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Wednesday
February 4, 1987

Briefings on How To Use the Federal Register—
For information on briefings in Portland, OR, Los Angeles, CA, San Diego, CA, and Houston, TX, see announcement on the inside cover of this issue.

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WHAT IT IS AND HOW TO USE IT

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

WHO: The Office of the Federal Register.

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

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

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

PORTLAND, OR

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

Portland **503–221–2222**
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WHEN: February 18; at 1:30 pm.
WHERE: Room 8544, Federal Building, 300 N. Los Angeles Street, Los Angeles, CA.
RESERVATIONS: Call the Los Angeles Federal Information Center, 213–894–3800

SAN DIEGO, CA

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

HOUSTON, TX

WHEN: March 10; at 9 am.
WHERE: Room 4415, Federal Building, 515 Rusk Avenue, Houston, TX.
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Houston **713–229–2552**
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Presidential Documents

Title 3—

The President

Proclamation 5605 of February 2, 1987

National Poison Prevention Week, 1987

By the President of the United States of America

A Proclamation

Accidental poisonings, in which children swallow medicines or household chemicals, continue to be a tragic public health problem in our country. Since the first National Poison Prevention Week, in 1962, our Nation's yearly death toll has dropped by more than 80 percent. But even as we rejoice in this progress, we resolve to redouble our efforts to reduce the number and severity of childhood poisonings.

The National Center for Health Statistics reports that in 1984, the most recent year reported, 64 children died after accidentally swallowing household chemicals or medicines. And the American Association of Poison Control Centers in 1984 received more than 360,000 reports of ingestion of poison by children under five.

Thankfully, a number of organizations, private and public, continue to do a great deal to stop these accidents. The Poison Prevention Week Council coordinates a national network of health, safety, business, and voluntary groups to increase public awareness. The United States Consumer Product Safety Commission administers the Poison Prevention Act and requires child-resistant closures on many products that are potentially dangerous to children. The Poison Control Centers throughout our land provide emergency first aid information if poisonings occur. And many State and local health departments, hospitals, pharmacies, cooperative extension agents, and others conduct poison prevention programs. We can be most grateful for the caring and concern shown by these Americans.

To encourage the American people to learn more about the dangers of accidental poisonings and to take more preventive measures, the Congress, by joint resolution approved September 26, 1961 (75 Stat. 681), has authorized and requested the President to issue a proclamation designating the third week of March of each year as "National Poison Prevention Week."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate the week beginning March 15, 1987, as National Poison Prevention Week. I call upon all Americans to observe this week by participating in appropriate ceremonies and events.

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

Ronald Reagan

[FR Doc. 87-2352
Filed 2-2-87; 2:52 pm]
Billing code 3195-01-M

Presidential Documents

Executive Order 12582 of February 2, 1987

Naturalization Requirements Exceptions for Aliens and Non-Citizen Nationals of the United States Who Served in the Grenada Campaign

By the authority vested in me as President by the Constitution and laws of the United States of America, including Section 1440 of Title 8, United States Code, and in order to provide expedited naturalization for aliens and non-citizens who served in the Armed Forces in the Grenada campaign, it is hereby ordered as follows:

For the purpose of determining qualification for the exceptions from the usual requirements for naturalization, the period of Grenada military operations in which the Armed Forces of the United States were engaged in armed conflict with a hostile foreign force commenced on October 25, 1983, and terminated on November 2, 1983. Those persons serving honorably in active-duty status in the Armed Forces of the United States during this period, in the Grenada campaign, are eligible for naturalization in accordance with the statutory exceptions to the naturalization requirements, as provided in Section 1440(b) of Title 8, United States Code. Qualifying active-duty service includes service conducted, during this period, on the islands of Grenada, Carriacou, Green Hog, and those islands adjacent to Grenada in the Atlantic Seaboard where such service was in direct support of the military operations in Grenada. Qualifying active-duty service during this period also includes service conducted in the air space above Grenada, in the adjacent seas where operations were conducted, and at the Grantly Adams International Airport in Barbados.

Ronald Reagan

THE WHITE HOUSE,
February 2, 1987.

[FR Doc. 87-2353
Filed 2-2-87; 2:53 pm]
Billing code 3195-01-M

Rules and Regulations

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 870, 871, 872, 873, and 890

Federal Employees Group Life Insurance and Health Benefits Programs, Underdeductions of Premiums

AGENCY: Office of Personnel Management.

ACTION: Final regulations.

SUMMARY: The Office of Personnel Management (OPM) is adopting previously proposed regulations on the Federal Employees' Group Life Insurance (FEGLI) and the Federal Employees Health Benefits (FEHB) Programs. These regulations clarify a Federal agency's responsibilities when the agency discovers that it failed to deduct life or health insurance withholdings required by law from salary, annuity, or workers compensation disbursements to an insured individual.

EFFECTIVE DATE: March 6, 1987.

FOR FURTHER INFORMATION CONTACT: Bonnie Rose, (202) 632–4634.

SUPPLEMENTARY INFORMATION: On July 15, 1986, OPM published two proposed regulations in the **Federal Register** (51 FR 25532–25534; technical corrections published at 51 FR 28576, August 8, 1986) concerning a Federal agency's obligation under the FEGLI and FEHB laws to submit all required employee and agency premium contributions to OPM for deposit in the respective program trust funds. Both of these proposed regulations specified that when an agency discovers that it deducted less than or none of the applicable FEGLI or FEHB withholdings from an insured individual's pay, annuity, or workers compensation payments, the paying agency must promptly remit an amount equal to the uncollected withholdings to OPM. The agency's remittance must reach OPM no later than 60 calendar days after determination that an underdeduction exists.

By express provision, these regulations will not interfere with agency authority (under 5 U.S.C. 5584 or other applicable statute) to waive any overpayment of pay, annuity, or workers compensation resulting from underdeduction of FEGLI or FEHB withholdings in lieu of recovery from the affected individual. However, the regulations advise that, regardless of whether or when the agency recovers FEGLI or FEHB underdeductions from the program enrollee, the agency is obliged to forward to OPM the full amount due the respective program trust fund within the prescribed 60-day period.

OPM received four comments on the proposed regulations. Comments from two insurance companies that participate in the FEHB Program fully supported the clarification of agency responsibilities concerning underdeductions.

An individual expressed concern about the financial burden that retroactive adjustment of premium underdeductions would impose on retirees with limited incomes. However, as explained previously, these regulations will not interfere with established agency authority to waive overpayments of pay, annuity, or workers compensation under prescribed conditions. The civil service retirement law (5 U.S.C. 8346(b)), for example, provides that: "Recovery of [annuity] payments . . . may not be made from an individual when, in the judgment of the Office of Personnel Management, the individual is without fault and recovery would be against equity and good conscience." Even if the facts in a particular case lead to a finding that the individual is obligated to repay an overpayment of retirement benefits, the retirement debt collection regulations (5 CFR 831.1305(c)) permit installment payments to ease the financial burden.

Finally, an employing agency commented that the proposed regulations refer to "administrative error" without defining the term and also questioned what source of funds is available for paying insurance deductions not yet collected from insured individuals. The term "administrative error" appears only in the summary of the proposed regulations. The Supplementary Information section further explains that the proposed regulations concern agency failure to properly deduct insurance withholdings required by law from agency payments to insured individuals so that an "underdeduction" results. The regulatory text defines the term "underdeduction" and explains agency responsibilities in this regard. Accordingly, we do not believe that a further definition is required.

As to the source of funding for retroactive insurance deductions, the General Accounting Office (GAO) has consistently held that underdeductions of Federal employee contributions for retirement or group insurance results in an overpayment of salary, which is subject to waiver under 5 U.S.C. 5584; for example, see Comptroller General decisions B–212154 and B–202201. In determining whether there has been an overpayment of pay, GAO focuses on the *net* salary received by the individual. Thus, even though the gross pay may have been correct, underdeductions can result in salary overpayment. The source of funds for agency use in forwarding underdeductions of individual insurance withholdings is the same as that used for salary or benefit payments to the individual. Agencies must subsequently determine whether recovery of salary or benefit overpayments may be waived under applicable law.

Finally, OPM is further revising the introductory text in § 890.101(a) for greater clarity.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they concern administration of Federal employee benefits.

List of Subjects

5 CFR Parts 870, 871, 872, and 873

Administrative practice and procedure, Government employees, Life insurance, Retirement.

5 CFR Part 890

Administrative practice and procedure, Claims, Government

employees, Health insurance, Retirement.

Office of Personnel Management.

James E. Colvard,

Deputy Director.

Accordingly, OPM is amending 5 CFR Parts 870, 871, 872, 873, and 890 as follows:

1. The authority citation for Parts 870, 871, 872, and 873 continues to read as follows:

Authority: 5 U.S.C. 8716.

PART 870—BASIC LIFE INSURANCE

2. Section 870.103 is amended to alphabetically add the definition of "underdeduction" to read as follows:

§ 870.103 Definitions.

* * * * *

"Underdeduction" means a failure to withhold the required amount of life insurance deductions from an individual's pay, annuity, or compensation. This definition includes both nondeductions (when none of the required amount was withheld) and partial deductions (when only part of the required amount was withheld). Withholdings are not required while an individual is in a nonpay status; therefore, the nonpayment of premiums in this instance does not result in an underdeduction.

3. In § 870.401, paragraph (h) is revised and paragraph (i) is added to read as follows:

§ 870.401 Withholdings and contributions.

* * * * *

(h) When an agency withholds less than or none of the proper amount of basic life insurance deductions from an individual's pay, annuity, or compensation, the agency must submit an amount equal to the sum of the uncollected deductions and any applicable agency contributions required under section 8708 of Title 5, United States Code, to OPM for deposit to the Employee's Life Insurance Fund.

(i) The deposit to OPM as described in paragraph (h) of this section must be made as soon as possible but no later than 60 calendar days after the date the employing office determines the amount of the underdeduction that has occurred, regardless of whether or when the underdeduction is recovered by the agency. A subsequent agency determination whether to waive collection of an overpayment of pay caused by failure to properly withhold life insurance deductions shall be made in accordance with 5 U.S.C. 5584 as implemented by 4 CFR Chapter I, Subchapter G, unless the agency involved is excluded from application of 5 U.S.C. 5584, in which case any applicable authority to waive the collection may be used.

PART 871—STANDARD OPTIONAL LIFE INSURANCE

4. In § 871.401, paragraph (g) is revised and paragraph (h) is added to read as follows:

§ 871.401 Withholdings.

* * * * *

(g) When an agency withholds less than or none of the proper cost of optional life insurance from an individual's pay, annuity, or compensation, the agency must submit an amount equal to the uncollected deductions required under section 8714a of Title 5, United States Code, to OPM for deposit to the Employees' Life Insurance Fund.

(h) The deposit to OPM as described in paragraph (g) of this section must be made as soon as possible but no later than 60 calendar days after the date the employing office determines the amount of the underdeduction that has occurred, regardless of whether or when the underdeduction is recovered by the agency. A subsequent agency determination whether to waive collection of an overpayment of pay shall be made in accordance with 5 U.S.C. 5584 as implemented by 4 CFR Chapter I, Subchapter G, unless the agency involved is excluded from application of 5 U.S.C. 5584, in which case any applicable authority to waive the collection may be used.

PART 872—ADDITIONAL OPTIONAL LIFE INSURANCE

5. In § 872.401, paragraph (g) is revised and paragraph (h) is added to read as follows:

§ 872.401 Withholdings.

* * * * *

(g) When an agency withholds less than or none of the proper cost of additional optional life insurance from an individual's pay, annuity, or compensation, the agency must submit an amount equal to the uncollected deductions required under section 8714b of Title 5, United States Code, to OPM for deposit to the Employees' Life Insurance Fund.

(h) The deposit to OPM as described in paragraph (g) of this section must be made as soon as possible but no later than 60 calendar days after the date the employing office determines the amount of the underdeduction that has occurred, regardless of whether or when the underdeduction is recovered by the agency. A subsequent agency determination whether to waive collection of an overpayment of pay caused by failure to properly withhold life insurance deductions shall be made in accordance with 5 U.S.C. 5584 as implemented by 4 CFR Chapter I, Subchapter G, unless the agency involved is excluded from application of 5 U.S.C. 5584, in which case any applicable authority to waive the collection may be used.

PART 873—FAMILY OPTIONAL LIFE INSURANCE

6. In § 873.401, paragraph (e) is revised and paragraph (f) is added to read as follows:

§ 873.401 Withholdings.

* * * * *

(e) When an agency withholds less than or none of the proper cost of family optional life insurance from an individual's pay, annuity, or compensation, the agency must submit an amount equal to the uncollected deductions required under section 8714c of Title 5, United States Code, to OPM for deposit in the Employee's Life Insurance Fund.

(f) A deposit to OPM as described in paragraph (e) of this section must be made as soon as possible but no later than 60 calendar days after the date the employing office determines the amount of the underdeduction that has occurred, regardless of whether or when the underdeduction is recovered by the agency. A subsequent agency determination whether to waive collection of an overpayment of pay caused by failure to properly withhold life insurance deductions shall be made in accordance with 5 U.S.C. 5584 as implemented by 4 CFR Chapter I, Subchapter G, unless the agency involved is excluded from application of 5 U.S.C. 5584, in which case any applicable authority to waive the collection may be used.

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

7. The authority citation for Part 890 is revised to read as follows:

Authority: 5 U.S.C. 8913; § 890.102 also issued under 5 U.S.C. 1104 and sec. 3(5) of Pub. L. 95-454, 92 Stat. 1112; § 890.301 also issued under 5 U.S.C. 8905(b); § 890.302 also issued under 5 U.S.C. 8901(5) and 5 U.S.C. 8901(9); § 890.701 also issued under 5 U.S.C. 8902(m)(2); Subpart H also issued under Title I of Pub. L 98-615, 98 Stat. 3195; Title II of Pub. L. 99-251, 100 Stat. 20.

8. Section 890.101 is amended as follows:

a. By removing the paragraph designations (a)(2) through (a)(12).

b. By revising the introductory text of paragraph (a) to read as set forth below and by removing paragraph (a)(1).

§ 890.101 Definitions; time computations.

(a) In this part, the terms "annuitant," "carrier," "employee," "employee organization," "former spouse," "health benefits plan," "member of family," and "service," have the meanings set forth in section 8901 of Title 5, United States Code, and supplement the following definitions:

§ 890.101 [Amended]

c. The paragraph designations in the definition of "foster child" are redesignated as paragraphs (1) and (2).

d. The following definitions are alphabetically added to read as follows:

"Compensation" means compensation under Subchapter I of Chapter 81 of Title 5, United States Code, which is payable because of a job-related injury or disease.

"Compensationer" means an employee or former employee who is entitled to compensation and whom the Department of Labor determines is unable to return to duty. A compensationer is also an annuitant for purposes of Chapter 89 of Title 5, United States Code.

"OWCP" means the Office of Workers' Compensation Programs, U.S. Department of Labor, which administers Subchapter I of Chapter 81 of Title 5, United States Code.

"Underdeduction" means a failure to withhold the required amount of health benefits contributions from an individual's pay, annuity, or compensation. This definition includes both nondeductions (when none of the required amounts was withheld) and partial deductions (when only part of the required amount was withheld). Though FEHB contributions are required to cover a period of nonpay status, the nonpayment of contributions during such period does not result in an underdeduction.

3. In § 890.502, paragraphs (d) and (e) are added to read as follows:

§890.502 Employee withholdings and contributions.

* * * * *

(d) An agency that withholds less than or none of the proper health benfits contributions from an individual's pay, annuity, or compensation must submit an amount equal to the sum of the uncollected deductions and any applicable agency contributions required under section 8906 of Title 5, United States Code, to OPM for deposit in the Employees Health Benefits Fund.

(e) The deposit to OPM as described in paragraph (d) of this section, must be made as soon as possible but no later than 60 calandar days after the date the employing office determines the amount of the underdeduction that has occurred, regardless of whether or when the underdeduction is recovered by the agency. A subsequent agency determination whether to waive collection of the overpayment of pay caused by failure to properly withhold employee health benefits contributions shall be made in accordance with 5 U.S.C. 5584 as implemented by 4 CFR Chapter I, Subchapter G, unless the agency involved is excluded from application of 5 U.S.C. 5584, in which case any applicable authority to waive the collection may be used.

[FR Doc. 87-2049 Filed 2-3-87; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 51

United States Standards for Grades of Seed Potatoes

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action revises the voluntary U.S. Standards for Grades of Seed Potatoes

The Potato Association of America, a trade association, requested that the standards be revised to bring them in line with current agricultural and marketing practices. The Agricultural Marketing Service (AMS) has the responsibility, in cooperation with industry, to develop and improve standards of quality, condition, quantity, grade, and packaging in order to encourage uniformity and consistency in commercial practices.

