including shape, size and a diagram showing location of the explosive components; the chemical composition, including a list of formulas; and the test results for thermal stability. The applicant would also indicate the DOT hazard classification sought for the device. If the Director, OHMT, determines that an application contains adequate justification to support that a device is satisfactory for transportation, the applicant would be sent a letter of approval. At his discretion the Director, OHMT may require that a device be examined by the BOE or the BOM. Of course, for a device containing chemicals not addressed by APA Standard 87–1, the applicant would submit a report of examination by the BOE or BOM for each component contained within the device, as is presently required by § 173.86(b).

Also, a requirement that packages of fireworks and novelties be marked with the "EX number" assigned by the Director, OHMT, would be added under paragraphs (j)(1)(ii) and (j)(1)(iii). RSPA believes this notation will help to alert carriers transporting the devices and enforcement personnel that the devices being shipped have been approved for transportation under § 173.86. Because of the importance of such identification, not only for fireworks and novelties but for all explosives, RSPA plans to propose under a separate rulemaking action that the EX number be marked on all packages containing explosives and all shipping papers covering shipments of explosives. Many shippers are presently following this practice, even though it is not required in the HMR.

Sections 173.88 and 173.100. Various paragraphs in these sections would be removed or revised to eliminate unnecessary duplication with APA Standard 87–1. In § 173.88, paragraph (d) which contains a definition of Class B special fireworks would be revised to reference the definitions in APA Standard 87–1. A similar change would be made in § 173.100 (r) which defines Class C common fireworks. Paragraphs (t) and (x) of § 173.100 containing definitions of certain Class C novelties would be removed and reserved. Paragraph (u), in § 173.100, would be amended by removing the referenced to a "toy smoke device" which is a novelty covered in the standard.

Administrative Notices

Executive Order 12291

Based on limited information available concerning size and nature of entities likely to be affected, I certify that the proposed regulations will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. RSPA has further determined that this rulemaking (1) is not "major" under Executive Order 12291, (2) is not "significant" under DOT Regulatory Policies and Procedures [42 FR 11034; February 26, 1979]; (3) will not affect not-for-profit enterprises, or small governmental jurisdictions; and (4) does not require an environmental impact statement under the National Environmental Policy Act [49 U.S.C. 4321 *et seq.*]. A regulatory evaluation is available for review in the docket.

Paperwork Reduction Act

Information collection requirements contained in the current § 173.86 pertaining to the approval of new approvals have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and assigned control number, OMB No. 2137–0557.

List of Subjects

49 CFR Part 171

Hazardous materials transportation, Incorporation by reference.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers.

In consideration of the foregoing, 49 CFR Parts 171 and 173 would be amended to read as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. The authority citation for Part 171 continues to read as follows:

Authority: 49 App. U.S.C. 1802, 1803, 1804, 1808; 49 CFR Part 1.

2. In § 171.7, paragraphs (c)(33) and (d)(29) would be added to read as follows:

§ 171.7 Matter incorporated by reference.

* * * * *

(c) * * *

(33) APA: American Pyrotechnics Association, P.O. Box 213, Chestertown, Maryland 21620.

(d) * * *

(29) APA Standard 87–1 is titled, "Standard for Construction and Approval for Transportation of Fireworks and Novelties", September 1987 edition.

* * * * *

3. In § 171.8, a definition for "EX number" would be added, in alphabetical sequence, to read as follows:

§ 171.8 Definitions and abbreviations.

* * * * *

"EX number" means a number, preceded by the prefix "EX-" which is

assigned by the Director, OHMT, to identify a new explosive.

* * * * *

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

4. The authority citation for Part 173 continues to read as follows:

Authority: 49 App. U.S.C. 1803, 1804, 1805, 1806, 1807, 1808; 49 CFR Part 1, unless otherwise noted.

5. In § 173.86, paragraph (b) would be revised and paragraph (j) would be added to read as follows:

§ 173.86 New explosive definitions; approval and notification.

* * * * *

(b) Except as otherwise provided in this section, no person may offer a new explosive for transportation unless—

(1) It has been examined and assigned a recommended shipping description and hazard class by the Bureau of Explosives, Association of American Railroads or the Bureau of Mines, U.S. Department of Interior and has been classed and approved by the Director, OHMT;

(2) It has been examined, classed and approved by the U.S. Army Material Development and Readiness Command (DRCSF), Naval Sea Systems Command (NAVSEA 06H), or HQUSAF (IGD/SEV) when made by, or under the direction or supervision of, the DOD and tested in accordance with the Explosives Hazard Classification Procedures contained in DOD TB 700–2 (September 1982), (NAVSEAINST 8020.8 AFTO 11A–1–47, DSAR 8220.1) and has been accepted for filing by the Director, OHMT; or

(3) It has been examined, classed and approved by the U.S. Department of Energy (DOE) when made by, or under the direction or supervision of, the DOE and tested in accordance with the Explosives Hazard Classification Procedures contained in DOD TB 700–2 (September 1982) and has been accepted for filing by the Director, OHMT.

* * * * *

(j) *Fireworks and novelties.* (1) Notwithstanding the provisions of paragraph (b) of this section, Class B and C fireworks and Class C novelties may be classed and approved by the Director, OHMT, without examination by one of the agencies listed in paragraph (b)(1) of this section, and offered for transportation, if—

(i) The fireworks and novelties conform to the applicable requirements in APA Standard 87–1, entitled "Standard for the Construction and Approval for Transportation of Fireworks and Novelties" (which is incorporated by reference);

(ii) The manufacturer of the fireworks or novelties submits an application in conformance with the applicable requirements in APA Standard 87–1 to the Director, OHMT, who acknowledges, in writing, to the manufacturer that the fireworks or novelties have been classed, approved and assigned an EX number; and

(iii) Prior to being offered for transportation, each package containing the approved fireworks or novelties is marked with the EX number assigned to each approved material in the package, and no hazardous materials other than those identified by the EX number are in the package.

(2) At his discretion, the Director, OHMT may require that the fireworks or novelties be examined by an agency listed in paragraph (b)(1) of this section.

6. In § 173.88, paragraph (d) would be revised to read as follows:

§ 173.88 Definitions of Class B explosives.

* * * * *

(d) Special fireworks, see definitions found in APA Standard 87–1 (which is incorporated by reference).

* * * * *

7. In § 173.100, paragraphs (t) and (x) would be removed and reserved and paragraphs (r) and (u) would be revised to read as follows:

§ 173.100 Definition of Class C explosives.

* * * * *

(r) Common fireworks, see definitions found in APA Standard 87–1 (which is incorporated by reference).

* * * * *

(t) [Reserved]

(u) Toy propellant devices consist of small paper or composition tubes or containers containing a small charge of slow burning propellant powder. These devices must be so designed that they will neither burst nor produce external flame except through the nozzle on functioning. Ignition elements, if attached, must be of a design examined by the Bureau of Explosives or the Bureau of Mines and approved by the Director, OHMT.

* * * * *

(x) [Reserved]

* * * * *

Issued in Washington, DC, on February 8, 1988, under authority delegated in 49 CFR Part 106, Appendix A.

Alan I. Roberts,

Director, Office of Hazardous Materials Transportation.

[FR Doc. 88–2994 Filed 2–11–88; 8:45 am]

BILLING CODE 4910–60–M

federal register

Friday
February 12, 1988

Part VIII

Department of Education

Robert C. Byrd Scholarship Program; Notice of Final Procedures for Fiscal Year 1988

Digital Edition

DEPARTMENT OF EDUCATION

Robert C. Byrd Honors Scholarship Program

AGENCY: Department of Education.

ACTION: Notice of final procedures for implementing the Robert C. Byrd Honors Scholarship Program in Fiscal Year 1988.

SUMMARY: The Secretary establishes procedures to implement the Robert C. Byrd Honors Scholarship Program (the Byrd Scholarship Program) in fiscal year 1988 in accordance with the provisions of the program statute (Title IV, Part A, Subpart 6 of the Higher Education Act of 1965, as amended, 20 U.S.C. 1070d–31 *et seq.*), with certain exceptions. The exceptions are necessary in order to implement applicable statutory provisions enacted in Pub. L. 100–202 titled the Department of Education Appropriations Act, 1988 (Appropriations Act of 1988). Because the Secretary has not issued specific regulations for this program, grant awards to the States for fiscal year 1988 will be governed by the General Education Provisions Act, the Education Department General Administrative Regulations, applicable provisions of the program statute, and the procedures in this notice.