EFFECTIVE DATE: March 6, 1987.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Mizelle, Fresh Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-2188.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Departmental Regulation 1512-1 and Executive Order 12291 and has been designated as "nonmajor." It will not result in an annual effect of $100 million or more. There will be no major increase in cost or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. It will not result in significant effects on competition, employment, investments, productivity, innovations, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Administrator of AMS has determined that this action will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601), because this action revises the U.S. Standards for Grades of Seed Potatoes to coincide more closely with current State certification and industry marketing practices. Compliance with these standards will not impose substantial direct economic costs, recordkeeping, or personnel workload changes on small entities, and will not alter the market share or competitive position of such entities vis-a-vis large businesses. In addition, these standards are voluntary, and individual seed potato producers need not have their potatoes certified under these standards.

On July 23, 1986, a proposed rule inviting public comment on several changes in the U.S. Standards for Grades of Seed Potatoes was published in the **Federal Register** (51 FR 26390). The proposal requires blue tags to be attached to containers of certified U.S. No. 1 Seed Potatoes. The tags would identify the size, grower, class, and other information. In addition, the proposal provided less restrictive tolerances for factors not affecting seed quality, more definitive terms for specific defects, and methods of scoring such defects.

The 60-day comment period ended September 22, 1986, and 49 comments were received. All but two of the comments were in favor of the proposed changes. One commentor, representing the Maine seed potato industry, expressed opposition to several of the proposed changes as well as the impact these changes could have on the Maine seed potato industry.

He opposed the requirement that seed potato containers have a blue tag attached showing information as to variety, grower, crop year, etc. When the proposal was being developed, the Certification Section of the Potato Association of America requested that blue tags be a requirement in the revised standards in an effort to develop national uniformity, and because most

States already use blue tags to identify their top grade. Although this standard requires that a blue tag be used to show the required information, it does not prevent a State from printing other information (disease levels, etc.) on this tag or adopting other color coding methods. For example, a State may require a shipper to attach an additional tag of another color or to apply a colored label to the blue tag (provided the required information is not covered).

The commentor from Maine also opposed the establishment of a definition of "damage by soil" and allowing 25 percent of a potato's surface to be caked with soil as part of that definition. A comment indicated that allowing this much soil may hide defects on the potato's surface and would reduce the efficacy of treatment to control tuber-borne pathogens.

In response to these comments the agency is making a change in the final rule. In addition to the "damage by soil" definition, a definition for "fairly clean" was added to permit a lot of seed potates to be reported as being cleaner than the grade requires.

The agency decided to retain the standard of "damage by soil" at the proposed level to allow for national uniformity for the U.S. No. 1 Grade. Some potato-producing areas have heavy soil which clings to harvested seed potatoes. A stricter standard for soil damage might preclude seed potatoes from these areas from qualifying for U.S. No. 1 Grade certification.

The commentor from Maine opposed the change in tolerance for undersized potatoes from 3 to 5 percent by weight (§ 51.3002(b)(1)). The standard which had been in effect allowed for 3 percent for potatoes in any lot which failed to meet the required or specified minimum size except that 5 percent would be allowed when the minimum size specified is 2¼ inches or more in diameter or 5 ounces or more in weight. The Certification Section of the Potato Association of America recommended that a single tolerance level be established for undersized potatoes regardless of the minimum size or weight specified. The agency agrees with this recommendation because a single tolerance level should reduce possible sources of confusion for potato purchasers. The agency also believes that this change is not so large as to significantly reduce the quality of the grade.

The two commentors offered various objections to changes on the tolerance regarding damage by sprouts, damage by soil, vascular ring discoloration, and percentage allowed for other grade defects (§ 51.3002 (a)(4)). However, they offered no reasons for these objections. The tolerances as proposed met with the overwhelming approval of commentors, and the agency will adopt the tolerances as proposed.

Two commentors representing the Certification Section were in favor of the revision but asked that the defects be categorized by causes, as originally requested, rather than by alphabetical order, as proposed. Since this does not change the content of the standard and there is no compelling need to require listing in alphaetical order, this change has been made in the final rule.

All U.S. grade standards are developed and revised at the specific request of industry and with their support. The grade standards should serve as a common trading language so that the industry can uniformly market the commodity. The comments received by USDA indicates general support for these changes.

List of Subjects in 7 CFR Part 51

Fresh fruits, vegetables, and other Products (Inspection, Certification, and Standards)

PART 51—[AMENDED]

Accordingly, 7 CFR Part 51 is amended as follows:

1. The authority citation for 7 CFR Part 51 continues to read as follows:

Authority: Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended, [7 U.S.C. 1622–1624].

2. Subpart—United States Standards for Grades of Seed Potatoes and the table of contents thereof is revised to read as follows:

Subpart—United States Standards for Seed Potatoes

Subpart—United States Standards for Seed Potatoes

§ 51.3000 General.

Compliance with the provisions of these standards shall not excuse failure to comply with provisions of applicable Federal or State Laws

§ 51.3001 Grade.

"U.S. No. 1 Seed Potatoes" consist of unwashed potatoes identified as certified seed by the state of origin by blue tags fixed to the containers or official State or Federal State certificates accompanying bulk loads, which identify the variety, size, class, crop year, and grower or shipper of the potatoes, and the State certification agency. These potatoes must meet the following requirements:

(a) Fairly well shaped.

(b) Free from:

(1) Freezing injury;

(2) Blackheart;

(3) Late Blight Tuber Rot;

(4) Nematode or Tuber Moth injury;

(5) Bacterial Ring Rot;

(6) Soft rot or wet breakdown; and,

(7) Fresh cuts or fresh broken-off second growth.

(c) Free from serious damage caused by:

(1) Hollow Heart; and,

(2) Vascular ring discoloration.

(d) Free from damage by soil and any other cause. (See § 51.3005–06).

(e) Size:

(1) Minimum diameter, unless otherwise specified, shall not be less than 1–1/2 inches (38.1 mm) in diameter;

(2) Maximum size, unless otherwise specified, shall not exceed 3–1/4 inches (82.6 mm) in diameter or 12 ounces (340.20 g) in weight.

(f) Tolerance. (See § 51.3002).

§ 51.3002 Tolerances.

In order to allow for variations incident to proper grading and handling in the foregoing grade, the following tolerances, by weight, are provided as specified.

(a) For defects:

(1) 10 percent for potatoes in any lot which are seriously damaged by hollow heart;

(2) 10 percent for potatoes in any lot which are damaged by soil;

(3) 5 percent for potatoes in any lot which are seriously damaged by vascular ring discoloration;

(4) 11 percent for potatoes which fail to meet the remaining requirements of the grade including therein not more than 6 percent for external defects and not more than 5 percent for internal defects: Provided, that included in these tolerances not more than the following percentages shall be allowed for the defects listed:

	Percent
Bacterial Ring Rot	0.00
Serious damage by dry or moist type Fusarium Tuber Rot	2.00
Late Blight Tuber Rot	1.00
Nematode or Tuber Moth injury	0.00
Varietal mixture	0.25

	Percent
Frozen, soft rot or wet breakdown	0.50

Provided, that en route or at destination, an additional 0.50 percent, or a total of 1 percent, shall be allowed for potatoes which are frozen or affected by soft rot or wet breakdown.

(b) For off-size:

(1) For undersize: 5 percent for potatoes in any lot which fail to meet the required or specified minimum size.

(2) For oversize: 10 percent for potatoes in any lot which fail to meet the required or specified maximum size.

§ 51.3003 Application of tolerances.

Individual samples (See § 51.3004) shall not have more than double the tolerances specified, except that at least one defective and one off-size potato may be permitted in any sample; Provided, that en route or at destination, one-tenth of the samples may contain three times the tolerance permitted for potatoes which are frozen or affected by soft rot or wet breakdown; and provided further, that the averages for the entire lot are within the tolerances specified for the grade.

§ 51.3004 Samples for grade and size determination.

Individual samples shall consist of at least 20 pounds (9.06 kg). The number of such individual samples drawn for grade and size determination will vary with the size of the lot.

§ 51.3005 Definitions.

(a) "Fairly well shaped" means that the potato is not materially pointed, dumbbell-shaped or otherwise materially deformed.

(b) "Nematode or Tuber Moth injury" means the presence of, or any evidence of, Nematode or Tuber Moth.

(c) Soil:

(1) "Fairly clean" means that at least 90 percent of the potatoes in the lot have no more than 10 percent of the surface covered with caked soil.

(2) "Damage by soil" means that cake soil covers more than 25 percent of a potato's surface.

(3) "Loose soil"—A lot of seed potatoes is not considered damaged by the presence of loose soil, clods, rocks, vines, and foreign material, but such will be considered a tare factor if the following allowances are exceeded:

8 ounces (226.80 g) in a 100 pound (45.3 kg) container.
4 ounces (113.40 g) in a 50 pound (22.65 kg) container.
2 ounces (56.70 g) in a 25 pound (11.33 kg) container or less.
1 percent in a bulk load

(d) "Shriveling"—Damage by shriveling means that the individual potato is more than moderately shriveled, spongy or flabby.

(e) "Freezing injury" means that the potato is frozen or shows evidence of having been frozen.

(f) "Soft rot or wet breakdown" means any soft, mushy or leaky condition of the tissue.

(g) "Zero Tolerance" (0.00) means none found during the normal inspecting procedures. Certification of a lot is not a guarantee that the lot inspected is free of a zero tolerance disease or injury.

(h) "Damage" means any defect or any combination of defects which materially detracts from the internal or external appearance of the potato, or any external or internal defect which cannot be removed without a loss of more than 5 percent of the total weight of the potato (See § 51.3006).

(i) "Serious damage" means any defect or any combination of defects which seriously detracts from the internal or external appearance of the potato, or any internal or external defect which cannot be removed without a loss or more than 10 percent of the total weight of the potato (See § 51.3006).

(j) "External defects" are defects which can be detected by examining the surface of the potato. Cutting may be required to determine the extent of the injury (See § 51.3006, Table I).

(k) "Internal defects" are defects which cannot be detected without cutting the potato (See § 51.3006, Table II).

(l) "Permanent defects" are defects which are not subject to change during storage or shipment.

(m) "Condition defects" are defects which may develop or change during storage or shipment.

§ 51.3006 Classification of defects.

(a) Brown discoloration following skinning, dried stems, flattened depressed areas (showing no underlying flesh discoloration), greening, skin checks and sunburn do not affect seed quality and shall not be scored against the grade.

(b) *Table I—External Defects.*

x—indicates method of scoring unless otherwise noted.

Defect	Damage		
	When materially detracting from the appearance of the potato	or	When removal causes a loss of more than 5 percent of the total weight of the potato.
Air cracks			x
Bruises			x
Cuts and broken-off second growth (healed)	x		x
Elephant hide (scaling)	x		
Enlarged, discolored or sunken lenticels	x		
Folded ends	x		
Second growth	x		
Shriveling	When more than moderately shriveled, spongy, or flabby.		
Sprouts	When more than 20 percent of the potatoes in any lot have any sprout more than 1 inch (25.4 mm) in length.		
Surface cracking	x		x
Flea Beatle injury	x		x
Grub damage	x		x
Rodent and/or bird damage	x		x
Wireworm or grass damage	Any hole more than ¾ inch (19.1 mm) long or when the aggregate length of all holes is more than 1¼ inches (31.8 mm) [1].		
Dry rots			x
Rhizoctonia	x		

Defect	Damage		
	When materially detracting from the appearance of the potato	or	When removal causes a loss of more than 5 percent of the total weight of the potato.
Scab, pitted	x		x
Scab, russet	When affecting more than ⅓ of the surface.		
Scab, surface	When affecting more than 5 percent of the surface.		
Silver Scurf	When affecting more than 25 percent of the surface.		
Growth cracks	When seriously detracting from the appearance.		
Pressure bruises and sunken areas—with underlying flesh discolored.			When removal causes a loss of more than 10 percent of the total weight.

[1] Definitions of damage and serious damage are based on potatoes that are 2½ inches (63.5 mm) in diameter or 6 ounces (170.10 g) in weight. Correspondingly lesser or greater areas are permitted on smaller or larger potatoes.

(c) *Table II—Internal Defects.*

Defect	Damage		
	When materially detracting from the appearance of the potato	or	When removal causes a loss of more than 5 percent of the total weight of the potato
Ingrown sprouts			Dx
Internal discoloration occurring interior to the vascular ring (such as, Internal Brown Spot, Mahogany Browning and Heat Necrosis.).	When more than the equivalent of three scattered light brown spots ⅛ inch (3.2 mm) in diameter [1].		
All other internal discoloration *excluding* discoloration confined to the vascular ring.			

[1] Definitions of damage and serious damage are based on potatoes that are 2-½ inches (63.5 mm) in diameter or 6 ounces (170.10 g) in weight. Correspondingly lesser or greater areas are permitted on smaller or larger potatoes.

Defect	Serious damage		
	When seriously detracting from the appearance of the potato.	or	When removal causes a loss of more than 10 percent of the total weight of the potato.
Internal Discoloration confined to the vascular ring..		x	
Hollow Heart or Hollow Heart with discoloration.	When affected area exceeds that of a circle ¾ inch (19.1 mm) in diameter. [1]		

[1] Definitions of damage and serious damage are based on potatoes that are 2-½ inches (63.5 mm) in diameter or 6 ounces (170.10 g) in weight. Correspondingly lesser or greater areas are permitted on smaller or larger potatoes.

Done in Washington, DC on January 30, 1987.

William T. Manley,

Deputy Administrator, Marketing Programs.

[FR Doc. 87-2255 Filed 2-3-87; 8:45 am]

BILLING CODE 3410-02-M

Food and Nutrition Service

7 CFR Parts 271, 272, 273, 275, and 276

[Amendment No. 266]

Food Stamp Program; Performance Reporting System

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rulemaking.

SUMMARY: This rule contains final regulations for the Food Stamp Program to implement various changes to the requirements that State agencies and the Food and Nutrition Service (FNS) must meet regarding administration, conducting management evaluation (ME) reviews, data analysis and evaluation, corrective action, and reporting as part of the Performance Reporting System (PRS). Proposed regulations were publsihed in the **Federal Register** of August 29, 1985. Comments on the proposal were solicited through October 28, 1985. This final rulemaking takes the comments received into account. The result of implementing these changes will be to simplify the PRS and reduce workloads and costs. Several changes have been made to the Quality Control (QC) System.

DATE: These rules are effective March 6, 1987.

FOR FURTHER INFORMATION CONTACT: Thomas O'Connor, Supervisor, State Management Section, Administration and Design Branch, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, USDA Alexandria, Virginia 22302, (703) 756-3385.

SUPPLEMENTARY INFORMATION:

Classification

Executive Order 12291

The final rule has been reviewed under Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been classified "not major." The rule will not have an annual effect on the economy of $100 million or more, nor

is it likely to result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. Because this rule would not affect the business community, it would not result in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-base enteriprises in domestic or export markets.

Executive Order 12372

The Food Stamp Program is listed in the Catalog of Federal Domestic Assistance under No. 10.551. For the reasons set forth in the Final Rule Related Notice to 7 CFR 3015 Subpart V (48 FR 29115), this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Regulatory Flexibility Act

This rule was also reviewed with regard to the requirements of Pub. L. 96–354, and Robert E. Leard, Administrator of the Food and Nutrition Service, has certified that it will not have a significant economic impact on a substantial number of small entities. The rule implements various changes to simplify the PRS. State agencies should experience a reduction in workloads and costs.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the reporting and recordkeeping provisions that are included in this rule were approved by the Office of Management and Budget (OMB) under control number 0584–0010 (through 12/31/88).

Background

This preamble addresses the changes made to the proposed rule and the controversial provisions that were not changed. There were 46 comment letters received on the proposed rule. Since the explanation of many of the provisions of the final rule are set forth in the proposed rule, it may be necessary to refer to the publication for a full understanding of these provisions.

PRS Coordinator

There was overwhelming support for eliminating the PRS Coordinator position and the "full-time" requirement. We have done so. In addition, we are eliminating the requirement that State designate an organizational entity wthin the State structure to be responsible for corrective action. (§ 275.2(a))

Alternate Review Schedule and Reduction of Routine Reviews

Current regulations contain strict timetables for the frequency of State agency reviews of projects area operations based on the size of the project area. The proposed regulation introduced the concept of the "alternate review schedule" which would allow State agencies to obtain permission from FNS to do fewer routine reviews of project areas with few or minimal problems. By doing this, State agencies could concentrate time and resources on reviews of project areas with known problems.

In general, there was broad support of the concept of the alternate review schedule. Many commenters felt, however, that some of the proposed rules were still too restrictive to allow the most efficient targeting. Although the proposed rules did not allude to or redefine the size of small, medium, and large project areas, a significant number of comment letters suggested that we should have, because this was the simplest way to give State agencies a reduction of routine reviews. Most commenters felt the numerical values for the three project area sizes were too small. The current requirement that all project areas must be reviewed every three years came under the most intense criticism. It was argued that this still forces State agencies to do more frequent routine reviews than are necessary for project areas with good performances, and for which State agencies have well-developed performance measurement systems of their own. The proposal to drop the "70%" rule which requires more frequent reviews for State agencies where more than 70% of project areas are small was met with approval.

Based on the comments, the Department had decided to make several changes in this area. The final rule will: (1) Drop the "70%"' rule and (2) adjust the size of project areas. Small project areas are redesignated as those with 2,000 or fewer households, medium 2,001–15,000, and large 15,001 and up. Despite the criticism by those who wished to extend the three year limits, FNS felt it was necessary to retain the minimum review frequency at three years in order not to lose program control. (It should be noted however, that a State agency with exceptional circumstances could request a formal waiver of this regulation, but those are not encouraged and would require more rigorous justification than for an alternate schedule).

The concepts of targeting and the alternate review schedule go hand in hand to allow State agencies and FNS to redirect their resources to areas with known deficiencies. FNS does not intended that these provisions be used to reduce the level of commitment of State agency resources to PRS activities, nor to discourage the occasional conducting of full reviews. FNS regional offices may occasionally conduct a full "top to bottom" State agency operations review (SAOR) of State agencies in their region. State agencies are also encouraged to conduct occasional full SAORs for the same reasons as indicated above. It should be emphasized that the above actions are optional, i.e., allowable but not required. (§ 275.5)

State Selection of a Representative Number of Subunits for Review

The proposed regulations would have deleted the detailed rules that specify how to select subunits for review. This proposal was intended to keep State agencies from being tied to performing a specific number of reviews and in a rigidly prescribed manner.

All comments on this proposed provision were positive. Therefore, this rule adopts the provision from the propoal. (§ 275.7)

Targeting

The proposal to provide for reviews to be performed only on targered aspects of program operation—as selected by FNS annually—instead of on all aspects, received widespread enthusiastic support. No change in the wording of the proposed rule will be made. However, it is necessary to clear up a misunderstanding regarding the yearly targets provided by FNS. The FNS regional offices do not have the authority to exempt review of specific yearly national targets; however the "review" does not need to be a physical on-site review and analysis of a target area if the State agency has in place an effective objective performance measurement system which is periodically validated. A brief report providing the data obtained from the State agency's performance measurement system would constitute sufficient "review action" on that national target. (§ 275.8)

Announcing Annual Program Targets

Under the targeting approach discussed above it was proposed that national target be provided to State agencies by FNS 60 days prior to the beginning of the review period (the Federal fiscal year). However, one

commenter made the point that we are setting the same deadline (60 days before beginning of fiscal year) for both ME review schedules and for provision of the yearly targets. They argued that a State agency needs to have the yearly targets in hand and study them for some time before finalizing their ME review schedule for the coming review period. We agree. Consequently, the regulation has been changed. National targets for each upcoming fiscal year will be announced at least 90 days prior to the beginning of the fiscal year. This will mean that State agencies will have 30 days to review national targets before the due date for the review schedule. Targets for fiscal year 1987 are now in effect. (§ 275.8)

Additional Target Areas

The proposed regulations indicated that FNS may impose additional areas for review during the fiscal year in addition to the list of targeted areas announced prior to the beginning of the fiscal year. All comments recieved on this item were critical. The fear was that FNS would impose large numbers of additional target areas throughout the fiscal year, making State agency adherence to their review schedule difficult.

The intent of this section was not to create a channel for the adding of large numbers of new target areas, but to provide a mechanism that would allow the Department to meet new priorities or unforeseen problems during the fiscal year. Because of the necessity to have this flexibility, the Department is retaining the provision. However, it has been modified in several ways. First, the Department adopted one State agency's suggestion that State agencies be given a 60-day implementation period before they were responsible for beginning actual review of a newly mandated area. Seconds, the FNS national office will impose additional national target areas during a fiscal year only for deficiencies of national scope. While a regional office is authorized to require State agencies to review additional areas in addition to the national targets, this will be done only when these areas are directly related to deficiencies in a particular program area in that State. A regional office cannot, because of a deficiency in one State agency, establish a blanket requirement that all state agencies in that region add this program area as an additional targeted area of review. (§ 275.8)

Elimination of Specific Review Procedures

The proposed regulation eliminated the required detailed review method procedures in the current regulations. Almost all comments were positive. The proposed regulation will not be changed. However, State agencies wishing to continue using the current detailed procedures may do so. (§ 275.9)

Prior Approval of Review Methodologies/Formats/Requirements by FNS

One commenter felt that prior FNS approval should be necessary for Methodologies, Formats, or Plan Requirements to emphasize uniformity among State agencies. This suggestion was not accepted as it runs counter to the admninistrative direction of the other provisions of the rule. (§ 275.9)

Elimination of FNS Approval of State Corrective Action Plans

The requirement that State Corrective Action Plans be approved in advance by FNS was proposed to be eliminated. Response to this proposal was mixed though more were in favor than opposed. Among those favoring the proposed rule, it was the feeling that this provision would eliminate some of the paperwork and enable them to more quickly get to work on performing the required corrective actions, thus saving valuable time and resources that would otherwise be spent on obtaining or waiting for Federal approval. Of those that disliked the proposal, the basic argument was that FNS was going back on its responsibility to insure that programs were operated in the best way possible. One State agency made the specific point that FNS, because it had knowledge of large numbers of corrective action plan initiatives in other State agencies, was in the best possible position to estimate whether a State agency's corrective action plan might succeed—or whether a different approach was known to be more effective. A number of commenters wanted to retain FNS approval responsibility for general "compliance" issues, but eliminate FNS approval for QC-related corrective action items. The Department carefully considered the arguments raised by the commenters and decided to retain the language of the proposed rule. Thus, State agencies' corrective action plans (CAPs) will no longer need to be approved in advance by FNS.

There seemed to be some concern on the part of commenters that the elimination of the requirement that State agencies obtain approval of their CAP's would mean a withdrawal of FNS from the corrective action process. This is not the intention of the rule nor of FNS. State agencies' CAPs will still be reviewed by FNS. If a State agency wants an FNS regional office to review and comment on its CAP, it may request such action. Even if such a request is not made, any shortcomings discovered by FNS will be pointed out to State agencies. Suggestions for changes based on regional office knowledge of the success or failure of other State agencies confronted with similar problems will continue to be made. (§ 275.17)

Definition of a Statewide Trend

The proposed rule solicited comment on a possible revision of the current definition of "Statewide trend." Currently this term is defined as a deficiency occurring in a significant number, usually 25 percent, of the State agency's project areas/management units. The term had been included to define the concept of a widespread or systemic problem that needed addressing at a level above the single project area or management unit. It was a way to differentiate between deficiencies, indicating which warranted State agency and FNS attention and which should be left at the local level for handling. With the change to a targeting approach to doing reviews, this differentiation is no longer needed. Therefore, the term "Statewide trend" is dropped from the rules. Likewise, the term "patterns of errors", included in the rules for similar reasons, is also being dropped. (In addition, the reference in the rules to deficiencies resulting from State agency causal factors was dropped. It was felt that this provision was redundant.) (§ 275.16(b))

Frequency of State Corrective Action Plan Update

Currently, State agencies are required to submit changes to their CAPs because of a newly discovered deficiency within 60 days of the discovery. This requirement ensured that State agencies reacted quickly to newly discovered problems as well as ensured that FNS was appraised of them. The proposed rule would have changed this procedure. The proposal dropped the requirement for "non-cyclical" reporting and substituted a procedure requiring periodic reports. By making this change, the constant flow of paperwork characteristic of the current system would be ended. In its place, a more easily tracked and managed report would be sent in at regular intervals.

This proposal met with a mixed reaction from commenters. Most commenters agreed with the proposal, believing that the cycling of information into periodic reports eased the reporting burden. A few disagreed, preferring the ability to go ahead and focus attention

on particular problems and sending in the necessary reports as the problems arose.

The proposed rule, in putting forth the concept of periodic updates as an alternative, solicited comments on what frequency of the updates should be. Some suggested "periodic updates" should be no more often than yearly, an equal number favored twice yearly. Only a few favored updates more often than twice yearly.

The final regulation requires CAP updates semiannually, to be received by FNS by May 1st and November 1st. The update will include followups on items previously submitted and corrective actions for deficiencies discovered since the last submission. FNS retains the authority to require immediate reporting of any *specific* CAP when necessary. Deficiencies needing immediate attention as discovered in individual audits or reviews should continue to be handled on a prompt basis. Wording to this effect in the introductory paragraph to § 275.3, which was inadvertently deleted, will be restored. (§ 275.17)

No Corrective Action Plan Needed To Implement Regulations

The proposed rule required that an initial Corrective Action Plan be provided to FNS within 90 days after publication of the rule. All commenters were negative about this requirement pointing out there was insufficient rationale for requiring an initial CAP. Each State agency already has a fully functional CAP, updates are made on a periodic basis, and none of the proposed rules taken singly or as a unit would change anything that would trigger a need for a new CAP. Requiring such a CAP was seen as a step backwards in the effort to eliminate unnecessary paperwork and out of conformity with the general direction of the rule. Therefore, the requirement for an initial CAP has been dropped.

Quality Control

The Department proposed several changes to the quality control portion of the PRS regulations. Nineteen State and local agencies and FNS regional offices commented on these proposed changes. Most commenters supported the changes concerning: (1) Deleting FNS validation of the active case error rate; (2) excluding disaster cases from the negative universe; (3) changing the submittal dates for the forms FNS–247 and FNS–248; (4) correcting § 275.25(d)(2) to say "prior fiscal year" instead of "applicable period"; and (5) correcting § 275.25(d)(2) to say "less than five percent" instead of "five percent or less". Therefore, in this rule, the Department is making the changes as proposed. In addition, we are adding a provision stating that the validation review of each State agency's underissuance error rate shall occur as a result of the Federal validation of the State agency's payment error rate. This revises the provision stating that the validation review of each State agency's underissuance error rate shall occur as a result of the Federal validation of the State agency's active case error rate.

The Department proposed to add a clarifying statement to § 275.3(c) which provided for FNS validation reviews against the Food Stamp Act and the regulations, taking into account any FNS-authorized waivers to deviate from specific regulatory provisions. Seven commenters opposed this provision either because they felt that reviews should be conducted against State policy or because timeframes for regulatory implementation are too short for State agencies to accomplish. As was discussed in the preamble of the proposed rule, this provision is being placed in the regulations at § 275.3(c) solely to emphasize that Federal reviews will meet the same standards as State reviews. State agencies are already required by § 275.10 of the regulations to conduct reviews against the standards established in the Food Stamp Act and the regulations, taking into account any FNS-authorized waivers. This provision is discussed in the preamble of the final rule on February 17, 1984 at 49 FR 6294. The Department has kept the provision as proposed.

The Department also proposed to require that a State agency determine a household ineligible if the household refuses to cooperate with a Federal quality control reviewer. Seven commenters supported the proposal; two were opposed. Several commenters requested clarification about the status of the quality control case. When the Federal reviewer refers a household for termination from the program for refusal to cooperate, the reviewer would continue to try to complete the case. The case would be determined complete or incomplete depending on whether the Federal reviewer was able to complete the case without the household's cooperation.

One commenter was concerned that the household's rights were not addressed. The household has the right to request a fair hearing for a termination for refusal to cooperate with a Federal reviewer just as the household has for any other negative action. FNS will assist the State agency in the hearing process.

Two commenters pointed out that the timeframes in § 273.2(d)(2) were not compatible with the Federal review timeframes as Federal reviews are still being conducted more than 95 days after the end of the annual review period. We have revised § 273.2(d)(2) to provide appropriate timeframes for refusal to cooperate with Federal reviews.

The Department has also revised § 273.2(d)(2) to refer to the verification provisions of the regulations (§ 273.2(f)) and added a provision to the mandatory verification rules specifying the verification requirements for households that refused to cooperate with State or Federal QC reviewers.

In addition, we have corrected two typographical errors in §§ 275.11(b)(1)(ii) and 275.12(c).

FNS Right To Start a Sanction Even When State Has Addressed a Deficiency in Their CAP

Only two comment letters address this issue (both against). One commenter suggested that FNS should wait until after evaluation of a State agency's CAP before starting a sanction. This has been the usual procedure in the past and will likely be the method adopted for most issues. However, FNS determined it was necessary to have authority to begin the warning process immediately where past State agency performance has been poor or the deficiency is serious. Therefore, the provisions has been retained. (§ 275.17(d))

Review Periods

A number of comment letters indicated that there was confusion as to what period of time the "review period" covered. Although some concluded that the review period was erquivalent to the Federal fiscal year (which is correct) they felt that it should be equivalent to the State fiscal or budget year in those State agencies where these varied from the Federal. In response, it must be noted that the Food Stamp Act requires that QC reviews be done on Federal fiscal year schedule. Therefore, no change was made. (§ 275.8(a))

SAORS for State Agencies With Under 5 Percent Error

One commenter proposed that State agencies with error rates under 5 percent be exempt from SAORS. This was accepted since SAORS are not only for review of functions which affect the QC error rate but also for other operational functions as well.

Division of Corrective Action Plans into Separate QC and Compliance Issue CAPs and Related Issues

A number of commenters suggested that there should be two separate CAPs, one for QC issues and one for all other "operational" or compliance issues. According to the commenters, the reasons to do this is that the sources of information for the two areas as well as the action required are distinctly different. The Department seriously examined this suggestion but decided it would be confusing to require two separate CAPs. However, if it would be useful as an internal organizational aid, State agencies may divide a single CAP into two sections, one dealing strictly with issues directly related to the QC error rate, and one related to all other operational management compliance issues. This might possibly assist in organizing CAPs, particularly when different divisions in State agencies have separate responsibilities for each aspect of the total plan. A related issue was raise whether a State agency with an error rate under 5 percent needs to prepare a CAP at all. No change was made in this provision. The rules still require a CAP form those State agencies since assumedly there could be some compliance issue needing attention. However, because of the low error rate, QC-related issues may not need to be addressed in such a CAP.

Miscellaneous Minor Changes

On the following issues, the majority of comments were highly favorable and the proposed regulation language will be retained intact: (1) Deletion of requirements to use error prone profiles and certain QC results, and (2) the change in the frequency of Federal ME reviews from annual to biennial. (§ 275.3)

The following minor changes have been made in response to comments received: (1) The rquirements for requesting an alternate schedule have been simplified (§ 275,.5(b)(2)), (2) non-discrimination reviews may continue, at State agency option, to be addressed through the ME process (§ 275.9(b)(1)(iv), and (3) "GAO and Contract Audits" will be added to the list of sources of findings in § 275.16.

Implementation

Within 30 days after the date of publication of this rule, all State agencies shall have converted from the old PRS to the new system based on this rule. All waivers and review schedules for Fiscal Year 1987 shall remain in force for the remainder of this fiscal year. Any State agency that wishes may request a change in its waivers or review schedules in order to implement earlier than Fiscal Year 1988. One commenter raised the issue of existing waivers and their applicability, particularly in regard to targeting, once the new regulaitons are in effect. Most waivers that have been granted for ths fiscal year will become moot upon publication of this rule. This is especially true of the targeting waivers. However, there may be some small differences between these rules and some current waivers. Rather than cause all State agencies to reapply for waivers to maintain these small differences, the Department has decided to consider all waivers in effect until the end of this fiscal year. If a State agency wishes to cease following an approved waiver procedure before then, it should notify its Regional office of the change it wants to make and negotiate a timeframe for making the change.

The first periodic Corrective Action Plan update due to FNS under this rule shall be submitted by May 1, 1987. This should cover all outstanding deficiencies in the State agencies' operations.

List of Subjects

7 CFR Part 271

Administrative practice and procedure, Food Stamps, Grant programs—social programs

7 CFR Part 272

Alaska, Civil rights, Food stamps, Grant programs—social programs, Reporting and recordkeeping requirements.

7 CFR Part 273

Administrative practice and procedure, Aliens, Claims, Food stamps, Fraud, Grant programs—social programs, Penalties, Reporting and recordkeeping requirements, Social Security, Students.

7 CFR Part 275

Administrative practice and procedure, Food stamps, Reporting and recordkeeping requirements.

7 CFR Part 276

Administrative practice and procedure, Food stamps, Fraud, Grant programs—social programs, Penalties.

Accordingly, Parts 271, 272, 273, 275, and 276 are amended as follows:

1. The authority citation for Parts 271, 272, 273, 275, and 276 continues to read as follows:

Authority: 91 Stat. 958 (7 U.S.C. 2011–2029).

PART 271—GENERAL INFORMATION AND DEFINITIONS

2. In § 271.2, the definitions of "Large project area", "Medium project area", and "Small project area", are revised to read as follows:

§ 271.2 Definitions.

* * * * *

"Large project area" means those project areas/management units with monthly active caseloads of more than 15,000 households based on the most current information available at the time the large project area review schedule is developed.

* * * * *

"Medium project area" means those project areas/management units with monthly active caseloads of 2,001 to 15,000 households based on the most current information available at the time the medium project area review schedule is developed.

* * * * *

"Small project area" means those project areas/management units with monthly active caseloads of 2,000 households or fewer based on the most current information available at the time the small project area review schedule is developed.