EFFECTIVE DATE: The procedures in this notice take effect either 45 days after publication in the **Federal Register** or later if the Congress takes certain adjournments. If you want to know the effective date of these procedures, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Bonnie L. Gold, State Student Incentive Grant Program (Room 4018), ROB#3), Office of Student Financial Assistance, U.S. Department of Education, 400 Maryland Avenue SW., Washington, DC 20202 Telephone (202) 732–4507.

SUPPLEMENTARY INFORMATION: Under the Byrd Scholarship Program, the Secretary makes available, through grants to the States, scholarships to outstanding high school graduates for the first year of study at institutions of higher education. In the Appropriations Act of 1988, Congress appropriated $7.659 million for the Byrd Scholarship Program. Pursuant to the Appropriations Act of 1988, and as was also the case in fiscal year 1987, sections 419G(b) and 419I(a) of the program statute will not apply to the administration of the program in fiscal year 1988. The Secretary adopts the following procedures for fiscal year 1988 in view of the statutory provisions which have been superceded by the appropriation language. These procedures are necessary for the administration of those aspects of the program which, due to superseding statutory provisions in the Appropriations Act of 1988, are not governed by provisions of the program statute for fiscal year 1988.

1. The Secretary will allot to the States the funds appropriated for the Byrd Scholarship Program in fiscal year 1988 in accordance with the provisions of section 419D of the program statute, except that the amount allotted for scholarship payments to each State will be $1,500 multiplied by the number of scholarships the Secretary has assigned to the State. The Secretary will assign to each State participating in the program the number of Byrd Scholarships which bears the same ratio to the total number of scholarships made available to all States as the State's school-aged population (ages five through seventeen) bears to the total school-aged population in all participating States, except that no State shall receive fewer than 10 scholarships. The population figures used to calculate the allotment of funds will be determined by the most recently available data from the United States Census Bureau.

2. States shall administer their fiscal year 1988 allotments under the Byrd Scholarship Program, for scholarships for academic year 1988–89, in accordance with the provisions of the program statute. However, since sections 419C(b) and 419I(a) of the program statute will not apply to the fiscal year 1988 appropriation, States shall also administer their fiscal year 1988 allotments in accordance with the following procedures—

(a) Byrd Scholars must be selected solely on the basis of demonstrated outstanding academic achievement, promise of continued academic achievement, and the geographic consideration described in item 2(b) below.

(b) Byrd Scholars must be selected in such a way that all parts of a State are fairly represented, and no part of a State has a disproportionate share of awards.

Waiver of Notice of Proposed Rulemaking

In accordance with section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1232(b)(2)(A)), and the Administrative Procedure Act, 5 U.S.C. 553, it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, Congress did not determine until December 23, 1987, that this program would be implemented in fiscal year 1988 in accordance with the same special procedures as were followed in fiscal year 1987. Since it is imperative for State educational agencies to receive their program allotments in time to make scholarship awards and payments by the end of the high school academic year during which the scholars have graduated, as required by section 419I(b) of the program statute (20 U.S.C. 1070d–39(b)), the Secretary finds that publication of a notice of proposed procedures is impracticable and contrary to the public interest under 5 U.S.C. 553(b)(B). The Secretary did solicit public comments on these same procedures in fiscal year 1987 (resulting from identical appropriations language in the Continuing Appropriations Act of 1987), through a notice of proposed procedures published in the **Federal Register**. No comments were received as a result of that publication.

Authority: 20 U.S.C. 1070d–31 *et seq.*

(Catalog of Federal Domestic Assistance No. 84.185, Robert C. Byrd Honors Scholarship Program)

Dated: January 29, 1988.

William J. Bennett,

Secretary of Education.

[FR Doc. 88–3071 Filed 2–10–88; 10:15 am]

BILLING CODE 4000–01–M

federal register

Friday
February 12, 1988

Part IX

Department of the Interior

Minerals Management Service

Outer Continental Shelf, Beauford Sea Lease Sales; Notices

UNITED STATES
DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE

Outer Continental Shelf
Beaufort Sea
Oil and Gas Lease Sale 97

1. Authority. This Notice is published pursuant to the Outer Continental Shelf (OCS) Lands Act (43 U.S.C. 1331-1356 (1982)) as amended by the OCS Lands Act Amendments of 1985 (100 Stat. 147) and the regulations issued thereunder (30 CFR Part 256).

2. Filing of Bids. Sealed bids will be received by the Regional Director (RD), Alaska OCS Region, Minerals Management Service (MMS), Room 544, 949 East 36th Avenue, Anchorage, Alaska 99508-4302. Bids may be delivered in person to that address between 8 a.m. and 4 p.m., Alaska Standard Time (a.s.t.), until the Bid Submission Deadline at 10 a.m., a.s.t., March 15, 1988. Bids will not be accepted the day of Bid Opening, March 16, 1988. Delivery by mail should be addressed to the above address and must be received by the Bid Submission Deadline. Bids received by the RD later than the time and date specified above will be returned unopened to the bidders. Bids may not be modified unless written modification is received by the RD prior to 10 a.m., a.s.t., March 15, 1988. Bids may not be withdrawn unless written withdrawal is received by the RD prior to 8:30 a.m., a.s.t., March 16, 1988. Bid Opening Time will be 9 a.m., a.s.t., March 16, 1988, at the William A. Egan Civic Convention Center, 555 West 5th Avenue, Summit Hall, Anchorage, Alaska 99501. All bids must be submitted and will be considered in accordance with applicable regulations including 30 CFR 256. The list of restricted joint bidders which applies to this sale appeared in the Federal Register at 52 FR 38819, published on October 19, 1987.

3. Method of Bidding. A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Lease Sale 97, Beaufort Sea (insert Official Protraction Diagram number(s) and name(s), if applicable, and block number(s)) not to be opened until 9 a.m., a.s.t., on March 16, 1988," must be submitted for each block or prescribed bidding unit bid on. For those blocks which must be bid on as a bidding unit, it is recommended that all numbers of blocks comprising the bidding unit appear on the sealed envelope. A suggested bid form appears in 30 CFR Part 256, Appendix A. In addition, the total amount bid must be in whole dollar amounts (no cents). Bidders must submit with each bid one-fifth of the cash bonus, in cash or by cashier's check, bank draft, or certified check, payable to the order of the U.S. Department of the Interior--Minerals Management Service. No bid for less than all of the unleased portions of a block or bidding unit as described in paragraph 12 will be considered. Bidders are advised to use the description "All the Unleased Federal Portion" for those blocks having only aliquot portions currently available for leasing. All documents must be executed in conformance with signatory authorizations on file. Partnerships also need to submit or have on file in the Alaska Regional Office a list of signatories authorized to bind the partnership. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder in percent to a maximum of five decimal places after the decimal point, e.g., 50.12345 percent. Other documents may be required of bidders under 30 CFR 256.46. Bidders are warned against violation of 18 U.S.C 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bidding Systems. All bids submitted at this sale must provide for a cash bonus in the amount of $62 or more per hectare or fraction thereof. All leases awarded will provide for a yearly rental payment of $8 per hectare or fraction thereof. All leases will provide for a minimum royalty of $8 per hectare or fraction thereof. Bids on all blocks and bidding units offered in this sale must be submitted on a cash bonus basis with a fixed royalty of 12-1/2 percent

5. Equal Opportunity. Each bidder must have submitted by the Bid Submission Deadline, stated in paragraph 2, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form MMS-2033 (June 1985), and the Affirmative Action Program Representation Form, Form MMS-2032 (June 1985). See the Affirmative Action paragraph under "Information to Lessees."

6. Bid Opening. Bid opening will begin at the Bid Opening Time stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing bids received, and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight on the day of Bid Opening, that bid will be returned unopened to the bidder as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid may be deposited by the Government in an interest-bearing account in the U.S. Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Blocks. The United States reserves the right to withdraw any block from this sale prior to issuance of a written acceptance of a bid for the block.

9. Acceptance, Rejection, or Return of Bids. The United States reserves the right to reject any and all bids. In any case, no bid will be accepted, and no lease for any block or bidding unit will be awarded to any bidder, unless:

(a) the bidder has complied with all requirements of this Notice and applicable regulations;

(b) the bid is the highest valid bid; and

(c) the amount of the bid has been determined to be adequate by the authorized officer.

No bonus bid will be considered for acceptance unless it provides for a cash bonus in the amount of $62 or more per hectare or fraction thereof. Any bid submitted which does not conform to the requirements of the Notice, the OCS Lands Act as amended, and other applicable regulations may be returned to the person submitting that bid by the RD and not considered for acceptance.