* * * * *

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

3. In § 272.1, the first sentences in paragraph (d)(1) and paragraph (d)(2) are revised and a new paragraph (g)(71) is added to read as follows:

§ 272.1 General terms and conditions

* * * * *

(d) *Information Available to the Public.* (1) Federal regulations, Federal procedures embodied in FNS notices and policy memos, State Plans of Operation, and corrective action plans shall be available upon request for examination by members of the public during office hours at the State agency headquarters as well as at FNS regional and national offices. * * *

(2) Copies of regulations, plans of operation, State manuals, State corrective action plans, and Federal procedures may be obtained from FNS in accordance with Part 295 of this chapter.

* * * * *

(g) *Implementation.* * * *

(71) *Amendment No. 266.* The provisions contained in Amendment No. 266 shall be implemented by March 6, 1987.

(i) All Fiscal Year 1987 review schedules shall continue in force despite

the implementation of these provisions. However, a State agency may, at its option, seek a change in that schedule.

(ii) Waivers shall remain in force until their expiration. If a State agency wishes to cancel a waiver it should contact its Regional Office and negotiate whatever change it needs.

(iii) The first periodic Corrective Action Plan update required by this amendment shall be submitted by May 1, 1987.

* * * * *

4. In § 272.2, the eighth sentence is removed from paragraph (a)(2).

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

5. In § 273.2, paragraph (d)(2) is revised, a new paragraph (f)(1)(ix) is added and paragraph (f)(3)(ii) is amended by removing the words "in accordance with § 275.15(a)(2)" from the first sentence. The revision to (d)(2) and the new paragraph (f)(1)(ix), read as follows:

§ 273.2 Application Processing.

* * * * *

(d) *Household cooperation.* * * *

(2) *Cooperation with QC Reviewer.* In addition, the household shall be determined ineligible if it refuses to cooperate in any subsequent review of its eligibility as a part of a quality control review. If a household is terminated for refusal to cooperate with a quality control reviewer, in accordance with § 275.3(c)(5) or § 275.12(g)(1)(ii), the household may reapply, but shall not be determined eligible until it cooperates with the quality control reviewer. If a household terminated for refusal to cooperate with a State quality control reviewer reapplies after 95 days from the end of the annual review period, the household shall not be determined ineligible for its refusal to cooperate with a State quality control reviewer during the completed review period, but must provide verification in accordance with § 273.2(f)(1)(ix). If a household terminated for refusal to cooperate with a Federal quality control reviewer reapplies after seven months from the end of the annual review period, the household shall not be determined ineligible for its refusal to cooperate with a Federal quality control reviewer during the completed review period, but must provide verification in accordance with § 273.2(f)(1)(ix).

* * * * *

(f) *Verification.* * * *

(1) *Mandatory verification.* * * *

(ix) State agencies shall verify all factors of eligibility for households who have been terminated for refusal to cooperate with a State quality control reviewer, and reapply after 95 days from the end of the annual review period. State agencies shall verify all factors of eligibility for households who have been terminated for refusal to cooperate with a Federal quality control reviewer and reapply after seven months from the end of the annual review period.

* * * * *

PART 275—PERFORMANCE REPORTING SYSTEM

6. In § 275.1, the parenthetical expression "(of which the State corrective action plan is a part)" is removed from the last sentence in paragraph (a) and paragraph (b) is revised. The revision to paragraph (b) reads as follows:

§ 275.1 General scope and purpose.

* * * * *

(b) The Food Stamp Act authorizes the Secretary to pay each State agency an amount equal to 50 percent of all administrative costs involved in each State agency's operation of the program. The Act further authorizes the Secretary to increase the share to 60 percent of all administrative costs for State agencies whose combined payment error rate and underissuance error rate is, as determined by quality control, less than five percent and whose negative case error rate is less than the national weighted mean negative case error rate for the prior fiscal year. Those State agencies whose combined payment and underissuance error rates are five percent or more are required to specify and carry out the corrective action which they propose to take to reduce errors.

7. In § 275.2 paragraph (a)(2) is revised as follows:

§ 275.2 State agency responsibilities.

(a) *Establishment of the Performance Reporting System* * * *

(2) The State agency must ensure corrective action is effected at the State and project area levels.

* * * * *

8. In § 275.3, the introductory paragraph is revised. Paragraphs (a), (b), and (d) are revised. Introductory paragraph (c) is revised, the title and introductory paragraph of (c)(1) are revised, paragraph (c)(2) is removed, paragraphs (c)(3), (c)(4), and (c)(5) are redesignated as (c)(2), (c)(3), and (c)(4), respectively, the redesignated paragraph (c)(2) is revised, and a new paragraph (c)(5) is added. The revisions read as follows:

§ 275.3 Federal monitoring.

The Food and Nutrition Service shall conduct the review described in this section to determine whether a State agency is operating the Food Stamp Program and the Performance Reporting System in accordance with program requirements. The Federal reviewer may consolidate the scheduling and conduct of these reviews to reduce the frequency of entry into the State agency. FNS regional offices will conduct additional reviews to examine State agency and project area operations, as considered necessary to determine compliance with program requirements. FNS shall notify the State agency of any deficiencies detected in program or system operations. Any deficiencies detected in program or system operations which do not necessitate long range analytical and evaluative measures for corrective action development shall be immediately corrected by the State agency. Within 60 days of receipt of the findings of each review established below, State agencies shall develop corrective action addressing all other deficiencies detected in either program or system operations and shall ensure that the State agency's own corrective action plan is amended and that FNS is provided this information at the time of the next formal semiannual update to the State agency's Corrective Action Plan, as required in § 275.17.

(a) *Reviews of State Agency's Administration/Operation of the Food Stamp Program.* FNS shall conduct an annual review of certain functions performed at the State agency level in the administration/operation of the program. FNS will designate specific areas required to be reviewed each fiscal year.

(b) *Reviews of State Agency's Management Evaluation System.* FNS will review each State agency's management evaluation system on a biennial basis; however, FNS may review a State agency's management evaluation system on a more frequent basis if a regular review reveals serious deficiencies in the ME system. The ME review will include but not be limited to a determination of whether or not the State agency is complying with FNS regulations, an assessment of the State agency's methods and procedures for conducting ME reviews, and an assessment of the data collected by the State agency in conducting the reviews.

(c) *Validation of State Agency Error Rates.* FNS shall validate each State agency's payment error rate and underissuance error rate, as described in § 275.23(c), during each annual quality control review period. Federal

validation reviews shall be conducted by reviewing against the Food Stamp Act and the regulations, taking into account any FNS-authorized waivers to deviate from specific regulatory provisions. FNS shall validate the State agency's negative case error rate, as described in § 275.23(d), only when the State agency's payment and underissuance error rates for an annual review period appear to entitle it to an increased share of Federal administrative funding for that period as outlined in § 277.4(b)(2), and its reported negative case error rate for that period is less than the national weighted mean negative case error rate for the prior fiscal year. Any deficiencies detected in a State agency's QC system shall be included in the State agency's corrective action plan. The findings of validation reviews shall be used as outlined in § 275.23(e)(6).

(1) *Payment error rate.* The validation review of each State agency's payment error rate shall consist of the following actions: * * *

(2) *Underissuance error rate.* The validation review of each State agency's underissuance error rate shall occur as a result of the Federal validation of the State agency's payment error rate as outlined in paragraph (c)(1) of this section.

* * * * *

(5) *Household cooperation.* Households are required to cooperate with Federal QC reviewers. Refusal to cooperate shall result in termination of the household's eligibility. The Federal reviewer shall follow the procedures in § 275.12(g)(1)(ii) in order to determine whether a household is refusing to cooperate with the Federal QC reviewer. If the Federal reviewer determines that the household has refused to cooperate, as opposed to failed to cooperate, the household shall be reported to the State agency for termination of eligibility.

(d) *Assessment of Corrective Action.* (1) FNS will conduct will conduct a comprehensive annual assessment of a State agency's corrective action process by compiling all information relative to that State agency's corrective action efforts, including the State agency's system for data analysis and evaluation. The purpose of this assessment and review is to determine if: identified deficiencies are analyzed in terms of causes and magnitude and are properly included in either the State or Project Area/Management Unit corrective action plan; the State agency is implementing corrective actions according to the appropriate plan; target completion dates for reduction or elimination of deficiencies are being met; and, corrective actions are effective. In addition, FNS will examine the State agency's corrective action monitoring and evaluative efforts. The assessment of corrective action will be conducted at the State agency, project area, and local level offices, as necessary.

(2) In addition, FNS will conduct on-site reviews of selected corrective actions as frequently as considered necessary to ensure that State agencies are implementing proposed corrective actions within the timeframes specified in the State agency and/or Project Area/Management Unit corrective action plans and to determine the effectiveness of the corrective action. The on-site reviews will provide State agencies and FNS with a mechanism for early detection of problems in the corrective action process to minimize losses to the program, participants, or potential participants.

9. In § 275.5, paragraph (b) is revised and paragraph (c) is removed. The revision reads as follows:

§ 275.5 Scope and purpose.

* * * * *

(b) *Frequency of review.* (1) State agencies shall conduct a review once every year for large project areas, once every two years for medium project areas, and once every three years for small project areas, unless an alternate schedule is approved by FNS. The most current and accurate information on active monthly caseload available at the time the review schedule is developed shall be used to determine project area size.

(2) A request for an alternate review schedule shall be submitted for approval in writing with a proposed schedule and justification. In any alternate schedule, each project area must be reviewed at least once every three years. Approval of an alternate schedule is dependent upon a State agency's justification that the project areas that will be reviewed less frequently than required in paragraph (b)(1) of this section are performing adequately and that previous reviews indicate few problems or that known problems have been corrected. FNS retains the authority for approving any alternate schedule and may approve a schedule in whole or in part. Until FNS approval of an alternate schedule is obtained, the State agency shall conduct reviews in accordance with paragraph (b)(1) of this section.

(3) FNS may require the State agency to conduct additional on-site reviews when a serious problem is detected in a project area which could result in a substantial dollar or service loss.

(4) State agencies shall also establish a system for monitoring those project areas' operations which experience a significant influx of migratory workers during such migrations. This requirement may be satisfied by either scheduling ME reviews to coincide with such migrations or by conducting special reviews. As part of the review the State agency shall contact local migrant councils, advocate groups, or other organizations in the project area to ensure that migrants are receiving the required services.

§ 275.6 [Amended]

10. In § 275.6, paragraph (a) is amended by removing the last two words of the third sentence and substituting "for purposes of frequency of review" and by removing "or sampling requirements" in the last sentence.

11. In § 275.7 paragraphs (b) and (e) are revised and (f) is removed. The revised paragraphs read as follows:

§ 275.7 Selection of sub-units for review.

* * * * *

(b) *Reviewing issuance Offices and Bulk Storage Points.* The issuance office and bulk storage point review required by § 274.1(c)(2) of this chapter may be satisfied through the ME review system.

* * * * *

(e) *Selection of Sub-units for Review.* State agencies shall select a representative number of sub-units of each category for on-site review in order to determine a project area's compliance with program standards.

12. Section 275.8 is revised to read as follows:

§ 275.8 Review coverage.

(a) During each review period, State agencies shall review the national target areas of program operation specified by FNS. FNS will notify State agencies of the minimum program areas to be reviewed at least 90 days before the beginning of each annual review period, which is the Federal fiscal year. FNS may add additional areas during the review period if deemed necessary. The FNS headquarters office will add national target areas during the review period only for deficiencies of national scope. State agencies would have 60 days in which to establish a plan schedule for such reviews.

(b) State agencies shall be responsible for reviewing each national target area or other program requirement based upon the provisions of the regulations governing the Food Stamp Program and the FNS-approved Plan of Operation. If FNS approves a State agency's request

for a waiver from a program requirement, any different policy approved by FNS would also be reviewed. When, in the course of a review, a project area is found to be out of compliance with a given program requirement, the State agency shall identify the specifics of the problem including: the extent of the deficiency, the cause of the deficiency, and, as applicable, the specific procedural requirements the project area is misapplying.

13. In § 275.9, paragraphs (a), (b), and (c) are revised, paragraphs (d), (e), and (f) are removed, and paragraph (g) is redesignated as paragraph (d) and is amended by removing the words "to be approved by FNS,". The revised paragraphs (a), (b), and (c) read as follows:

§ 275.9 Review process.

(a) *Review procedures.* State agencies shall review the program requirements specified for review in § 275.8 of this part using procedures that are adequate to identify problems and the causes of those problems. As each project area's operational structure will differ, State agencies shall review each program requirement applicable to the project area in a manner which will best measure the project area's compliance with each program requirement.

(b) *ME review plan.* (1) State agencies shall develop a review plan prior to each ME review. This review plan shall specify whether each project area is large, medium, or small and shall contain:

(i) Identification of the project area to be reviewed, program areas to be reviewed, the dates the review will be conducted, and the period of time that the review will cover;

(ii) Information secured from the project area regarding its caseload and organization;

(iii) Identification of the certification offices, issuance offices, bulk storage points, reporting points, and data management units selected for review and the techniques used to select them;

(iv) Identification of whether the State agency is using the ME review to monitor coupon issuers and bulk storage points as discussed § 274.1(c)(2). At State agency option it may also indicate whether the State agency is using the ME review process to perform non-discrimination reviews; and

(v) A description of the review method(s) the State agency plans to use for each program area being reviewed.

(2) ME review plans shall be maintained in an orderly fashion and be made available to FNS upon request.

(c) *Review methods.* (i) State agenices shall determine the method of reviewing the program requirements associated with each program area. For some areas of program operation it may be necessary to use more than one method of review to determine it the project area is in compliance with program requirements. The procedures used shall be adequate to identify any problems and the causes of those problems.

(2) State agencies shall ensure that the method used to review a program requirement does not bias the review findings. Bias can be introduced through leading questions, incomplete reviews, incorrect sampling techniques, etc.

* * * * *

14. In § 275.11, paragraph (b)(1)(ii) is amended by replacing, in the table, "59,000" with "59,999" and (f)(2) is amended by redesignating paragraphs (ii) and (iii) as (iii) and (iv), respectively and by adding a new paragraph (ii). The new paragraph (ii) reads as follows:

§ 275.11 Sampling

* * * * *

(f) *Sample Universe.* * * *

(2) *Negative Cases.* * * *

(ii) A household denied food stamps under a disaster certification authorized by FNS;

* * * * *

§ 275.15 [Amended]

15. In § 275.15, pargraph (a)(1) is redesignated as (a), paragraphs (a)(2), (a)(3), and (d) are removed, and paragraphs (e), (f) and (g) are redesignated as (d), (e) and (f) respectively.

16. In § 275.16, paragraph (a) is amended by removing "with FNS approval," and the commas before and after it in the first sentence. Paragraphs (b) and (d) are revised to read as follows:

§ 275.16 Corrective action planning.

* * * * *

(b) The State agency and project area(s)/management unit(s), as appropriate, shall implement corrective action on all identified deficiencies Deficiencies requiring action by the State agency or the combined efforts of the State agency and the project area(s)/management unit(s) in the planing, development, and implementation of corrective action are those which:

(1) Result from evaluation of yearly targets (actions to correct errors in individual cases however, shall not be submitted as part of the State agency's corrective action plan);

(2) Are the cause for combined payment and underissuance error rates of five percent or more for any reporting period (actions to correct errors in individual cases, however, shall not be submitted as part of the State agency's corrective action plan);

(3) Are the causes of other errors/deficiencies detected through quality control, including error rates of 1 percent or more in negative cases (actions to correct errors in individual cases, however, shall not be submitted as part of the State agency's corrective action plan);

(4) Are identified by FNS reviews, GAO audits, contract audits, or USDA audits or investigations at the State agency or project area level (except deficiencies in isolated cases as indicated by FNS); and,

(5) Result from 5 percent or more of the State agency's QC sample being coded "not complete" as defined in § 275.12(g)(1) of this part. This standard shall apply separately to both active and negative samples.

* * * * *

(d) In planning corrective action, the State agency shall coordinate actions in the areas of data analysis, policy development, quality control, program evaluation, operations, administrative cost management, civil rights, and training to develop appropriate and effective corrective action measures.

17. In § 275.17, paragraph (a) is revised and new paragraphs (c) and (d) are added to read as follows:

§ 275.17 State corrective action plan.

(a) State agencies shall prepare corrective action plans addressing those deficiencies specified in § 275.16(b) requiring action by the State agency or the combined efforts of the State agency and the project area(s)/management unit(s). This corrective action plan is an open-ended plan and shall remain in effect until all deficiencies in program operations have been reduced substantially or eliminated. State agencies shall provide updates to their corrective action plans through regular, semiannual updates. These semiannual updates shall be received by FNS by May 1st and November 1st respectively. Such updates must contain:

(1) Any additional deficiencies identified since the previous corrective action plan update;

(2) Documentation that a deficiency has been corrected and is therefore being removed from the plan; and

(3) Any changes to planned corrective actions for previously reported deficiencies.

* * * * *

(c) FNS will provide technical assistance in developing corrective

action plans when requested by State agencies.

(d) State agencies will be held accountable for the efficient and effective operation of all areas of the program. FNS is not precluded from issuing a warning as specified in Part 276 because a deficiency is included in the State agency's corrective action plan.

18. Section 275.20, is revised in its entirety to read as follows:

§ 275.20 ME review schedules.

(a) Each State agency shall submit its review schedule to the appropriate FNS regional office at least 60 days prior to the beginning of the next year's review period (the Federal fiscal year). These schedules must ensure that all project areas/management units will be reviewed within the required time limits. Each schedule shall identify the project areas/management units in each classification and list each project area to be reviewed by month or by quarter. A State agency may submit a request to use an alternate review schedule at any time. The alternate schedule shall not be effective until approved by FNS in accordance with § 275.5(b)(2).

(b) State agencies shall notify the appropriate FNS regional office of all changes in review schedules.

§ 275.21 [Amended]

19. In § 275.21, paragraphs (c) and (d) are amended by replacing "95" with "105".

§ 275.22 [Removed]

§§ 275.23 and 275.25 [Redesignated as §§ 275.22 and 275.23]

20. Section 275.22 is removed. Section 275.23 is redesignated §275.22. Section 275.25 is redesignated § 275.23. In the newly redesignated § 275.23, the word "FNS-approved State manuals" are removed from paragraph (a)(1). The words "active case error rate," are removed from paragraph (d)(1)(i). Finally, in paragraph (d)(2), the words "five percent or less" are replaced with the words "less than five percent" and the words "applicable to the period of enhanced funding" are replaced with the words "for the prior fiscal year".

PART 276—STATE AGENCY LIABILITIES AND FEDERAL SANCTIONS

§ 276.4 [Amended]

21. In § 276.4, the third sentence in the introductory paragraph of (d) and the second sentence in (d)(2) are amended by replacing the words "an FNS-approved" with the word "a".

Dated: January 28, 1987.

Robert E. Leard,

Administrator, Food and Nutrition Service.

[FR Doc. 87-2057 Filed 2-3-87; 8:45 am]

BILLING CODE 3410-30-M

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7 CFR Parts 272 and 273

[Amendment No. 283]

Food Stamp Program; Supplemental Security Income and Social Security Provisions of the Food Security Act of 1985

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule and corrections.

SUMMARY: This action finalizes interim Food Stamp Program regulations which implemented a provision of the Food Security Act of 1985. The interim rule reinforced and strengthened the regulations in regard to Food Stamp Program services in Social Security Administration offices. This rule also corrects typographical errors which appeared in the interim rule.

In addition, this rule corrects two erroneous citations which appeared in an interim rule published August 5, 1986, entitled "Food Stamp Program: Categorical Eligibility for Certain Public Assistance and Supplemental Security Income Recipients". The rule also corrects a typographical error which appeared in a final rule published May 21, 1986, entitled "Food Stamp Program: The Food Security Act of 1985; Nondiscretionary Provisions; Final Rule and Correction".

DATES: This regulation is effective October 1, 1986.

FOR FURTHER INFORMATION CONTACT: If there are any questions, please contact Judith M. Seymour, Supervisor, Certification Rulemaking Section, Eligibility and Monitoring Branch, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, USDA, 3101 Park Center Drive, Room 706, Alexandria, Virginia 22302; (703) 756-3429.

SUPPLEMENTARY INFORMATION:

Classification

Executive Order 12291 and Secretary's Memorandum 1512-1

This rule has been reviewed under Executive Order 12291 and Secretary's Memorandum No. 1521-1. The rule will not result in an annual economic impact of more than $100 million or major increases in costs or prices nor will it have a significant adverse effect on competition, employment, productivity, investment, or foreign trade. Further, the rule is unrelated to the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, the rule has been classified as "nonmajor."

Executive Order 12372

The Food Stamp Program is listed in the Catalog of Federal Domestic Assistance under No. 10.551. For the reasons set forth in the Final Rule and related Notice to 7 CFR 3015 Subpart V (48 FR 29115), this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Regulatory Flexibility Act

This rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (5 U.S.C. 601-612). Robert E. Leard, Administrator of the Food and Nutrition Service, has certified that this action does not have a significant economic impact on a substantial number of small entities. This rule finalizes a provision from the Food Security Act of 1985 which does not represent a major change in application processing or operational policy.

Paperwork Reduction Act

This rulemaking does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Background

Introduction

On June 9, 1986, the Department published interim regulations (51 FR 20793) which implemented amendments made by section 1531 of the Food Security Act of 1985 (99 Stat. 1582, December 23, 1985) that reinforced and strengthened former regulations in regard to Food Stamp Program services in Social Security Administration (SSA) offices. The rule specified that all Title II Social Security applicants/recipients must be informed of the availability of Food Stamp Program benefits and informed of the availability of a simple application to participate in the Program at Social Security Administration (SSA) offices. No processing of the application, as is required for Supplemental Security Income (SSI) applicants, is required for these Title II applicants/recipients

An explanation of the rationale and purposes of this rule was provided in the preamble to the interim rulemaking.

Therefore, a full understanding of the basis of the final rule may require reference to the June 9, 1986, interim rule.

Only one comment (from a State agency) was received on the interim rulemaking. The commenter questioned § 273.2 of the interim regulation which requires that an applicant for or recipient of social security benefits under Title II of the Social Security Act shall be informed of the availability of a Food Stamp Program application at the SSA office. The commenter felt that it is not necessary to stock food stamp applications at SSA offices when an efficient information and referral system between county social service departments and local SSA offices has been developed. It was suggested that States be allowed the alternative of placing information and referral brochures for food stamps in SSA offices. The Department does not agree, because the cited regulation section is nondiscretionary. Section 11(j) of the Food Stamp Act as amended by section 1531(b) of the Food Security Act of 1985 clearly states that the above referenced applicants or recipients "shall be informed of the availability of a simple application to participate * * * at the social security office". It is clear from both the legislation and legislative history that a food stamp application is to be provided in the SSA office.

The commenter further states that distributing combined application forms without proper instructions and screening could possible discourage people from applying for food stamps and, also, that the use of a simplified application could involve costly changes to a computerized application system, as well as being costly to stock. Since, as stated above, the application must be available at SSA offices, the Department believes that State agencies will have to devise means to minimize these problems. Relative to assisting the applicant, although the Act does not require that SSA offices assist households applying for or receiving title II social security benefits in completing food stamp applications, there will be notification available in SSA offices as to where such assistance may be obtained, if there is no outstationed food stamp caseworker at the SSA office. The commenter's second point reflects administrative concerns. The majority of States currently use their own applications and could continue to do so. These State-designed, FNS-approved, applications already fulfill food stamp application requirements. States should review their applications and determine if they meet the description of a simple application. If not, the States can modify their applications in some way, e.g., by shading the food stamp portion or using a brief cover sheet highlighting the food stamp sections. If States make these minor modifications to their applications there should be minimal cost involved, the forms would be easier to fill out and no changes to existing computer systems would be necessary. If a State agency decided not to use its own application form, the other alternative is to use the Application for Food Stamps, Form FNS-385. This form is shorter than most State forms and contains all necessary application information such as eligibility requirements, rights and responsibilities, penalty warnings, etc.

In light of the above alternatives, the Department is not amending the policies established by the interim rule and such policies are being adopted as final by this action.

Implementation

The effective date of this rule is October 1, 1986. This date is specified in the Food Security Act of 1985. There is no special implementation effort required by the State agencies to effectuate this rulemaking.

List of Subjects

7 CFR Part 272

Alaska, Civil rights, Food stamps, Grant programs—Social programs, Reporting and recordkeeping requirements.

7 CFR Part 273

Administrative practice and procedure, Aliens, Claims, Food stamp, Fraud, Grant programs—Social programs, Penalties, Reporting and recordkeeping requirements, Social security, Students.

Accordingly, 7 CFR Parts 272 and 273 are amended as follows:

1. The authority citation for Parts 272 and 273 continues to read as follows:

Authority: 7 U.S.C. 2011–2029.

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

2. The amendment to § 272.1 to add a new paragraph (g)(77), as published at 51 FR 20794, June 9, 1986, contains a typographical error. The reference to "§ 273.2(1)" contained in the new paragraph (g)(77) should read "§ 273.2(l)" and is hereby corrected. As corrected, the amendment is adopted final.

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

3. The amendment published at 51 FR 20794, June 9, 1986, to add a new paragraph to § 273.2 contains typographical errors. The reference to "paragraph (1)" contained in amendatory statement No. 3 should read "paragraph (l)" and the regulatory designation which precede the new paragraph should also read "(l)". These typographical errors are hereby corrected. As corrected, the amendment is adopted final.

4. In FR Doc. 86–11256, appearing at page 18744, Part III, in the issue of May 21, 1986, correct the following typographical error:

§ 272.1 [Corrected]

On page 18750, in the first column under paragraph (g)(76)(iii), the regulatory reference to "§ 273(a)(4)(ii)(B)" should read "§ 273.21(a)(4)(ii)(B)" and is hereby corrected.

5. In FR Doc. 86–17535, appearing at page 28196, Part III, in the issue of August 5, 1986, correct the following typographical errors:

§ 273.2 [Corrected]

a. On page 28202, in the first column, under paragraph (j)(2)(i), the regulatory reference in the last sentence to "§ 273.12(e) (3), (4), and (5)" should read "§ 273.12(f) (3), (4) and (5)" and is hereby corrected.

b. On page 28202, in the second column, under paragraph (k) introductory text, the regulatory reference to "§ 273.2(j)(1)(v)" should read "§ 273.2(j)(1)(iv)" and is hereby corrected.

Dated: January 28, 1987.

Robert E. Leard,

Administrator.

[FR Doc. 87–2056 Filed 2–3–87; 8:45 am]

BILLING CODE 3410-30-M

Agricultural Marketing Service

7 CFR Parts 907, 908, and 929

Expenses and Assessment Rates for Specified Marketing Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule authorizes expenditures and establishes assessment rates under Marketing Orders 907, 908, and 929 for the

respective 1986–87 fiscal year for each order. Funds to administer these programs are derived from assessments on handlers.

EFFECTIVE DATES: November 1, 1986–October 31, 1987 (§§ 907.224, 908.226); September 1, 1986–August 31, 1987 (§ 929.227).

FOR FURTHER INFORMATION CONTACT: Ronald L. Cioffi, Chief, Marketing Order Administration Branch, F&V, AMS, USDA, Washington, DC 20250, telephone (202) 447–5697.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 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 actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act, and rules issued thereunder are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

It is estimated that approximately 123 handlers of California-Arizona Navel Oranges, 115 handlers of California-Arizona Valencia oranges, and 27 handlers of cranberries grown in ten States will be subject to regulation during the course of the current season and that the great majority of these firms may be classified as small entities. While this action may impose some additional costs on handlers, including small entities, the costs are in the form of uniform assessments on all handlers which do not impose a significant economic impact on the small entities involved.

Each marketing order requires that the assessment rate for a particular fiscal year shall apply to all assessable commodities handled from the beginning of such year.

An annual budget of expenses is prepared by each administrative committee and submitted to the Department of Agriculture for approval. The members of administrative committees are handlers and producers of the regulated commodities. This is appropriate because they are familiar with the committees' needs and with the costs for goods, services and personnel in their local area and are thus in a position to formulate an appropriate budget. The budgets are formulated and discussed in public meetings; thus, all directly affected persons have an opportunity to participate and provide input.

The assessment rate recommended by each committee is a derived figure. It is merely applying a rate per unit of the commodity (e.g. per pound, ton, box, carton, etc.), to the estimated production in order to produce income sufficient to pay the committees' expected expenses. Recommended budgets and rates of assessment are usually acted upon by committees shortly before a season starts and expenses are incurred on a continuous basis, therefore budget and assessment rate approvals must be expedited in order that the committees will have funds to pay their expenses.

Based on the foregoing, the Secretary finds that it is impractical and unnecessary to give preliminary notice, engage in public rulemaking procedure and that good cause exists for not postponing the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553).

List of Subjects in 7 CFR Parts 907, 908, and 929.

Marketing agreements and orders.

1. The authority citation for 7 CFR Parts 907, 908, and 929 continues to read as follows:

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

2. New §§ 907.224, 908.226 and 929.227 are added to read as follows (the following sections prescribe annual expenses and assessment rates and will not be published in the Code of Federal Regulations):

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

§ 907.224 Expenses and assessment rate.

Expenses of $1,039,000 by the Navel Orange Administrative Committee are authorized, and an assessment rate of $0.022 per carton of navel oranges is established for the fiscal period ending October 31, 1987. Unexpended funds may be carried over as a reserve.

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

§ 908.226 Expenses and assessment rate.

Expenses of $626,000 by the Valencia Orange Administrative Committee are authorized, and an assessment rate of $0.027 per carton of Valencia oranges is established for the fiscal period ending October 31, 1987. Unexpended funds may be carried over as a reserve.

PART 929—CRANBERRIES GROWN IN STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

§ 929.227 Expenses and assessment rate.

Expenses of $172,500 by the Cranberry Marketing Committee are authorized, and an assessment rate of $0.045 per 100-pound barrel of cranberries is established for the fiscal year ending August 31, 1987. Unexpended funds may be carried over as a reserve.

Dated: January 29, 1987.

Thomas R. Clark,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 87–2169 Filed 2–3–87; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Parts 1030, 1032, 1033, 1036, 1049, and 1050

[Docket Nos. AO–361–A24 et al.]

Milk in The Chicago Regional and Certain Other Marketing Areas; Order Amending Orders

7 CFR Part	Marketing Area	AO Numbers
1030	Chicago Regional	AO–361–A24
1032	Southern Illinois	AO–313–A35
1033	Ohio Valley	AO–160–A55
1036	Eastern Ohio-Western Pennsylvania.	AO–179–A49–R01
1049	Indiana	AO–319–A35
1050	Central Illinois	AO–355–A24

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action amends the plant location adjustments to prices under the Southern Illinois, Ohio Valley, Indiana, and Central Illinois orders based on industry proposals considered at a public hearing held March 12–14, 1986. The location adjustment provisions of the four orders are amended in order to conform with the higher Class I price differentials mandated by the Food Security Act of 1985 and to assure a more proper intra-market alignment of prices. More than two-thirds of the producers in each of the four markets have approved the amended orders.

The hearing in this proceeding reopened an earlier proceeding on proposed amendments to change the location adjustment provisions of the Eastern Ohio-Western Pennsylvania order. Separate documents dealt with the Eastern Ohio-Western Pennsylvania order and the issues related thereto.

This action does not amend the Chicago Regional milk order in that all relevant proposals were withdrawn at the hearing.

EFFECTIVE DATE: April 1, 1987.

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

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

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

Interim Final Decision: Issued June 26, 1986; published July 8, 1986 (51 FR 24677).

Correction to Interim Final Decision: Published July 17, 1986 (51 FR 25896).

Interim Final Rule: Issued July 24, 1986; published July 30, 1986 (51 FR 27152).

Final Decision: Issued December 5, 1986; published December 11, 1986 (51 FR 44611).

Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when the orders were first issued and when they were amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid marketing areas.

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

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

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

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

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

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

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

(3) The issuance of this order amending each of the specified orders is approved by more than the necessary two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

List of Subjects in 7 CFR Parts 1032, 1033, 1049, and 1050

Milk marketing order, Milk, Dairy products.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in each of the specified marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders, as amended, and as hereby further amended, as follows:

1. The authority citation for 7 CFR Parts 1032, 1033, 1049 and 1050 continues to read as follows:

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

PART 1030—MILK IN THE CHICAGO REGIONAL MARKETING AREA

Note.—No amendatory action taken.

PART 1032—MILK IN THE SOUTHERN ILLINOIS MARKETING AREA

2. Section 1032.52 is amended by revising paragraphs (a)(1), (a)(2)(i), (a)(2)(ii), (a)(3), (a)(4), (b) and adding, paragraph (a)(2)(iii) to read as follows:

§ 1032.52 Plant location adjustments for handlers.

(a) * * *

(1) For a plant located within one of the zones designed in § 1032.2, the adjustment shall be as follows:

Zone:	*Adjustment per hundredweight*
Base Zone	No adjustment.
Northern Zone	Minus 17 cents
Southern Zone	Plus 9 cents.

(2) * * *

(i) Plus 9 cents. St. Clair County (Scott Military Reservation, East St. Louis, Centreville, Canteen, and Stites Townships and the city of Belleville only) in the State of Illinois and the counties of Jefferson, St. Charles and St. Louis and the city of St. Louis in the State of Missouri.

(ii) Minus 17 cents. In the counties of Fountain, Parke, Vermillion and Warren in the State of Indiana.

(iii) No location adjustment shall apply at a plant located in the State of Missouri south and east of Interstate Highway 44 that was not in an area described in paragraph (a)(2)(i) of this section.

(3) For a plant located outside the marketing area and the area described in paragraph (a)(2) of this section, the adjustment shall be minus 20 cents for any such plant located 100 miles or more from the city or village limit of Alton, Robinson, or Vandalia, Illinois, whichever is nearest, and minus an additional 2.0 cents for each 10 miles or fraction thereof that such distance exceeds 110 miles.