10. Successful Bidders. Each person who has submitted a bid accepted by the authorized officer will be required to execute copies of the lease, pay the balance of the cash bonus bid together with the first year's annual rental as specified below, and satisfy the bonding requirements of 30 CFR 256, Subpart I. Successful bidders are required to submit the balance of the bonus and the first year's annual rental payment, for each lease issued, by electronic funds transfer in accordance with the requirements of 30 CFR 218.155.

11. Official Protraction Diagrams (OPD). Blocks or portions of blocks offered for lease may be located on the following OPD's which may be purchased for $2 each from the Records Manager, Alaska OCS Region, Room 502, at the address stated in paragraph 2 of this Notice.

Outer Continental Shelf Official Protraction Diagrams:

NS 4-7	—	(Approved April 25, 1978)
NS 4-8	—	(Approved January 21, 1981)
NS 5-7	Barrow Canyon	(Revised September 14, 1987)
NR 4-1	Hanna Shoal	(Revised September 14, 1987)
NR 4-2	Barrow	(Revised February 16, 1984)
NR 5-1	Dease Inlet	(Revised January 12, 1988)
NR 5-2	—	(Approved May 5, 1976)
NR 5-3	Teshekpuk	(Approved June 3, 1976)
NR 5-4	Harrison Bay	(Revised January 20, 1988)
NR 6-1	—	(Approved June 3, 1976)
NR 6-3	Beechey Point	(Revised April 23, 1984)
NR 6-4	Flaxman Island	(Revised November 10, 1983)
NR 7-3	Barter Island	(Approved October 26, 1979)
NR 7-4	—	(Revised January 22, 1984)
NR 7-5	Demarcation Point	(Revised November 10, 1983)
NR 7-6	—	(Approved January 22, 1984)

12. Description of the Areas Offered for Bids.

(a) Categories of blocks listed under OPD's:

The lease sale area offered for bids is listed by OPD. Three categories of blocks appear under each OPD listed: (1) whole or partial blocks, (2) split blocks, and (3) blocks which comprise bidding units.

Whole or partial blocks fall entirely under the jurisdiction of the Federal Government. Each block must be bid on separately. Hectares for whole or partial blocks listed in this paragraph may be found on the appropriate OPD.

Split blocks are blocks divided into two or more portions. This occurs where the 3-geographical-mile line intersects a block or where a jurisdictional dispute exists between the Federal and State Governments. Each split block must be bid on separately.

Bidding units are a combination of portions of adjacent blocks. The entire bidding unit is listed under the OPD where the first partial block is located. When part of the bidding unit is located on an adjacent OPD, the appropriate OPD number will be listed (i.e., 617 (NR 6-4)). All parts of a bidding unit must be bid on together.

The letter symbol "G" appearing next to block numbers identifies a block or portion of a block lying within 3-geographical miles of the seaward boundary of Alaska and is subject to provisions of section 8(g) of the OCS Lands Act (43 U.S.C. 1337).

The following blocks are affected by the jurisdictional dispute between the United States and Canada (see paragraph 16 "Jurisdiction"): NR 7-4, blocks 485, 529-532, 573-579, 617-623, 661-667, 706-710, 749-754, 793-798, 837-842, 881-886, 925-929, 969-973; NR 7-6, blocks 3-4, 46-48, 89-91, 133-135, 177-179, 221-222, 265-266, 309.

(b) The following blocks or portions of blocks are offered for bids:

Official Protraction Diagram NS 4-7 (approved April 25, 1978)

(1) WHOLE and PARTIAL BLOCKS:

3- 18	266-286	530-550	794-814
47- 64	310-330	574-594	838-858
90-109	354-374	618-638	882-902
134-154	398-418	662-682	925-946
178-198	442-462	706-726	969-990
222-242	486-506	750-770	

(2) SPLIT BLOCKS:

None

(3) BIDDING UNITS:

Blocks	Hectares	Total Hectares
2	1078.85	
46	1194.27	2273.12
485	43.88	
529	158.07	
573	273.17	
617	388.23	
661	503.27	
705	618.28	1984.90

Blocks	Hectares	Total Hectares
749	733.26	
793	848.21	1581.47
837	963.13	
881	1078.03	2041.16

Official Protraction Diagram NS 4-8 (approved January 21, 1981)

(1) WHOLE and PARTIAL BLOCKS:

177-178	397-405	617-630	837-857
221-223	441-450	661-675	881-901
265-269	485-495	705-720	925-946
309-314	529-540	749-765	969-990
353-360	573-585	793-813	

(2) SPLIT BLOCKS:

None

(3) BIDDING UNITS:

Blocks	Hectares	Total Hectares
814	848.21	
793 (NS 5-7)	848.21	1696.42
858	963.13	
837 (NS 5-7)	963.13	1926.26
902	1078.03	
881 (NS 5-7)	1078.03	2156.06

Official Protraction Diagram NS 5-7, Barrow Canyon, (revised September 14, 1987)

(1) WHOLE and PARTIAL BLOCKS:

838	882-883	925-928	969-972

Official Protraction Diagram NR 4-1, Hanna Shoal, (revised September 14, 1987)

(1) WHOLE and PARTIAL BLOCKS:

2- 23	266-287	530-551	793-815
46- 67	310-331	574-595	837-858
90-111	354-375	618-639	881-901
134-155	398-419	662-683	925-942
178-199	442-463	706-727	969-986
222-243	486-507	750-771	

(2) SPLIT BLOCKS:

None

(3) BIDDING UNITS:

Block	Hectares	Total Hectares
353	38.10	
397	150.60	
441	265.13	
485	379.63	
529	494.10	
573	608.55	1936.11
617	722.96	
661	837.34	1560.30
705	951.70	
749	1066.03	2017.73

Official Protraction Diagram NR 4-2, Barrow (revised February 16, 1984)

(1) WHOLE and PARTIAL BLOCKS:

1- 22	221-242	441-453	661-667
45- 66	265-286	485-496	705-710
89-110	309-325	529-539	749-752
133-154	353-368	573-583	793-794
177-198	397-410	617-625	

(2) SPLIT BLOCKS:

None

(3) BIDDING UNITS:

None

Official Protraction Diagram NR 5-1, Dease Inlet (revised January 12, 1988)

(1) WHOLE and PARTIAL BLOCKS:

23- 26	421-440	557-561	785-792
67- 72	465-466	564-572	825-826
111-129	468-471	597	831-836
155-174	473-484	602-616	871
199-220	509-510	647-660	875-879
243-264	512-517	691-704	915-921
287-308	519-528	737-748	962-965
333-352	553-554	780	
377-396			

(2) SPLIT BLOCKS:

Blocks	Hectares	Blocks	Hectares
641	1547.69	824 G	1049.84
641 G	756.31	867 G	537.42
777 G	1728.54	957 G	794.54
779 G	664.31	958 G	2197.44
823 G	2225.42	960	2265.39
824	1254.16		

(3) BIDDING UNITS:

Blocks	Hectares	Total Hectares
685 G	2070.73	
729 G	36.00	2106.73
775 G	114.06	
776 G	730.74	844.80
779	1639.69	
823	18.21	1657.90
821 G	0.87	
822 G	946.89	947.76
958	106.56	
959	1388.28	1494.84
959 G	915.72	
960 G	38.61	954.33

Official Protraction Diagram NR 5-2 (approved May 5, 1976)

(1) WHOLE and PARTIAL BLOCKS:

221	485-492	749-770	929-930
265-267	529-537	794-815	932-934
309-312	573-587	841-859	938-947
353-356	617-633	886-889	975-978
397-401	661-680	891-903	982-991
441-447	705-726		

(2) SPLIT BLOCKS:

None

(3) BIDDING UNITS:

Blocks	Hectares	Total Hectares
727	951.70	
726 (NR 6-1)	951.70	1903.40
771	1066.03	
770 (NR 6-1)	1066.03	2132.06

Official Protraction Diagram NR 5-3, Teshekpuk (approved June 3, 1976)

(1) WHOLE and PARTIAL BLOCKS:

None

(2) SPLIT BLOCKS:

Blocks	Hectares
41	187.70
41 G	2116.30
42 G	1807.33
43 G	1239.55
44 G	1335.06

(3) BIDDING UNITS:

Blocks	Hectares	Total Hectares
85 G	687.95	
86 G	13.92	701.87

Official Protraction Diagram NR 5-4, Harrison Bay (revised January 20, 1988)

(1) WHOLE and PARTIAL BLOCKS:

8-9	55-57	154-155	276
11	60-67	191-194	366-369
16-23	98-111	235	410-411
53	148-152	237	

(2) SPLIT BLOCKS:

Blocks	Hectares	Blocks	Hectares
1 G	1684.79	96	498.15
49 G	1876.45	97	2243.96
50	85.89	230	910.81
50 G	2218.11	230 G	1393.19