(4) In determining location adjustments pursuant to this section, mileage shall be based on the shortest hard-surfaced highway distance as determined by the market administrator from the latest Mileage Guide as published by the Household Goods Carrier's Bureau.

(b) For purposes of calculating such adjustment, bulk transfers between pool plants shall be assigned Class I disposition at the transferee-plant only to the extent that 110 percent of Class I disposition at the transferee-plant exceeds the sum of receipts at such plant from producers and handlers described in § 1032.9(c), and the volume

assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to receipts of fluid milk products from pool plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

* * * * *

PART 1033—MILK IN THE OHIO VALLEY MARKETING AREA

3. Section 1033.6 is amended by revising paragraphs (a), (b), (c), and adding (d) and (e) to read as follows:

§ 1033.6 Ohio Valley marketing area.

* * * * *

(a) "Zone 1" shall include the following territory:

Ohio Counties

Fulton, Hancock, Henry, Lucas, Putnam, Sandusky (Woodville and Madison Townships only), Seneca, Wood.

Michigan Counties

Lenawee (Blissfield, Deerfield, Ogden, Palmyra, and Riga Townships only).
Monroe (except Ash, Berlin, Dundee, Exeter, London, and Milan Townships).

(b) "Zone 2" shall include the following territory:

Ohio Counties

Allen, Auglaize, Crawford, Darke, Hardin, Logan, Marion, Mercer, Morrow, Richland, Shelby, Union, Van Wert (city of Delphos only), Wyandot.

(c) "Zone 3" shall include the following territory:

Ohio Counties

Butler, Champaign, Clark, Clinton, Coshocton (except Adams Township), Delaware, Fairfield, Fayette, Franklin, Greene, Guernsey (except Oxford, Londonderry, and Millwood Townships), Hocking, Knox, Licking, Madison, Miami, Montgomery, Morgan, Muskingum, Noble, Perry, Pickaway, Preble, Warren.

(d) "Zone 4" shall include the following territory:

Ohio Counties

Adams, Athens, Brown, Clermont, Gallia, Hamilton, Highland, Jackson, Lawrence, Meigs, Pike, Ross, Scioto, Vinton, Washington.

Kentucky Counties

Boone, Boyd, Bracken, Campbell, Grant, Greenup, Harrison, Kenton, Lewis, Mason, Pendleton, Robertson.

Indiana Counties

Dearborn, Ohio.

West Virginia Counties

Calhoun, Gilmer, Pleasants, Ritchie, Wirt, Wood.

(e) "Zone 5" shall include the following territory:

Kentucky Counties

Floyd, Johnson, Lawrence, Magoffin, Martin, Pike.

West Virginia Counties

Boone, Cabell, Fayette, Jackson, Kanawha, Lincoln, Logan, Mason, Mingo, Putnam, Raleigh, Roane, Wayne, Wyoming.

4. Section 1033.53 is amended by revising paragraphs (a)(1), (a)(2), (a)(3), redesignating (a)(4) as (a)(5), and adding (a)(4) to read as follows. Newly redesignated paragraph (a)(5) is republished.

§ 1033.53 Plant location adjustments for handlers.

(a) * * *

(1) At a plant located in one of the zones set forth in § 1033.6, the adjustment shall be as follows:

Zone:	*Adjustment per hundredweight*
1	Minus 24 cents.
2	Minus 14 cents.
3	No adjustment.
4	Plus 7 cents.
5	Plus 15 cents.

(2) At a plant located outside the marketing area and 60 miles or less from the city hall of the nearest city listed herein, excluding plants located in the area specified in (a)(4) of this section, the adjustment shall be the adjustment applicable at Cincinnati, Coshocton, Dayton, Lima, Marietta, or Toledo, Ohio; Ashland or Maysville, Kentucky; or Beckley or Charleston, West Virginia; whichever city is nearest;

(3) At a plant located outside the marketing area and more than 60 miles from the city hall of the nearest city listed in paragraph (a)(2) of this section, excluding plants located in the area specified in (a)(4) of this section, the adjustment shall be the adjustment applicable at the nearest city, less 11 cents and less an additional 1.5 cents for each 10 miles or fraction thereof in excess of 70 miles that such plant is located from the city hall of the nearest city listed above. However, at any such plant located in the Louisville-Lexington-Evansville marketing area under Part 1046 of this chapter or east of the Mississippi River and south of the northern boundary of Kentucky, West Virginia, or Virginia, the adjustment shall be the adjustment applicable at Zone 4;

(4) At a plant located outside the marketing area in the Ohio counties of Defiance, Paulding Van Wert, (except the city of Delphos), or Williams, the adjustment shall be minus 24 cents, and

(5) For the purpose of computing location adjustments pursuant to this section, distances shall be measured by the shortest hard-surfaced distance as determined by the market administrator.

* * * * *

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

Note.—A separate document will be issued regarding the issues related thereto.

PART 1049—MILK IN THE INDIANA MARKETING AREA

5. In § 1049.52, paragraphs (a)(1) and (a)(2) are revised to read as follows:

§ 1049.52 Plant location adjustments for handlers.

(a) * * *

(1) At any plant located within:

	Rate of adjustment per hundredweight (cents)
(i) The State of Ohio or any Indiana county not specifically named in paragraph (a)(1)(ii) through (a)(1)(iv) of this section or at any location south of the marketing area as specified in § 1049.2	0
(ii) Any of the Indiana counties of: Adams, Allen, Benton, Blackford, Carroll, Cass, Fulton, Huntington, Jay, Miami, Wabash, Wells, and White	20
(iii) Any of the Indiana counties of: DeKalb, Elkhart, Jasper, Kosciusko, Lagrange, La Porte, Marshall, Newton, Noble, Pulaski, Starke, Steuben, St. Joseph, and Whitley and any of the Michigan counties of Berrien, Branch, Cass, and St. Joseph	30
(iv) Any of the Indiana counties of: Lake and Porter	40

(2) For any plant at a location outside the territory specified in the preceding paragraph (a)(1) of this section, the applicable adjustment rate per hundredweight shall be based on the shortest highway distance between the plant and the nearest of the Monument Circle, Indianapolis, Indiana, or the main post offices of Fort Wayne, South Bend, or Valparaiso, Indiana, and shall be 2.0 cents for each 10 miles or fraction thereof from such point plus the amount of the location adjustment pursuant to paragraph (a)(1) of this section applicable at the respective point.

* * * * *

PART 1050—MILK IN THE CENTRAL ILLINOIS MARKETING AREA

6. In § 1050.52, paragraphs (a) and (b) are revised to read as follows:

§ 1050.52 Plant location adjustments for handlers.

(a) The Class I price for producer milk at a plant located outside the State of Illinois or in the State of Illinois but north of the northernmost boundaries of the counties of Mercer, Henry, Bureau, La Salle, Grundy, and Kankakee shall be reduced 10 cents if such plant is 50 miles or more from the City Hall in Peoria, Illinois, plus an additional 2.0 cents for each 10 miles or fraction thereof that such distance exceeds 60 miles. Distances applied pursuant to this paragraph shall be the shortest hard-surfaced highway distances as determined by the market administrator from the latest Mileage Guide as published by the Household Goods Carrier's Bureau.

(b) For purposes of calculating such adjustment, bulk transfers between pool plants shall be assigned Class I disposition at the transferee-plant only to the extent that 105 percent of Class I disposition at the transferee-plant exceeds the sum of receipts at such plant from producers and cooperative associations pursuant to § 1050.9(c), and the volume assigned as Class I to receipts from other order plants and unregulated supply plants; such assignment to be made first to transferor-plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

* * * * *

Effective date: April 1, 1987.

Signed at Washington, DC, on January 28, 1987.

Karen K. Darling,

Marketing & Inspection Services.

[FR Doc. 87-2055 Filed 2-3-87; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21 and 25

[Docket No. NM-20; Special Conditions No. 25-ANM-11]

Special Conditions; Fokker B.V. Model F27 MK050 Airplane

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued pursuant to §§ 21.16 and 21.101 of the Federal Aviation Regulations (FAR) to Fokker B.V., the Netherlands, for an amended type certificate (TCA-817) for the F27 MK050 airplane. The F27 MK050 airplane will have novel or unusal design features associated with an automatic takeoff power control system (ATPCS) for which the applicable airworthiness regulations do not contain adequate or appropriate safety standards. The ATPCS will allow the airplane to take off with less than maximum takeoff thrust approved for the airplane; and, if an engine fails, the system will automatically provide maximum takeoff thrust on the operating engine. These special conditions contain safety standards which the Administrator finds necessary to establish a level of safety equivalent to that provided by the regulations applicable to the F27 MK050 airplane because of the novel or unsual features.

EFFECTIVE DATE: March 6, 1987.

FOR FURTHER INFORMATION CONTACT: James Walker, Policy and Procedures Branch, Transport Standards Staff, ANM-110, FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168; telephone (206) 431-2116.

SUPPLEMENTARY INFORMATION:

Background

On July 31, 1985, Fokker B.V. 1117 ZJ Schiphol, the Netherlands, applied for an amended type certificate (TC) for the Fokker F27 MK050 airplane.

The F27 MK050 is a high wing, twin-engine, pressurized transport category airplane with a certificated takeoff gross weight of 41,865 pounds (*optional* 45,900 pounds). The airplane is equipped with two Pratt and Whitney of Canada Model PW-124 turbopropeller engines, each producing 2,400 shaft horsepower for maximum takeoff sea level standard day, and Dowty-Rotol 6-bladed propellers. The airplane has a total seating capacity of 50 persons and a maximum permissible altitude of 25,000 feet.

The design covered under the amended TC will incorporate the installation of an ATPCS. Automatic takeoff power control system special conditions issued to date for other airplanes require the ATPCS be designed to permit manual decrease or increase in power up to the maximum takeoff power approved for the airplane under existing conditions through the use of power levers. The ATPCS system installed on the engines of the F27 MK050) airplane contains an electronic fuel controller (EFC), which provides an automatic fixed power increment increase in the event of an engine failure during takeoff. In the event of an engine failure, a signal from the ATPCS is transmitted to the EFC which up-trims the operating engine to the approved takeoff power. In the event of an ATPCS failure concurrent with engine failure, the crew would be required to advance the power lever to obtain the maximum power.

The type design of the F27 MK050 airplane with the automatic system installed contains a number of novel or unusual design features for which the applicable airworthiness requirements do not contain adequate or appropriate safety standards. Special conditions are necessary to provide a level of safety equal to that generally intended by the established certifications basis and to support a finding by the Administrator that no feature or characteristic of the airplane with the automatic system installed makes it unsafe for the category in which certification is requested. These special conditions specify limits on the maximum power increment which may be applied to the operating engines by the ATPCS, prescribe system reliability and status monitoring requrements, require provisions for manual selection of the maximum takeoff power approved for the airplane under existing conditions, prohibit approval of the system if the automatic or manual application of approved maximum takeoff power would result in an engine operating limit being exceeded, and require the installation of an independent engine failure warning system if the inherent characteristics of the airplane do not provide a clear warning to the crew.

Discussion of Comments

Notice of proposed special conditions No. SC-86-2-NM for the F27 MK050 airplane was published in the **Federal Register** on October 6, 1986 (51 FR 35523). There were no public comments received.

Type Certification Basis

The type certification basis for the Fokker F27 MK050 airplane with the ATPCS installed is:

Part 25 of the FAR dated February 1, 1965, as amended by Amendments 25-1 through 25-56, 25-58 and 25-59, except for the following sections which will be certified to earlier amendments as noted: § 25.109, Amendment 25-41; § 25.631 (not applicable, § 25.631 was added by Amendment 25-23); § 25.671(c)(3), Amendment 25-22; § 25.701, Amendment 25-22 and § 25.1309, Amendment 25-22. The automatic flight control system will comply with § 25.1309 as amended by Amendment 25-56.

Part 36 of the FAR with amendments in effect at the time the amended type certificate is issued.

Special Federal Aviation Regulations (SFAR) 27 with amendments in effect at the time the amended type certificate is issued.

Equivalent safety findings for § 25.777(e) (Flap handle location), § 25.781 (Flap handle shape); § 25.729(e)(4) (Landing gear position indicator and warning device) and these special conditions for the automatic takeoff power control system and any exemptions developed and issued for this airplane.

The applicable airworthiness standards for import products are those regulations designated in accordance with § 21.29 and are known as the "type certification basis" for the airplane design. Special conditions may be issued and amended, as necessary, as a part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.17(a)(1) do not contain adequate or appropriate safety standards because of novel or unusual design features of the airplane. Special conditions, as appropriate, are now issued after public notice in accordance with §§ 11.28 and 11.29(b), effective October 14, 1980 and become part of the type certification basis in accordance with § 21.17(a)(2).

Conclusion

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

List of Subjects in 14 CFR Parts 21 and 25

Air transportation, Aircraft, Aviation safety.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued to Fokker B.V. for the F27 MK050 airplane equipped with an automatic takeoff power control system (ATPCS):

The authority citation for these special conditions is as follows:

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

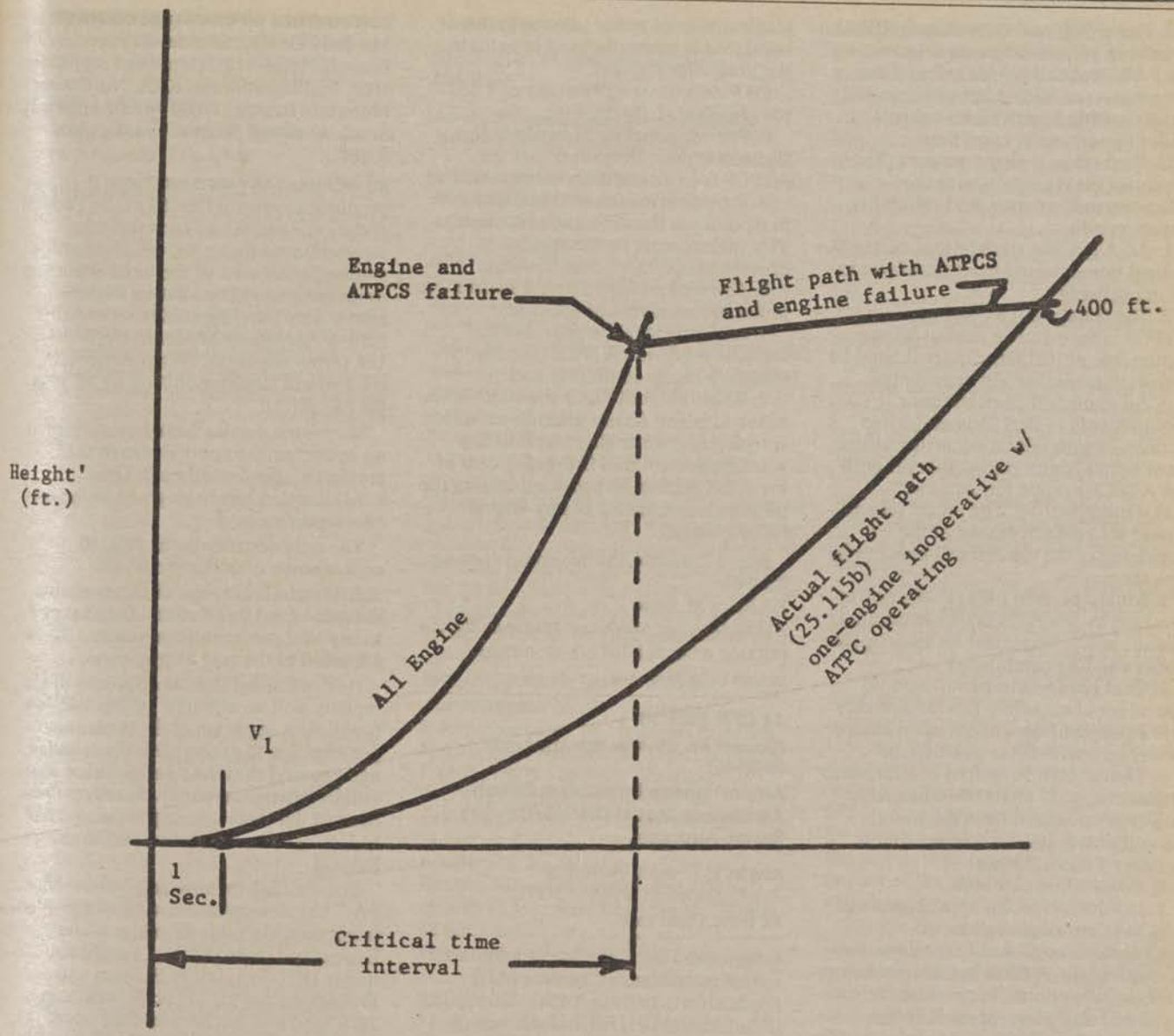
A. *General.* With the ATPCS and associated systems functioning normally as designed, all applicable requirements of Part 25, except as provided in these special conditions, must be met without requiring any action by the crew to increase power.