Blocks	Hectares
274 G	2204.07
275 G	707.10
319 G	2109.30
320	2094.92
331	953.19
364	546.86

(3) BIDDING UNITS:

Blocks	Hectares	Total Hectares
96 G	1805.85	
97 G	60.04	1865.89
228 G	41.63	
229 G	1821.72	
273 G	345.36	2208.71
274	3.32	
275	1596.90	
319	194.70	1794.92
288	131.64	
332	64.73	
285 (NR 6-3)	131.64	
329 (NR 6-3)	57.33	385.34
318 G	938.15	
362 G	5.30	943.45
320 G	209.08	
364 G	1757.14	
365 G	155.60	2121.82
331 G	1350.81	
332 G	180.85	1531.66
363 G	1622.25	
407 G	163.84	1786.09
375 G	1254.07	
376 G	169.88	1423.95
409	897.44	
453	101.86	999.30
409 G	1297.66	
453 G	65.96	1363.62

Blocks	Hectares	Total Hectares
365	2148.40	
408 G	1268.69	
412 G	447.79	
414	14.03	
414 G	2289.97	
456 G	2279.37	
500 G	297.40	

Blocks	Hectares	Total Hectares
412	1856.21	
456	14.69	1870.90
415 G	2278.08	
459 G	49.07	2327.15
416 G	1832.83	
417 G	480.82	2313.65
454	884.68	
455	365.08	1249.76
454 G	268.47	
455 G	1772.37	
499 G	109.93	2150.77
457 G	1300.16	
458 G	316.50	1616.66

Official Protraction Diagram NR 6-1 (approved June 3, 1976)

(1) WHOLE and PARTIAL BLOCKS:

727-734	814-828	902-919
771-782	858-873	946-964
		990-1010

Official Protraction Diagram NR 6-3, Beechey Point (revised April 23, 1984)

(1) WHOLE and PARTIAL BLOCKS:

22-44	243-246	339	436-440
66-88	249-264	341-352	480-484
110-132	286-289	384	527-528
154-176	291	386-396	572
198-220	296-308		

(2) SPLIT BLOCKS:

Blocks	Hectares	Blocks	Hectares
331 G	1954.10	434 G	1300.52
332 G	2013.85	435	2178.60
333 G	1523.23	478 G	1731.54
426	891.35	479	706.04
426 G	1412.65	525	1424.69
427	1479.68	525 G	879.31

Blocks	Hectares	Blocks	Hectares
428	2233.70	526	2136.49
429	1417.63	569 G	1862.04
431	1365.69	571 G	419.90
431 G	938.31	615 G	2222.53
432	1108.52	616 G	966.20
432 G	1195.48	659 G	687.52
433 G	1768.78	660 G	1796.55

(3) BIDDING UNITS:

Blocks	Hectares	Total Hectares
241	24.45	
242	2297.22	2321.67
329 G	188.25	
330 G	1836.63	2024.88
330	467.37	
331	331.35	
332	290.15	
333	780.77	1869.64
373 G	168.27	
374 G	867.55	1035.82
375 G	715.68	
376 G	687.52	1403.20
427 G	824.32	
428 G West	45.85	870.17
428 G East	24.45	
429 G	886.37	910.82
433	535.22	
434	1003.48	1538.70
435 G	125.40	
479 G	1597.96	1723.36
469 G	152.20	
470 G	1096.95	1249.15

Blocks	Hectares	Total Hectares
522 G	12.25	
523 G	951.00	963.25
523	1.96	
524	1309.88	1311.84
524 G	986.58	
568 G	613.90	1600.48
526 G	167.51	
570 G	2094.40	2261.91
570	209.60	
571	1884.10	2093.70
613 G	4.84	
614 G	1278.25	1283.09
615	67.50	
616	1337.80	1405.30

Official Protraction Diagram NR 6-4, Flaxman Island (revised November 10, 1983)

(1) WHOLE and PARTIAL BLOCKS:

1-12	265-270	485-507	682
45-60	272-287	529-549	715-717
89-108	309-331	575-578	725
133-155	353-361	582-592	761-764
177-199	363-375	620-622	767-768
221-226	397-419	626-627	806-812
228-242	441-463	669-671	854

(2) SPLIT BLOCKS:

Blocks	Hectares	Blocks	Hectares
573	1820.63	804	533.12
574	2295.03	805	1847.14
617 G	2201.00	805 G	456.86
618	484.51	849 G	2230.95
618 G	1819.49	850 G	1466.86
619 G	357.96	851	1590.08
663 G	2082.83	852	1890.76
664 G	1483.26	853	2293.68
665 G	1368.85	855	2291.86
666	1223.67	856	1581.80
666 G	1080.33	856 G	722.20
710 G	1657.21	857 G	1514.38

Blocks	Hectares	Blocks	Hectares
711 G	2195.28	858 G	2249.97
712 G	1961.99	895 G	1962.85
713 G	1326.68	896 G	2236.49
714	2023.14	897	554.27
714 G	280.86	898	1998.22
757 G	1607.57	899	737.14
758 G	2259.14	900 G	2111.69
759 G	1315.60	942 G	2282.37
760	2228.53	943 G	2172.05
802 G	453.75	944 G	204.90
803 G	1886.07		

(3) BIDDING UNITS:

Blocks	Hectares	Total Hectares
243	2297.22	
244	24.45	2321.67
288	131.64	
332	245.58	
376	359.49	
265 (NR 7-3)	131.64	
309 (NR 7-3)	245.58	
353 (NR 7-3)	359.49	1473.42
420	473.37	
464	587.22	
397 (NR 7-3)	473.37	
441 (NR 7-3)	587.22	2121.18
508	701.04	
485 (NR 7-3)	701.04	1402 08
552	814.83	
529 (NR 7-3)	814.83	1629.66
573 G	483.37	
574 G	8.97	492 34
619	1946.04	
663	221.17	2167.21
661 G	149.46	
662 G	1417.84	1567 30
664	799.04	
665	935.15	1734.19
706 G	76.80	
707 G	960.69	1037 49

Blocks	Hectares	Total Hectares
708 G	215.48	
709 G	938.48	1153.96
711	38.04	
712	342.01	
713	977.32	1357.37
755 G	98.15	
756 G	695.88	794.03
758	44.71	
759	988.40	1033.11
760 G	75.47	
804 G	1770.88	1846.35
847 G	114.46	
848 G	1535.18	1649.64
849	1.30	
850	837.14	838.44
851 G	713.92	
852 G	413.24	
853 G	10.32	1137.48
855 G	12.14	
898 G East	4.84	
899 G	1566.86	1583.84
857	789.62	
858	32.00	821.62
859 G	1353.33	
860 G	349.76	1703.09
893 G	290.27	
894 G	1740.74	2031.01
897 G	1749.73	
898 G West	300.94	2050.67
901 G	1388.41	
902 G	399.59	1788.00
940 G	127.52	
941 G	1348.49	1476.01
986 G	200.80	
987 G	506.13	706.93

Official Protraction Diagram NR 7-1, Barter Island (approved October 26, 1979)

(1) WHOLE and PARTIAL BLOCKS:

134	450	663-678	816
178-181	452-462	680-684	851-853
223-227	486-491	712-721	856
266-274	496-497	727	860
310-321	499-508	758-765	894-904
354-368	530-552	770	939-948
398-415	575-596	803-809	984-989
442-447	618-640	813-814	

(2) SPLIT BLOCKS:

Blocks	Hectares	Blocks	Hectares
708	2236.48	757	2236.69
709	2299.36	794 G	1378.70
710	2256.72	795 G	991.11
711 G	96.35	800 G	1884.18
751 G	1802.43	801	450.78
752 G	2295.60	846 G	2213.42
753 G	2056.76	937 G	2187.31
755 G	2281.74	938 G	530.27
756	840.28	981 G	1055.81
756 G	1463.72	982 G	2221.06
		983	1617.04
		983 G	686.96

(3) BIDDING UNITS:

Blocks	Hectares	Total Hectares
221	24.45	
222	2297.22	2321.67
708 G	67.52	
709 G	4.64	72 16
710 G	47.28	
754 G	2200.25	2247 53
711	2207.65	
755	22.26	2229.91
751	501.57	
752	8.40	509.97
753	247.24	
754	103.75	350.99

Blocks	Hectares	Total Hectares
757 G	67.31	
801 G	1853.22	
802 G	342.22	2262.75
802	1961.78	
846	86.87	2048.65
796 G	355.17	
797 G	864.10	
798 G	588.25	
799 G	393.44	2200.96
844 G	84.26	
845 G	1407.51	1491.77
937	114.12	
938	1773.73	
982	68.56	1956.41

Official Protraction Diagram NR 7-4 (revised January 22, 1984)

(1) WHOLE and PARTIAL BLOCKS:

485	617-622	749-754	881-885
529-532	661-665	793-798	925-928
573-578	706-710	837-841	969-972

(2) SPLIT BLOCKS:

None

(3) BIDDING UNITS:

Blocks	Hectares	Total Hectares
579	572.01	
623	236.20	808.21
666	2197.45	
667	6.95	2204.40
842	696.41	
886	31.83	728.24
929	1042.95	
973	143.37	1186.32

Official Protraction Diagram NR 7-5, Demarcation Point (revised November 10, 1983)

(1) WHOLE and PARTIAL BLOCKS:

18-22	110-113	200-201
64-69	155-157	

(2) SPLIT BLOCKS:

Blocks	Hectares	Blocks	Hectares
15 G	873.03	109	2225.04
16 G	2222.85	152 G	1938.60
17 G	790.85	154 G	488.41
60 G	778.58	198 G	2208.62
61 G	2217.54	199 G	590.51
62 G	1264.52	242 G	998.89
63	2193.97	243 G	2256.39
105 G	469.01	244 G	1917.28
106 G	1841.59	245 G	1377.73
108 G	1040.20	289 G	1524.32

(3) BIDDING UNITS:

Blocks	Hectares	Total Hectares
16	67.24	
17	1513.15	1580.39
61	12.64	
62	1039.48	1052.12
63 G	110.03	
107 G	2067.40	2177.43
107	236.60	
108	1263.80	1500.40
109 G	78.96	
153 G	1995.36	2074.32
150 G	50.86	
151 G	811.50	862.36
153	308.64	
154	1815.59	2124.23
196 G	37.74	
197 G	1170.84	1208.58

Blocks	Hectares	Total Hectares
198	86.00	
199	1713.49	1799.49
243	47.61	
244	386.72	
245	926.27	1360.60
286 G	0.05	
287 G	392.30	
288 G	810.94	1203.29

Official Protraction Diagram NR 7-6 (approved January 22, 1984)

(1) WHOLE and PARTIAL BLOCKS:

3	89-90	177
46-47	133-134	222

(2) SPLIT BLOCKS:

None

(3) BIDDING UNITS:

Blocks	Hectares	Total Hectares
4	1327.49	
48	335.09	1662.58
91	1612.00	
135	616.45	2228.45
178	1959.27	
179	10.78	1970.05
221	1980.95	
265	89.79	
266	11.11	2081 85
221 G	323.05	
265 G	1774.96	
309 G	143.47	2241.48

13. Lease Terms and Stipulations.

(a) Leases resulting from this sale will have initial terms of 10 years. Leases will be issued on Form MMS-2005 (March 1986). Copies of the lease form are available from the Regional Supervisor, Leasing and Environment, Alaska OCS Region, at the first address stated in paragraph 2.

(b) The following stipulations will be included in each lease resulting from this sale.

Stipulation No. 1—Protection of Archaeological Resources

(a) "Archaeological resources" means any prehistoric or historic district, site, building, structure, or object (including shipwrecks); such term includes artifacts, records, and remains which are related to such a district, site, building, structure, or object (16 U.S.C. 470w(5)). "Operations" means any drilling, mining, or construction, or placement of any structure for exploration, development, or production of the lease.

(b) If the Regional Supervisor, Field Operations (RSFO), believes an archaeological resource may exist in the lease area, the RSFO will notify the lessee in writing. The lessee shall then comply with subparagraphs (1) through (3).

(1) Prior to commencing any operations, the lessee shall prepare a report, as specified by the RSFO, to determine the potential existence of any archaeological resource that may be affected by operations. The report, prepared by an archaeologist and a geophysicist shall be based on an assessment of data from remote-sensing surveys and of other pertinent archaeological and environmental information. The lessee shall submit this report to the RSFO for review.

(2) If the evidence suggests that an archaeological resource may be present, the lessee shall either:

(i) Locate the site of any operation so as not to adversely affect the area where the archaeological resource may be; or

(ii) Establish to the satisfaction of the RSFO that an archaeological resource does not exist or will not be adversely affected by operations. This shall be done by further archaeological investigation, conducted by an archaeologist and a geophysicist, using survey equipment and techniques deemed necessary by the RSFO. A report on the investigation shall be submitted to the RSFO for review.

(3) If the RSFO determines that an archaeological resource is likely to be present in the lease area and may be adversely affected by operations, he will notify the lessee immediately. The lessee shall take no action that may adversely affect the archaeological resource until the RSFO has told the lessee how to protect it.

(c) If the lessee discovers any archaeological resource while conducting operations in the lease area, the lessee shall report the discovery immediately to the RSFO. The lessee shall make every reasonable effort to preserve the archaeological resource until the RSFO has told the lessee how to protect it.

Stipulation No. 2—Orientation Program

The lessee shall include in any exploration or development and production plans submitted under 30 CFR 250.34 a proposed orientation program for all personnel involved in exploration or development and production activities (including personnel of the lessee's agents, contractors, and subcontractors) for review and approval by the Regional Supervisor, Field Operations (RSFO). The program shall be designed in sufficient detail to inform individuals working on the project of specific types of environmental, social, and cultural concerns which relate to the sale and adjacent area. The program shall be formulated by qualified instructors experienced in each pertinent field of study and shall employ effective methods to ensure that personnel are informed of archaeological and biological resources and habitats, including endangered species, fisheries, bird colonies, and marine mammals, and to ensure that personnel understand the importance of not disturbing archaeological resources and of avoidance and nonharassment of wildlife resources. The program shall also be designed to increase the sensitivity and understanding of personnel to community values, customs, and lifestyles in areas in which such personnel will be operating. The orientation program also shall include information concerning avoidance of conflicts with subsistence activities. The program also shall include presentations and information about all pertinent lease sale stipulations and information to lessees provisions.

The program shall be attended at least once a year by all personnel involved in onsite exploration or development and production activities (including personnel of the lessee's agents, contractors, and subcontractors) and all supervisory and managerial personnel involved in lease activities of the lessee and its agents, contractors, and subcontractors.

Stipulation No. 3—Protection of Biological Resources

If biological populations or habitats that may require additional protection are identified by the Regional Supervisor, Field Operations (RSFO), in the lease area, the RSFO may require the lessee to conduct biological surveys to determine the extent and composition of such biological populations or habitats. The RSFO shall give written notification to the lessee of the RSFO's decision to require such surveys.

Based on any surveys which the RSFO may require of the lessee or on other information available to the RSFO on special biological resources, the RSFO may require the lessee to: (1) relocate the site of operations; (2) establish to the satisfaction of the RSFO, on the basis of a site-specific survey, either that such operation will not have a significant adverse effect upon the resource identified or that a special biological resource does not exist; (3) operate during those periods of time, as established by the RSFO, that do not adversely affect the biological resources; and/or (4) modify operations to ensure that significant biological populations or habitats deserving protection are not adversely affected.

If any area of biological significance should be discovered during the conduct of any operations on the lease, the lessee shall immediately report such findings to the RSFO and make every reasonable effort to preserve and protect the biological resource from damage until the RSFO has given the lessee direction with respect to its protection.

The lessee shall submit all data obtained in the course of biological surveys to the RSPO with the locational information for drilling or other activity. The lessee may take no action that might affect the biological populations or habitats surveyed until the RSPO provides written directions to the lessee with regard to permissible actions.

Stipulation No. 4—Industry Site-Specific Bowhead Whale Monitoring Program

Lessees shall conduct a site-specific monitoring program during exploratory drilling activities to determine when bowhead whales are present in the vicinity of lease operations and the extent of behavioral effects on bowhead whales due to these activities. The lessee shall provide its proposed monitoring plan to the Regional Supervisor, Field Operations for review and approval no later than 60 days prior to commencement of drilling activities. Information obtained from this site-specific monitoring program shall be provided to the RSPO in accordance with the approved monitoring plan. This stipulation will remain in effect until termination or modification by the Department of the Interior after consultation with the National Marine Fisheries Service.

This stipulation applies to the following blocks for the following time periods:

Spring Migration Area
April 15 to June 15

Official Protraction Diagram	Blocks Included
NR 4-1	770, 771, 813-815, 856-858, 899-901, 942, 985-986.
NR 4-2	241, 242, 283-286, 496, 538-539, 579-583, 621-625, 663-667, 705-710, 749-752, 793-794.
NR 5-1	243-264, 287-308, 333-352, 377-396, 421-440, 465-466, 468-471, 473-484, 509-510, 512-517, 519-528, 553-554, 557-561, 564-572, 597, 602-616, 654-660, 699-704.
NR 5-2	221, 265-267, 309-312, 353-356, 397-401, 441-447, 485-492, 529-537, 573-587, 617-631, 661-675.