B. *Definitions.*

1. *Automatic Takeoff Power Control System (ATPCS).* An ATPCS is defined as the entire automatic system used on takeoff, including all devices, both mechanical and electrical, that sense engine failure, transmit signals, actuate fuel controls or power levers on operating engines to achieve scheduled power increase, and furnish cockpit information on system operation.

2 *Critical Time Interval.* When conducting an ATPCS takeoff, the critical time interval is between V_1 minus 1 second and a point on the minimum performance, all-engine flight path where, assuming a simultaneous engine and ATPCS failure, the resulting minimum flight path thereafter intersects the Part 25 required gross flight path at not less than 400 feet from the takeoff surface. This definition is shown in the following graph.

BILLING CODE 4910-13-M



BILLING CODE 4910-13-C

3. *Takeoff Power.* Notwithstanding the definition of "takeoff power" in Part 1 of the FAR, "takeoff power" means the horsepower obtained from each initial power setting approved for takeoff under these special conditions.

C. *Performance Requirements.* The applicant must comply with the following performance and reliability requirements.

1. An ATPCS system failure during the critical time interval must be shown to be improbable.

2. The concurrent existence of an ATPCS failure and an engine failure during the critical time interval must be shown to be extremely improbable.

3. All applicable performance requirements of Part 25 must be met with an engine failure occurring at the most critical point during takeoff with the ATPCS system functioning.

D. *Power Setting.* The initial takeoff power set on each engine at the beginning of the takeoff roll may not be less than:

1. Ninety percent (90%) of the power level set by the ATPCS (the maximum takeoff power approved for the airplane under existing conditions);

2. That required to permit normal operation of all safety related systems and equipment dependent upon engine power or power lever position; or

3. That shown to be free of hazardous engine response characteristics when power is advanced from the initial takeoff power level to the maximum approved takeoff power.

E. *Powerplant Controls.*

1. In addition to the requirements of § 25.1141, no single failure or malfunction, or probable combination thereof, of the ATPCS system, including associated systems, may cause the failure of any powerplant function necessary for safety.

2. The ATPCS must be designed to:

a. Apply power on the operating engine, following an engine failure during takeoff, to achieve the selected takeoff power without exceeding engine operating limits;

b. Permit manual decrease or increase in power up to the maximum takeoff power approved for the airplane under existing conditions through the use of the power lever. For aircraft equipped with limiters that automatically prevent engine operating limits from being exceeded under existing conditions, other means may be used to increase the maximum level of power controlled by the power levers in the event of an ATPCS failure, provided the means:

(1) Is located on or forward of the power levers;

(2) Is easily identified and operated under all operating conditions by a single action of either pilot with the hand that is normally used to actuate the power levers; and

(3) Meets the requirements of § 25.777, paragraphs (a), (b), and (c);

c. Provide a means to verify to the flightcrew prior to takeoff that the ATPCS is in a condition to operate; and

d. Provide a means for the flightcrew to deactivate the automatic function. This means must be designated to prevent inadvertent deactivation.

F. *Powerplant Instruments.* In addition to the requirements of § 25.1305:

1. A means must be provided to indicate when the ATPCS is in the armed or ready condition; and

2. If the inherent flight characteristics of the airplane do not provide adequate warning that an engine has failed, a warning system that is independent of the ATPCS must be provided to give the pilot a clear warning of any engine failure takeoff.

Issued in Seattle, Washington, on January 23, 1987.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 87-2174 Filed 2-3-87; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 86-NM-128-AD; Amdt. 39-5540]

Airworthiness Directives: British Aerospace Model DH/HS/BH-125 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain British Aerospace (BAe) Model DH/HS/BH-125 series airplanes, that requires modifications to the Auxiliary Power Unit (APU) installation. This action is needed to prevent APU fuel leakage into the rear equipment bay and to provide the electrical grounding of the starter/generator to the airframe. This action is necessary to correct a reported potential fire hazard.

DATE: Effective March 9, 1987.

ADDRESSES: The service bulletins specified in this AD may be obtained upon request to British Aerospace, Inc., Librarian, Box 17414, Dulles International Airport, Washington, D.C. 20041. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

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

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive, which requires sealing in the area of the turbine plenum drain outlet and installation of twin heavy duty bonding cables on certain British Aerospace Model DH/HS/BH-125 series airplanes, was published in the **Federal Register** on August 26, 1986 (51 FR 30371).

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

The only commenter expressed concurrence with the proposal.

After careful review of the available data, the FAA has determined that air safety and public interest require the adoption of the rule as proposed.

It is estimated that 20 airplanes of U.S. registry will be affected by this AD, that it will take approximately 14 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $11,200.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because of the minimal cost of compliance per airplane ($560). A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

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

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

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

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

British Aerospace: Applies to British Aerospace (BAe) Model DH/HS/BH-125 series airplanes identified in BAe Service Bulletins 49-31-9286A and 49-32-9210A, both Revision 1, and both dated March 24, 1986, certificated in any category. Compliance is required within 6 months after the effective date of this AD. To reduce the possibility of APU fuel leakage in the rear equipment bay, and assure electrical bonding of the starter/generator to the airplane, accomplish the following, unless previously accomplished:

A. Seal the APU plenum shroud at the turbine plenum drain outlet in accordance with BAe Service Bulletin 49-31-9286A, Revision 1, dated March 24, 1986, Modification No. 259286A.

B. Install twin heavy duty bonding cables between the APU accessory case and ground terminal post 16 on the main engine beam in accordance with BAe Service Bulletin 49-32-9210A, Revision 1, dated March 24, 1986, Modification No. 259210A.

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

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

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

This amendment becomes effective March 9, 1987.

Issued in Seattle, Washington, on January 26, 1987.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 87-2180 Filed 2-3-87; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 86-NM-183-AD; Amdt. 39-5544]

Airworthiness Directives; Boeing Model 727 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Boeing Model 727 series airplanes, which currently requires repetitive inspections for cracks and repair, if necessary, of the wing rear spar terminal fitting, and identifies terminating action. This action is prompted by a reevaluation of the terminating action described in the existing AD. This assessment has determined that the terminating action is inappropriate, and that it is necessary to periodically inspect the modified or repaired wing rear spar terminal fittings for cracks. Failure to detect cracks prior to reaching critical length may severely reduce the load carrying capability of the wing.

EFFECTIVE DATE: March 13, 1987.

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 the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Stanton Wood, Airframe Branch, ANM-120S; telephone (206) 431-1924. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations by superseding AD 83-04-01, Amendment 39-4570 (48 FR 7721; February 24, 1983), to require repetitive inspection of the wing rear spar terminal fitting for cracks, was published in the **Federal Register** on October 8, 1986 (51 FR 36015). The comment period closed December 1, 1986.

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

The commenter requested that the proposed inspections be included under the Supplemental Structural Inspection (SSID) program, so that the required inspections would be limited only to the candidate fleet identified in that program. The FAA does not concur. Accomplishment of the SSID program is required by AD 84-21-05, Amendment 39-4920 (49 FR 38931; October 2, 1984). The program is designed to monitor the aging fleet to discover cracks. When cracks are discovered and corrective action is needed, it is necessary to require corrective action for all affected airplane. Therefore, the FAA has determined that this amendment is appropriate.

Paragraph D. of the final rule has been revised to require concurrence of the FAA Principal Maintenance Inspector in the approval process for request by operators of an alternate means of compliance or adjustment of the compliance time. The FAA has determined that this change will not increase the economic burden on any operator.

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

It is estimated that 120 airplanes of U.S. registry will be affected by this AD, that it will take approximately 336 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $1,612,800.

For the reasons discussed above, the FAA has determined that this regualtion is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities, because few, if any, Boeing Model 727 airplanes are operated by small entities. A Final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

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

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

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

§ 39.3 [Amended]

2. By superseding AD 83-04-01, Amendment 39-4570 (48 FR 7721; February 24, 1983), with the following new airworthiness directive:

Boeing: Applies to Model 727 series airplanes listed in Boeing Service Bulletin 727-57-103, Revision 3, dated June 19, 1981, certificated in any category.

Compliance is required within the next 6,000 landings after March 31, 1983; or prior to accumulating 30,000 landings; or 30,000 landings after repair or modification in accordance with Service Bulletin 727-57-103; whichever occurs latest, unless already accomplished.

To ensure the structural integrity of the wing rear spar terminal fitting, accomplish the following:

A. Inspect the wing spar terminal fittings for cracks, using x-ray eddy current and close visual techniques, in accordance with the procedures listed in Table I of the Addendum, Flight Safety Section, Boeing Service Bulletin 727-57-103, Revision 3, dated June 19, 1981, or later FAA-approved revisions. Repeat the inspection at intervals not to exceed 20,000 landings.

Note.—Terminal fittings listed in the above referenced service bulletin as not requiring modification need not be inspected in accordance with the requirements of this AD.

B. Cracked structure must be repaired before further flight in accordance with Service Bulletin 727-57-103, original issue, or later FAA-approved revisions.

C. For the purpose of this AD, and when approved by an FAA maintenance inspector, the number of landings may be computed by dividing each airplane's time in service by the operator's fleet average time from takeoff to landing for the aircraft type.

D. An alternate means of compliance or adjustment of the compliance time, which provides 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.

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124-2207. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This supersedes AD 83-04-01, Amendment 39-4570.

This amendment becomes effective March 13, 1987.

Issued in Seattle, Washington, on January 28, 1987.

Wayne J. Barlow,

Director Northwest Mountain Region.

[FR Doc. 87-2176 Filed 2-3-87; 8:45]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 86-NM-172-AD; Amdt. 39-5546]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) which requires an inspection for cracking and repair or replacement, as necessary, of the pylon midspar attach fitting horizontal clevis on certain Boeing Model 747 airplanes. This action is prompted by reports of cracks and corrosion in fastener holes of the attach fitting that, if not corrected, could result in possible separation of the pylon and engine from the wing.

EFFECTIVE DATE: March 13, 1987.

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

FOR FURTHER INFORMATION CONTACT: Mr. Owen E. Schrader, Airframe Branch, ANM-120S; telephone (206) 431-1923. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington, 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive to require inspection for cracking of the pylon midspar attach fitting horizontal clevis, and subsequent repair, if necessary, was published in the **Federal Register** on October 1, 1986 (51 FR 34997). The comment period for the proposal closed on November 21, 1986.

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

A comment was received from the Air Transport Association (ATA) of America of behalf of its members. The ATA requested that the proposed rule be revised to incorporate Notice of Status Change No. 747-54-2118 NSC 1, dated October 5, 1986. This Notice describes the inspection of the subject fittings on the inboard pylons without the removal of the engine and pylon. The FAA is currently evaluating this procedure. If acceptable, the procedure will be incorporated into a later service bulletin revision. It will not be necessary to revise the AD, as it currently allows for the use of later FAA-approved revisions to the service bulletin.

Paragraph C. of the AD has been revised to define the appropriate paragraph in the service bulletin for terminating action.

Paragraph D. of the AD has been revised by the addition of the Principal Maintenance Inspector in the approval process for requests by operators for alternate means of compliance or adjustment of the compliance time.

These changes are essentially editorial and have been made strictly for clarification purposes.

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

It is estimated that 160 airplanes of U.S. registry will be affected by this AD, that it will take approximately 656 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $4,198,400 for the initial inspection cycle.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this rule, will not have a significant economic impact on the substantial number of small entities because few, if any, Boeing Model 747 airplanes are operated by small entities. A final evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations 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 727 series airplanes listed in Boeing Service Bulletin 747-54-2118, dated July 25, 1986, certificated in any category.

To detect cracking of engine pylon midspar attach fitting, accomplish the following, unless already accomplished:

A. Within 5,000 flight hours after the effective date of this AD or prior to the accumulation of 20,000 flight hours, whichever occurs later, unless accomplished within the last 5,000 flight hours, and at intervals thereafter not to exceed 10,000 flight hours, perform an ultrasonic inspection for cracks initiating at the aft-most two fastener holes in both pylon midspar fittings on the inboard nacelle pylons on airplanes listed in Group 1 through 5, and on the outboard nacelle pylons on airplanes listed in Group 1, in accordance with Boeing Service Bulletin 747-54-2118, dated July 25, 1986, or later FAA-approved revisions.

B. If cracking is found, repair prior to further flight in accordance with Boeing Service Bulletin 747-54-2118, dated July 25, 1986, or later FAA-approved revisions.

C. Terminating action for the requirements of this AD is rework or replacement of the pylon midspar fitting in accordance with Section III, paragraph E., of Boeing Service Bulletin 747-54-2118, dated July 25, 1986, or later FAA-approved revisions.

D. An alternate means of compliance of adjustment of the compliance time, which provides 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.

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

Note.—Compliance with this AD does not terminate the inspection requirements of the Supplemental Structural Inspection Document (SSID) Airworthiness Directive 84-21-02, Amdt. 39-4936 (49 FR 44890; November 13, 1984), if applicable.

All persons affected by this directive who have not already received the appropriate service document from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington, 98124-2207. This document may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This Amendment becomes effective March 13, 1987.

Issue in Seattle, Washington, on January 28, 1987.

Wayne J. Barlow,

Director Northwest Mountain Region.

[FR Doc. 87-2177 Filed 2-3-87; 8:45 am]

BILLING CODE 4810-13-M

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14 CFR Part 39

[Docket No. 86-NM-190-AD; Amdt. 39-5539]

Airworthiness Directives; Lockheed-California Company Model L-1011 Series Airplanes, Equipped With Carbon Fibre Cowls

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) applicable to Lockheed Model L-1011 series airplanes equipped with carbon fibre cowls that requires modification of the left rear fan cowl door support stowage mechanism to prevent the potential jamming of the throttle controls. This AD is prompted by nine reports of engine throttle control mechanism jamming caused by an unrestrained left rear fan cowl door support that fell among the throttle mechanism linkages. This condition, if not corrected, could result in loss of engine control.

EFFECTIVE DATE: March 9, 1987.

ADDRESSES: The applicable service information may be obtained from the Rolls-Royce PLC, P.O. Box 31, Derby DE 2 8BJ, England, Attention: Technical Publications Department. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Roy A. McKinnon, Aerospace Engineer, Propulsion Branch, ANM-140L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; telephone (213) 514-6327.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include a new airworthiness directive (AD) that requires modifications and corrective actions to prevent the potential jamming of the throttle control, was published in the **Federal Register** on October 1, 1986 (51 FR 34999). The proposed amendment applies to Lockheed Model L-1011 series airplanes equipped with carbon fibre cowls. The comment period for the proposal closed November 21, 1986.

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

The Air Transport Association (ATA) of America stated that its affected members indicated no objection to the contents of the proposed rule.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Approximately 7 U.S. registered Model L-1011 series airplanes will be affected by this AD. It is estimated that it will take six manhours per nacelle to accomplish the required actions, that the average labor cost will be $40 per manhour, and that the cost of parts will be $320 for each engine modified. Based on these figures, the cost to modify the Model L-1011 airplanes is estimated to be $1,680 per airplane, or $11,760 for the affected U.S. fleet.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because few, if any, Model L-1011 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amend § 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 (AD):

Lockheed-California Company: Applies to Lockheed Model L-1011 series airplanes equipped with carbon fibre cowls, certificated in any category. Compliance is required within 12 months after the effective date of this AD, unless already accomplished.

To prevent loss of throttle control caused by an unstowed left rear fan cowl door support on carbon fibre cowls, accomplish the following:

A. Modify the fan cowl support strut stowage mechanism in accordance with Rolls-Royce Service Bulletin RB211-71-8220, dated May 23, 1986, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

B. Alternate means of compliance which provides an acceptable level of safety may be used when approved by the Manager, Los Angeles 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 for the accomplishment of the modification required by this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Rolls-Royce PLC, P.O. Box 31, Derby DE 2 8BJ, England, Attention: Technical Publication Department. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California.

This amendment becomes effective March 9, 1987.

Issued in Seattle, Washington, on January 26, 1987.

Frederick M. Isaac,

Acting Director Northwest Mountain Region.

[FR Doc. 87-2179 Filed 2-3-87; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 85-NM-54-AD; Amdt. 39-5536]

Airworthiness Directives: Airbus Industries Model A300 B2 and B4 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD), applicable to certain Airbus Industrie Model A300 B2 and B4 series airplanes, that requires inspections for cracks and modification and repairs, as necessary. There have been reports of cracks in the flanges and in certain fastener holes in fuselage frame 47, which, if not detected and repaired, could lead to rapid decompression of the airplane.

EFFECTIVE DATE: Effective March 9, 1987.

ADDRESSES: The applicable service information may be obtained from Airbus Industrie, Airbus Support Division, Avenue Didier Daurat, 31700 Blagnac, France. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

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

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive which requires inspections for cracks and modification and repairs, as necessary, was published in the **Federal Register** on August 15, 1986 (51 FR 29256).

Interested parties have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the one comment which was received.