Fall Migration Areas
Western Blocks - September 15 through October 31

Official Protraction Diagram	Blocks Included
NR 4-1	416-419, 460-463, 500-507, 542-551, 584-595, 626-639, 669-683, 712-727, 755-771, 798-815, 841-858, 884-901, 927-942, 970-986.

NR 4-2	231-242, 275-286, 314-325, 358-368, 397-410, 441-453, 485-496, 529-539, 573-583, 617-625, 661-667, 705-710, 749-752, 793-794.

Central Blocks - September 1 through October 31

Official Protraction Diagram	Blocks Included
NR5-1	243-264, 287-308, 333-352, 377-396, 421-440, 465-466, 468-471, 473-484, 509-510, 512-517, 519-528, 553-554, 557-561, 564-572, 597, 602-616, 641, 647-660, 685, 691-704, 729, 737-748, 775-777, 779-780, 785-792, 821-826, 831-836, 867, 871, 875-879, 915-921, 957-960, 962-965.
NR 5-2	221, 265-267, 309-312, 353-356, 397-401, 441-447, 485-492, 529-537, 573-587, 617-633, 661-680, 705-727, 749-771, 794-815, 841-859, 886-889, 891-903, 929, 930, 932-934, 938-947, 975-978, 982-991.
NR 5-3	41-44, 85, 86.
NR 5-4	1, 8, 9, 11, 16-23, 49, 50, 53, 55-57, 60-67, 96-111, 148-152, 154, 155, 191-194, 228-230, 235, 237, 273-276, 318-320, 331, 332, 362-369, 375, 376, 407-412, 414-417, 452-459, 496-500.
NR 6-1	726-734, 770-782, 814-828, 858-873, 902-919, 946-964, 990-1010.
NR 6-3	22-44, 66-88, 110-132, 154-176, 198-220, 241-246, 249-264, 285-289, 291, 296-308, 329-333, 339, 341-352, 373-376, 384, 386-396, 426-429, 431-440, 469, 470, 478-484, 522-528, 568-572, 613-616, 659, 660.
NR 6-4	1-8, 45-52, 89-96, 133-140, 177-184, 221-226, 228, 265-270, 272, 309-316, 353-360, 397-404, 441-448, 485-492, 529-536, 573-578, 617-622, 661-666, 706-712, 755, 756.

Eastern Blocks - August 1 through October 31

Stipulation No. 6—Oil-Spill Response Preparedness

Eastern Blocks - August 1 through October 31

Official Protraction Diagram	Blocks Included
NR 6-4	9-12, 53-60, 97-108, 141-155, 185-199, 229-244, 273-288, 317-332, 361, 363-376, 405-420, 449-464, 493-508, 537-549, 552, 582-592, 626, 627, 669-671, 682, 713-717, 725, 757-764, 767, 768, 802-812, 847-860, 893-902, 940-944, 986, 987.
NR 7-3	134, 178-181, 221-227, 265-274, 309-321, 353-368, 397-415, 441-447, 450, 452-462, 485-491, 496, 497, 499-508, 529-552, 575-596, 618-640, 663-678, 680-684, 708-721, 727, 751-765, 770, 794-809, 813, 814, 816, 844-846, 851-853, 856, 860, 894-904, 937-948, 981-989.
NR 7-4	485, 529-532, 573-579, 617-623, 661-667, 706-710, 749-754, 793-798, 837-842, 881-886, 925-929, 969-973.
NR 7-5	15-22, 60-69, 105-113, 150-157, 196-201, 242-245, 287-289.
NR 7-6	3, 4, 46-48, 89-91, 133-135, 177-179, 221, 222, 265, 266, 309.

Stipulation No. 5—Transportation of Hydrocarbons

Pipelines will be required: (a) if pipeline rights-of-way can be determined and obtained; (b) if laying such pipelines is technologically feasible and environmentally preferable; and (c) if, in the opinion of the lessor, pipelines can be laid without net social loss, taking into account any incremental costs of pipelines over alternative methods of transportation and any incremental benefits in the form of increased environmental protection or reduced multiple-use conflicts. The lessor specifically reserves the right to require that any pipeline used for transporting production to shore be placed in certain designated management areas. In selecting the means of transportation, consideration will be given to any recommendation of the Regional Technical Working Group, or other similar advisory groups with participation of Federal, State, and local governments and industry.

Following the development of sufficient pipeline capacity, no crude oil production will be transported by surface vessel from offshore production sites, except in the case of emergency. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the Regional Supervisor, Field Operations.

Stipulation No. 6—Oil-Spill Response Preparedness

Lessees must be prepared to respond to oil spills, which includes training of personnel for familiarization with response equipment and strategies, and conducting drills to demonstrate readiness. Prior to approval of exploration or development and production plans, lessees shall submit for review and approval oil-spill-contingency plans (OSCP's) in accordance with OCS Oil and Gas Operating Regulations and OCS Orders. The OSCP must address all aspects of oil-spill response readiness, including an analysis of potential spills and spill-response strategies, type, location and availability of appropriate oil-spill equipment, and response times and equipment capability for the proposed activities. The plan must also address response drills and training requirements. The lessee shall conduct drills under realistic conditions to the extent necessary to demonstrate continued readiness and response capability for appropriate environmental conditions: eg., solid ice, open water, and broken ice conditions. For production operations, drills shall be conducted at least semiannually. Drills shall include deployment of on-site response equipment, and additional equipment, available from a cooperative or other sources identified in the OSCP, to the extent necessary to demonstrate adequate response preparedness for the type, location, and scope of proposed activities and anticipated environmental conditions.

Stipulation No. 7—Subsistence Whaling and Other Subsistence Activities

Federal and State laws recognize subsistence as a priority use of wildlife resources. Therefore, all exploration, and development and production operations shall be conducted in a manner that minimizes any potential for conflict between the oil and gas industry and the subsistence bowhead whale hunt.

Prior to submitting an exploration plan or development and production plan to the lessor for activities proposed during the bowhead whale migration period, the lessee shall contact potentially affected subsistence whaling communities, such as Wainwright, Barrow, Kaktovik, or Nuiqsut and the Alaska Eskimo Whaling Commission to discuss potential conflicts with the siting, timing, and methods of proposed operations. Through this consultation, the lessee shall make reasonable efforts to assure that exploration, development, and production activities are compatible with whaling activities and will not result in undue interference with the subsistence whale hunt.

A discussion of resolutions reached during this consultation process and any unresolved conflicts shall be included in the exploration plan or the development and production plan. In particular, the lessee shall show in the plan how mobilization of the drilling unit and crew and supply boat routes will be scheduled and located to minimize conflicts with subsistence activities. Communities, individuals, and other entities who were involved in the consultation shall be identified in the plan.

The lessee shall send a copy of the exploration plan or development and production plan to the potentially affected whaling communities and the Alaska Eskimo Whaling Commission at the same time they are submitted to the lessor to allow concurrent review and comment as part of the lessor's plan approval process.

Subsistence whaling activities occur generally during the following periods:

April to June: Barrow whalers use lead systems off Point Barrow and west of Barrow in the Chukchi Sea. Wainwright whalers use lead systems between Wainwright and Peard Bay.

August to October: Kaktovik/Nuiqsut hunters use the area circumscribed from Anderson Point in Camden Bay to a point 30 kilometers north of Barter Island to Humphrey Point east of Barter Island. The area of use may extend from Thetis Island to Flaxman Island seaward of the barrier islands.

September to October: Barrow hunters use the area circumscribed by a western boundary extending approximately 15 kilometers west of Barrow, a northern boundary 50 kilometers north of Barrow, then southeastward to a point about 50 kilometers off Cooper Island, with an eastern boundary on the east side of Dease Inlet. Occasional use may extend eastward as far as Cape Halkett.

14. Information to Lessees.

(a) Affirmative Action Requirements. Revision of Department of Labor regulations on affirmative action requirements for Government contractors (including lessees) has been deferred, pending review of those regulations (see Federal Register of August 25, 1981, at 46 FR 42865 and 42968). Should changes become effective at any time before the issuance of leases resulting from this sale, section 18 of the lease form (Form MMS-2005, March 1986) would be deleted from leases resulting from this sale. In addition, existing stocks of the affirmative action forms contain language that would be superseded by revised regulations at 41 CFR 60-1.5(a)(1) and 60-1.7(a)(1). Submission of Form MMS-2032 (June 1985) and Form MMS-2033 (June 1985) will not invalidate an otherwise acceptable bid, and the revised regulations' requirements will be deemed to be part of the existing affirmative action forms.

(b) Navigation Safety. Operations on some of the blocks offered for lease may be restricted by designation of fairways, precautionary zones, anchorages, safety zones, or traffic separation schemes established by the U.S. Coast Guard pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.), as amended. U.S. Army Corps of Engineers permits are required for construction of any artificial islands, installations, and other devices permanently or temporarily attached to the seabed located on the OCS in accordance with section 4(e) of the OCS Lands Act, as amended.

(c) Oil Spill Cleanup Capability. Exploratory drilling, testing, and other downhole activities may be prohibited in broken ice conditions unless the lessee demonstrates to the RSFO the capability to detect, contain, clean up, and dispose of spilled oil in broken ice. The adequacy of such oil spill response capability will be determined within the Best Available and Safest Technologies requirements, and will be considered at the time that oil spill contingency plans are reviewed. The adequacy of these plans will be determined by the RSFO prior to approval of exploration or development and production plans.

(d) Offshore Pipelines. Lessees are advised that the Department of the Interior and the Department of Transportation have entered into a Memorandum of Understanding, dated May 6, 1976, concerning the design, installation, operation, and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

(e) Exploration Plans For 10-Year Leases. For blocks identified as having lease terms with an initial period of 10 years, bidders are advised that pursuant to 30 CFR 250.34-1(a)(3), the lessee shall submit to the MMS either an exploration plan or a general statement of exploration intention prior to the end of the ninth lease year.

(f) Bird and Marine Mammal Protection. Lessees are advised that during the conduct of all activities related to leases issued as a result of this sale, the lessee and its agents, contractors, and subcontractors will be subject to, among other laws, the provisions of the Marine Mammal Protection Act (MMPA) of 1972, as amended; the Endangered Species Act (ESA) of 1973, as amended; and International Treaties.

Lessees and their contractors should be aware that disturbance of wildlife could be determined to constitute harm or harassment and thereby be in violation of existing laws. With respect to endangered species, disturbance could be determined to constitute a "taking" situation in violation of the ESA. Under the ESA, the term "take" has been defined to mean "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." Violations under these acts and treaties may be reported to the National Marine Fisheries Service (NMFS) or the U.S. Fish and Wildlife Service (FWS), as appropriate.

Of particular concern is disturbance at major wildlife concentration areas including bird colonies, marine mammal haulout and breeding areas, and wildlife refuges and parks. Maps locating and identifying major wildlife concentration areas in the lease area are available from the RSFO. Lessees are also encouraged to confer with the FWS and NMFS in planning transportation routes between support bases and leaseholdings.

Behavioral disturbance of most birds and mammals found in or near the lease area would be unlikely if aircraft and vessels maintained at least a 1-mile horizontal distance and aircraft maintained at least a 1,500-foot vertical distance above known or observed wildlife concentration areas, such as bird colonies and marine mammal haulout and breeding areas.

For the protection of endangered whales and marine mammals throughout the lease area, it is recommended that all aircraft operators maintain a minimum 1,500-foot altitude when in transit between support bases and exploration sites. Lessees and their contractors are encouraged to minimize or reroute trips to and from the leasehold by aircraft and vessels when endangered whales are likely to be in the area. Human safety should take precedence at all times over these recommendations.

(g) Areas of Special Biological and Cultural Sensitivity. Lessees are advised that certain areas are especially valuable for their concentrations of marine birds, marine mammals, fishes, or other biological resources. Identified areas and time periods of special biological sensitivity include the following: (1) the lead system off Point Barrow, April-June; (2) the salt marshes from Kogru Inlet to Smith Bay, June-September; (3) Plover Islands, June-September; (4) the Boulder Patch in Stefansson Sound, June-October; (5) the Camden Bay area (especially the Nuvugag and Kaninniivik hunting sites), January, April-September, November; (6) the Canning River Delta, January-December; (7) Barter Island - Demarcation Point area, January-December; (8) the Colville River Delta, January-December; and (9) Cross, Pole, Egg, and Thetis Islands, June-September.

These areas are among areas of special biological sensitivity to be considered in the oil spill contingency plan section of Alaska OCS Order No. 7. Lessees are advised that they have the primary responsibility for identifying these areas in their oil spill contingency plans and for providing specific protective measures. Additional areas of special biological and cultural sensitivity may be identified during review of exploration plans and development and production plans.

Consideration should be given in oil spill contingency plans as to whether use of dispersants is an appropriate defense in the vicinity of an area of special biological or cultural sensitivity. Lessees are advised that prior approval must be obtained before dispersants are used.

(h) Arctic Peregrine Falcon. Lessees are advised that the arctic peregrine falcon (Falco peregrinus tundrius) is listed as threatened by the U.S. Department of the Interior and is protected by the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.).

Peregrines are generally present in Alaska from mid-April to mid-September and are most disturbed by human activities in the vicinity of nest sites. The conduct of OCS exploration or development and production activities will not conflict with arctic peregrine falcons if onshore facilities are located away from known nest sites. The lessee should contact the FWS for information on locations of known nest sites of peregrine falcons. Aircraft should maintain at least a 1-mile horizontal and 1,500-foot vertical distance from known or potential peregrine nest sites to avoid conflict.

Lessees are advised that the FWS will review exploration plans and development and production plans submitted by lessees to the MMS. The FWS review may determine that certain restrictions could apply to further protect arctic peregrine falcon habitats. Lessees and affected operators should establish regular communication with MMS and FWS. Human safety should take precedence over these recommendations at all times.

(i) Beaufort Sea Biological Task Force. In the enforcement of the Protection of Biological Resources stipulation, the RSFO will receive recommendations from the Beaufort Sea Biological Task Force (BTF) composed of designated representatives of the MMS, FWS, NMFS, and the Environmental Protection Agency. Personnel from the State of Alaska and local communities are

invited and encouraged to participate in the proceedings of the BTF. The RSFO will consult with the Beaufort Sea BTF on the conduct of biological surveys by lessees and the appropriate course of action after surveys have been conducted.

(j) Coastal Zone Management. Lessees are advised that the Alaska Coastal Management Program (ACMP) may contain policies and standards which are relevant to exploration and development and production activities associated with leases resulting from this sale. In addition, the North Slope Borough Coastal Management Program (NSB CMP) has been adopted by the State and will become part of the ACMP upon approval of the U.S. Department of Commerce. The NSB CMP contains more specific policies related to energy facility siting; areas with particular geologic hazards, subsistence uses, habitats, and transportation uses; and areas which have historic or prehistoric resources. Relevant policies are applicable to ACMP consistency reviews of postlease activities. Early consultation and coordination with those involved in coastal management review are encouraged.

(k) Endangered Whales and MMS Monitoring Program. Lessees are advised that the MMS intends to continue its areawide endangered whale monitoring program in the Beaufort Sea during exploration activities. The program will gather information on whale distribution and abundance patterns and will provide additional assistance to determine the extent, if any, of adverse effects to the species.

The MMS will perform an environmental review for each proposed exploration plan and development and production plan, including an assessment of cumulative effects of noise on endangered whales. Should the review conclude that activities described in the plan will be a threat of serious, irreparable, or immediate harm to the species, the RSFO will require that activities be modified, or otherwise mitigated before such activities would be approved.

Lessees are further advised that the RSFO has the authority and intends to limit or suspend any operations, including preliminary activities, as defined under 30 CFR 250.34-1(a)(1), on a lease whenever bowhead whales are subject to a threat of serious, irreparable, or immediate harm to the species. Should the information obtained from MMS or lessees' monitoring programs indicate that there is a threat of serious, irreparable, or immediate harm to the species, the RSFO will require the lessee to suspend operations causing such effects, in accordance with 30 CFR 250.12. Any such suspensions may be terminated when the RSFO determines that circumstances which justified the ordering of suspension no longer exist. Notice to Lessees No. 86-2 specifies performance standards for preliminary activities.

Incidental takings of depleted marine mammals are only allowed when the statutory requirements of the MMPA and the ESA are met and Letters of Authorization (as contained in section 101(a)(5) of the MMPA and section 7(b)(4)(C) of the ESA) are obtained from the NMFS. Activities that are likely to "take" depleted marine mammals will be subject to these regulatory requirements.

Information regarding endangered whales will be reviewed annually by the MMS in consultation with the NMFS, and the State of Alaska until it is determined that annual reviews are no longer necessary. The sources of information include: the MMS monitoring program; the industry site-specific monitoring required by stipulation No. 4 (including data obtained within 90 days of completion of a

drilling season); pertinent results of the MMS environmental studies and other applicable information. The purpose of the review will be to determine whether existing mitigating measures adequately protect the endangered whales. Should the review indicate the threat of serious, irreparable, or immediate harm to the species, the MMS will take action to protect the species, including the possible imposition of a seasonal drilling restriction, or other restrictions if appropriate.

(1) Development and Production Phase Consultation with NMFS to Avoid Jeopardy to Bowhead Whales. The MMS has been advised by the NMFS that, based on currently available information and technology, NMFS believes that development and production activities in the spring lead systems used by bowhead whales in the western part of the lease sale area along the Chukchi Sea coast and extending to the northeast of Pt. Barrow would likely jeopardize the continued existence of the bowhead whale population. The NMFS has advised that they will reconsider this conclusion when new information, technology and/or measures become available or are proposed that would effectively eliminate or otherwise mitigate this potential jeopardy situation. Lessees are advised that specific options, alternatives, and/or mitigating measures may be developed for production and development activities during MMS consultation with NMFS as new information or technology is developed for specific development plans, but that the possibility exists that development and production on leases in this area may be constrained or precluded.

15. OCS Orders. Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Alaska OCS Orders, and any other applicable OCS Orders. Final Alaska OCS Orders were published in the Federal Register at 47 FR 47180, on October 22, 1982.

16. Jurisdiction. The United States claims exclusive mineral resource jurisdiction over the area offered. Canada claims such jurisdiction over a portion of the area. Blocks in the area of differing claims are listed in paragraph 12(a) of this Notice. Nothing in this Notice shall affect or prejudice in any manner the position of the United States with respect to the nature or extent of the internal waters of the territorial sea, of the high seas, or of sovereign rights or jurisdiction for any purpose whatsoever.

For any block or bidding unit in the area of U.S.-Canada difference, the procedure for bid acceptance will be different from procedures otherwise identified in this Notice. After the MMS completes its bid adequacy review, it will notify bidders of the results of this review. If a bid is found inadequate, it will be rejected and the bidder's deposit will be returned with interest, as prescribed in 30 CFR 218.155. If a bid is found adequate, the bidder will be so notified; however, this notification will not constitute acceptance of the bid. No bid will be accepted until the United States determines that this is in its best interest to do so. At such time as it is so determined, the authorized officer will promptly accept the bid and require the bidder to execute the lease, pay the remaining 4/5th bonus and the first year's rental by electronic fund transfer (EFT), and file a bond, as prescribed in 30 CFR 256.47(f). The remaining 4/5th bonus and the first year's rental payment must be made by EFT using the procedures described in paragraph 10. The Federal Reserve Bank of New York must receive the EFT payment no later than noon, Eastern Standard Time, on the eleventh business day after receipt

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of the notice of bid acceptance. The term "business day" is defined as a day on which the Alaska Regional Office is open for business.

At such time as the United States may determine that it will not be in its best interest to accept a bid, MMS shall reject such bids within the area of U.S.-Canada difference and refund the deposit with interest. Interest will accrue and be paid in accordance with 30 CFR 218.155. In any event, if the authorized officer does not accept the bid within 5 years after the date on which bids are opened, the bidder may elect, by notice delivered to the United States within 60 days after expiration of the 5-year period, to withdraw the bid. If the bid is withdrawn, the deposit and accrued interest will then be refunded promptly to the bidder. Authority for the procedure in this paragraph is in 30 CFR 218.155, 256.46(b), and 256.47(e)(2). Except as set forth in this paragraph, the procedures for submitting bids and awarding leases are the same as for all other blocks or bidding units offered in this sale.

Director, Minerals Management Service

Wm. D. Bettenberg

Approved:

Assistant Secretary - Land and Minerals Management

James E. Cason

2/10/88

Date

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Outer Continental Shelf
Beaufort Sea

Notice of Leasing Systems, Sale 97

Section 8(a)(8) (43 U.S.C. 1337(a)(8)) of the Outer Continental Shelf Lands Act (OCSLA) requires that, at least 30 days before any lease sale, a Notice be submitted to the Congress and published in the Federal Register:

1. identifying the bidding systems to be used and the reasons for such use; and

2. designating the tracts to be offered under each bidding system and the reasons for such designation.

This Notice is published pursuant to these requirements.

1. Bidding system to be used. In the Outer Continental Shelf (OCS) Sale 97, blocks will be offered under the following bidding system as authorized by section 8(a)(1) (43 U.S.C. 1337(a)(1)): bonus bidding with a fixed 12 1/2-percent royalty.

a. Bonus Bidding with a 12 1/2-Percent Royalty. This system is authorized by section (8)(a)(1)(A) of the OCSLA. It has been chosen for all blocks proposed for the Beaufort Sea (Sale 97) because these blocks are expected to have high exploration, development, and production costs.

Department of the Interior analyses indicate that the minimum economically developable discovery on a block in such high-cost areas under a 12 1/2-percent royalty system would be less than for the same blocks under a 16 2/3-percent royalty system. In addition, the lower royalty rate system is expected to encourage more rapid production and higher economic profits. It is not anticipated, however, that the larger cash bonus bid associated with a lower royalty rate will significantly reduce competition, since the higher costs for exploration and development are the primary constraints to competition.

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2. Designation of Blocks. All blocks in this lease sale will be offered under a 12 1/2-percent royalty system because that system is most appropriate to the resource levels and costs expected in this sale area.

Wm. D. Bettenberg

Director, Minerals Management Service

Wm. D Bettenberg

Approved:

James E. Cason

Acting Assistant Secretary - Land and Minerals Management

James E Cason

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Federal Register

Vol. 53, No. 29

Friday, February 12, 1988

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LIST OF PUBLIC LAWS

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S.J. Res. 196/Pub. L. 100-243

To designate February 4, 1988, as "National Women in Sports Day." (Feb. 9, 1988; 102 Stat. 3; 2 pages) Price: $1.00

S.J. Res. 201/Pub. L. 100-244

To designate January 28, 1988, as "National Challenger Center Day" to honor the crew of the space shuttle Challenger. (Feb. 9, 1988; 102 Stat. 5; 1 page) Price: $1.00

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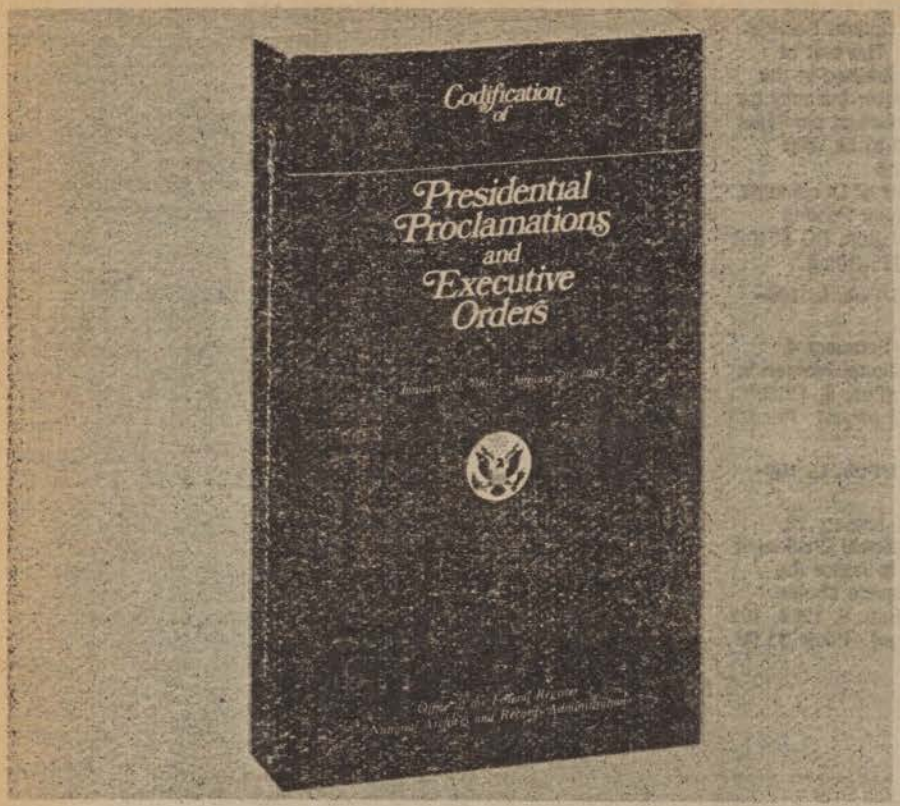

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