The commenter stated that two of the service bulletins referred to in the proposal have been revised, and that the later revision should be used because modification in accordance with the original service bulletins could result in oversized holes. The FAA concurs. After review of the revised service bulletins, the FAA has revised the final rule to reference the later revisions to the service bulletin. This change will not result in any additional burden to operators, nor does it expand the scope of this AD.

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

It is estimated that 34 airplanes of U.S. registry will be affected by this AD, that it will take approximately 40 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $54,400.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of entities because few, if any, Model A300 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations 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. 97-499, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directives:

Airbus Industrie: Applies to Model A300 B2 and B4 series airplanes, serial numbers as listed in each applicable service bulletin, certificated in any category. To prevent propagation of cracks in fuselage frame 47, accomplish the following within the time period specified in each of the following paragraphs after the effective date of this AD, or prior to reaching the threshold number of landings indicated in each paragraph below, whichever occur later, unless previously accomplished:

A. For B2 Series Airplanes:

1. Prior to the accumulation of 6,000 landings, or within the next 300 landings after

the effective date of this AD, whichever occurs later, inspect fastener holes A and B of frame 47, lefthand and righthand, in accordance with the accomplishment instructions of Airbus Industrie (AI) service Bulletin A300–53–194, Revision 2, dated July 8, 1985. Repair cracks in accordance with the service bulletin. If no cracks are found, cold work the holes and installl interference fit fasteners in accordance with the service bulletin.

2. Reinspect in accordance with AI Service Bulletin A300–53–196, dated February 4, 1985, at intervals not to exceed 6,000 landings.

3. Accomplishment of the modifications described in AI Service Bulletin A300–53–198, Revision 1, dated November 12, 1985, constitutes terminating action for the inspection requirements of paragraphs A.1. and A.2., above.

B. For B2 Series Airplanes:

1. Prior to the accumulation of 5,000 landings, or within the next 300 landings after the effective date of this AD, whichever occurs later, inspect frame 47, lefthand and righthand, in accordance with the accomplishment instructions of AI Service Bulletin A300–53–193, dated March 14, 1984.

2. If cracks are found, repair in accordance with the service bulletin.

3. If no cracks are found, further inspections are not required.

C. For B4 Series Airplanes:

1. Prior to the accumulation of 7,000 landings or within the next 1,000 landings after the effective date of this AD, whichever occurs later, inspect frame 47, lefthand and righthand, fastener holes in accordance with AI Service Bulletin A300–53–200, Revision 2, dated February 6, 1986.

2. If cracks are found, repair in accordance with the service bulletin.

3. If no cracks are found, reinspect at intervals not to exceed 2,000 landings.

4. Accomplishment of the inspection and modification described in AI Service Bulletin A300–53–199, Revision 2, dated February 6, 1986, constitutes terminating action for the inspection requirements of paragraphs C.1. and C.2., above.

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

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

All persons affected by this directive, who have not already received the appropriate service documents from the manufacturer, may obtain copies upon request of Airbus Industrie, Airbus Support Division, Avenue Didier Daurat, 31700 Blagnac, France. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This Amendment becomes effective March 9, 1987.

Issued in Seattle, Washington, on January 26, 1987.

Frederick M. Issac,

Acting Director, Northwest Mountain Region.

[FR Doc. 87–2181 Filed 2–3–87; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 86–NM–141–AD; Amdt 39–5545]

Airworthiness Directives: McDonnell Douglas Model DC–10–10, –15, –30, –40, and KC–10A (Military) Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes two existing airworthiness directives (AD) which require purging and grease packing of wing spar mounted and aft fuselage mounted fuel shutoff valves on McDonnell Douglas Model DC–10 and KC–10A (Military) series airplanes. This amendment requires modification, reidentification, and/or rotation, as applicable, of these fuel fire shutoff valves. This action is prompted by reports of restricted movement of emergency fire handles which are necessary to discharge the fire agent. This condition, if not corrected, could result in loss of fuel shutoff and fire extinguishing capabilities.

EFFECTIVE DATE: Effective March 13, 1987.

ADDRESSES: The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1–750 (54–60). This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Roy A. McKinnon, Aerospace Engineer, Propulsion Branch, ANM–140L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 514–6327.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations by superseding AD 86–09–10, Amendment 39–5305 (51 FR 17007) and AD 86–16–08, Amendment 39–5375 (51 FR 27526), to require modification, reidentification, and/or rotation of certain fuel fire shutoff valves, was published in the **Federal Register** on September 4, 1986 (51 FR 31647).

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

Three operators forwarded comments through the Air Transport Association (ATA) of America. Two of the operators suggested that the proposed compliance time of 12 months be extended to 18 months, as delivery of required modification parts will necessitate a lead time of 6 months. The other operator also suggested that the compliance time be extended so that the requirements of the proposed AD could be accomplished at the same time as that of a closely related existing AD (86–19–09), concerning fuel transfer valves. (Compliance with AD 86–19–09 is required by April 2, 1988.) The FAA concurs with both suggestions. The FAA has verified with the manufacturer that some parts required for the modifications may require a lead time of 6 months for delivery. The FAA has determined that concurrent compliance with the proposed AD and with AD 86–19–09 is appropriate and would be cost effective. Therefore, the final rule has been revised to reflect a compliance time of 18 months after the effective date of this AD. The FAA has determined that this change will not adversely affect safety since operators will continue to accomplish the purging and inspection requirements of the existing AD's in the interim.

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

Approximately 180 U.S. registered Model DC–10 series airplanes will be affected by the requirements of paragraph A. of this AD (modification in accordance with McDonnell Douglas Service Bulletin 28–168); approximately 86 airplanes will be affected by the requirements of paragraph B. (modification in accordance with McDonnell Douglas Service Bulletin 28–55). It is estimated that the cost of parts required by paragraph B. is $1100 per airplane. It is estimated that it will take 5 manhours for each airplane modified in accordance with Service Bulletin 28–168 and 43 manhours per airplane modified in accordance with Service Bulletin 28–55. The average labor cost will be $40 per manhour. Based on these figures, the cost impact of this AD on

U.S. operators is estimated to be $278,520.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic impact on a substantial number of small entities because few, if any, Model DC-10 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

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

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

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

§ 39.13 [Amended]

2. By superseding AD 86-09-10, Amendment 39-5305 (51 FR 17007; May 8, 1986), and AD 86-16-08, Amendment 39-5375 (51 FR 27526; August 1, 1986), with the following new airworthiness directive:

McDonnell Douglas: Applies to McDonnell Douglas Model DC-10-10, -15, -30, -40, and KC-10A (Military) series airplanes, certificated in any category. To prevent loss of fuel shutoff and fire extinguishing capabilities, accomplish the following within the next eighteen (18) months after the effective date of this AD, unless already accomplished:

A. Modify and reidentify engine No. 2 aft fueslage mounted fuel fire shutoff valve in accordance with the Accomplishment Instructions of McDonnell Douglas DC-10/KC-10A Service Bulletin 28-168, dated April 16, 1986, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

B. Modify, reidentify, and rotate engine No. 1 and engine No. 2 wing spar mounted fuel fire shutoff valves, and modify and reidentify engine No. 3 wing spar mounted fuel fire shutoff valves, in accordance with the Accomplishment Instructions of McDonnell Douglas DC-10 Service Bulletin 28-55, Revision 3, dated December 19, 1980, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

C. An alternate means of compliance with this AD which provides an acceptable level of safety may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California.

This supersedes AD 86-09-10, Amendment 39-5305, and AD 86-16-08, Amendment 39-5375.

This Amendment becomes effective March 13, 1987.

Issued in Seattle, Washington, on January 28, 1987.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 87-2175 Filed 2-3-87; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 86-NM-136-AD; Amdt. 39-5537]

Airworthiness Directives: McDonnell Douglas Model DC-9-80 (MD-80) Series Airplanes Equipped With Pratt and Whitney (P&W) JT8D-209, -217, or -217A Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that requires engine and airplane performance limitations on McDonnell Douglas Model DC-9-80 series airplanes equipped with Pratt and Whitney (P&W) JT8D-209, -217, or -217A engines. This amendment is prompted by FAA findings that a flutter condition exists in the low pressure compressor (LPC) 5th stage rotor blades within the engine operating envelope and below the LPC (N_1) rotor speed redline limit. This AD is necessary to maintain an acceptable level of safety until modified blades are installed.

DATE: Effective March 9, 1987.

Compliance schedule as presented in the body of the AD, unless already accomplished

ADDRESSES: The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or 4344 Donald Douglas Drive, Long Beach, California 90808.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Kolb, Supervisory Aerospace Engineer, Propulsion Branch, ANM-140L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; telephone (213) 514-6327.

SUPPLEMENTARY INFORMATION: During certification testing on three P&W JT8D-219 engines, fifth stage compressor blades failed at maximum power. One failure caused compressor stalls and partial loss of thrust. The FAA New England Engine Certification Office findings confirmed that the blade failures were caused by flutter, which necessitated a blade redesign to successfully pass the certification standards. Follow-on testing by P&W also confirmed that the blade flutter problem exists in the earlier P&W JT8D-209, -217, and -217A series engines in certain environments. The FAA New England Region is presently considering a proposal to mandate blade replacement in these engines. In the interim, this AD requires engine and airplane performance limitations to minimize the potential for engine failure from blade flutter, as described above.

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive which requires engine and airplane performance limitations on certain McDonnell Douglas Model DC-9-80 airplanes, was published in the **Federal Register** on June 23, 1986 (51 FR 22822).

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

Several commenters replied with requests for a public meeting to discuss the issues. Accordingly, a Notice of Public Technical Conference was published in the **Federal Register** on

August 22, 1986 (51 FR 30073). The meeting was held September 4, 1986, in Long Beach, California.

Attendees at the Public Technical Conference included representatives from seven domestic operators, six foreign operators, the engine and airplane manufacturers, a blade repair organization, the Airline Pilot's Association (ALPA), the Air Transport Association (ATA) of America, and the FAA (Northwest Mountain and New England Regions). Following the meeting, additional written comments were received from the engine and airplane manufacturers and the ATA.

The written and verbal comments received are reviewed below in the same sequence by section or paragraph as presented in the Notice of Proposed Rulemaking (NPRM).

Discussion section of NPRM: Several operators and the ATA commented that the stated cost impact of the proposed rule omits the costs involved in implementing the performance limitations. The FAA concurs; these costs were intentionally omitted since the FAA is unable to determine how each operator would change its operations for compliance with the proposed rule. The economic impact analysis paragraph has been revised to clarify that these costs are not included in the estimated cost impact of the AD.

Paragraph A.1.a.: All operators in the meeting expressed strong objections to the restriction on Automatic Reserve Thrust System (ARTS) operation, stating that it would be a severe economic penalty with no safety benefits. Also, the engine manufacturer discourages the use of power settings above normal ratings because of increased engine deterioration and additional shaft life limitations imposed when using the engines' takeoff maximum rating. All operators, engine, and airplane manufacturers requested that the use of ARTS with appropriate limitations should be allowed as presented in McDonnell Douglas' Airplane Flight Manual (AFM) Appendix 10. The FAA has considered this information and has determined that the use of (ARTS-ON) normal takeoff ratings with appropriate engine power and airplane weight limitations provides an acceptable level of safety. Therefore, the final rule has been revised to permit the optional procedure contained in Appendix 10, allowing takeoff with ARTS armed.

Paragraph A.1.b.: Several operators questioned why the FAA proposed more severe Engine Pressure Ratio (EPR) reductions than those included in Appendix 10. These operators also objected to the use of the overly conservative AFM Appendix I for weight limitations. The operators and the airplane manufacturer stated that the MD–80 has been in service over six years with no 5th stage blade flutter failures. P&W presented additional information, both orally and in writing, showing the additional conservatism that is built into the P&W-defined 5th stage blade flutter boundary. P&W, Douglas, and all operators at the meeting stated that operation in accordance with Appendix 10 assures an adequate margin of safety to prevent blade flutter failures until the blades are replaced. Several of the operators at the meeting stated they are currently operating under the procedures described in Appendix 10. The FAA has completed its review of the additional information presented by P&W and agrees that operation in accordance with Appendix 10 does provide an adequate margin of safety to prevent blade flutter if the EPR restrictions are adhered to. The NPRM included an extra 65 rpm N_1 speed margin above that recommended in Appendix 10 to compensate for EPR system inaccuracy and momentary EPR overshoots that may occur during takeoff. The extra conservatism of Appendix 10, demonstrated to the FAA by P&W, relieves that concern. Therefore, the final rule has been revised to require accomplishment of these procedures in accordance with Appendix 10. Since Appendix 10 includes the appropriate weight limitations, reference to Appendix I is not necessary and has been deleted from the final rule.

Paragraph A.1.c.: Several operators stated the restrictions for go-around were not required, for the same reasons as mentioned above with respect to paragraph A.1.b. Also, the operators and the airplane and engine manufacturers stated that power and weight restrictions are not needed, as shown by McDonnell Douglas analysis and Appendix 10. These restrictions were included in the NPRM to provide additional margin for EPR system accuracy and power overshoots during go-around. The FAA has reconsidered this information and agrees that the extra conservatism built in by P&W relieves the previous safety concerns. Therefore, the requirements of paragraph A.1.c. have been deleted.

Paragraph A.2.: Several operators requested that the Master Minimum Equipment List (MMEL) remain unchanged. They stated that a cross check of takeoff throttle position to EPR, and EPR/N_1 relationships, can detect unusual operating parameters before flight. One operator stated that only the digital portion of the EPR gauge needs to be operational to properly set power. Most operators in the meeting stated that the proposed changes to the MMEL restrict operational flexibility unnecessarily. Since EPR is the primary control to set power and prevent exclusions into the flutter boundary, the FAA has determined that the analog portion of the EPR gauge is required to show the rate of increase in power as the takeoff setting is approached. Also, the maximum limit chevron with an operational analog pointer helps to prevent power overshoots into the flutter boundary. For the above reasons, the FAA disagrees with the operators' request for relief with respect to the EPR Indication System and the final rule requires the change to the MMEL as proposed. However, with respect to the N_1 tachometer system, the FAA agrees that a cross-check of throttle position to EPR on both engines to one engine with an operational N_1 gauge can detect unusual operating parameters. Also, since the relationship between EPR and N_1 is consistent on these engines, adequate information will be provided to the flight crew for determination of margin to the flutter boundary. Therefore, the revision to the MMEL relating to the N_1 tachometer system has been deleted from the final rule.

Paragraph A.3.: All operators objected to establishing N_1 Rotor Flutter Speed Limits for takeoff and go-around, other than the takeoff N_1 limits contained in Appendix 10. They stated that controlling of EPR settings will give assurance of adequate flutter margin. Most of the operators preferred Appendix 10's method of providing N_1 takeoff rotor speed limits to the flight crew. Several operators in the meeting stated that the N_1 limits in Appendix 10 are used as a cross-check during takeoff, and that it would be inadvisable to require establishment of N_1 limits for go-around because, cockpit workload would be impacted. The FAA agrees that Appendix 10's method of providing N_1 limits for takeoff is acceptable. Information presented by P&W has shown that it is unlikely for both engines to fail even if operated at full thrust lever travel during go-around; this is due to differences in engine builds and the effect of engine deterioration that improves margin to flutter. In addition, the need to operate engines at full thrust level travel is unlikely. Since the final rule does not impose EPR limitations for go-around power, the use of auto throttles is allowed for approach. FAA-witnessed flight tests have shown that power overshoots are rare with auto throttles engaged. Likewise, for the engine-out case, it is considered unlikely that the remaining engine would have an

EPR malfunction resulting in an overboost during go-around. Therefore, the FAA agrees that N_1 limits are not required for go-around and the final rule has been revised to be consistent with Appendix 10 on this point.

Paragraph B.: All operators and the ATA strongly objected to the proposed requirement of a placard on the instrument panel. The operators in the meeting described various methods for controlling intermixed fleets and notifying their flight crews of special limits. They stated that the proposed placard puts too much emphasis on monitoring N_1, versus close monitoring of EPR, and that this also adversely impacts cockpit crew workload. Several operators stated that the contents of Appendix 10 make the pilot aware of the N_1 limits for takeoff. The FAA has considered this information and has determined that, because the necessary N_1 limitations are contained in Appendix 10 of the AFM, and the pilot is required to determine N_1 limitations prior to takeoff, a placard is not necessary. Accordingly, the final rule has been revised to delete the requirement for a placard.

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

It is estimated that 271 airplanes of U.S. registry will be affected by this AD, that it will take approximately 4 manhours per airplane to accomplish the required action, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $43,360. The FAA is unable to determine the cost impact of power and weight restrictions to the operators resulting from this AD.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities, because few, if any, Model DC-9-80 (MD-80) series airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

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

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

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

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

McDonnell Douglas: Applies to McDonnell Douglas DC-9-80 (MD-80) series airplanes, certificated in any category, equipped with Pratt and Whitney (P&W) JT8D-209, -217, or -217A engines, listed in P&W Service Bulletin (S/B) 5618, dated November 26, 1985. Compliance required as indicated, unless previously accomplished.

To prevent 5th stage compressor blade failure from flutter and the possibility of engine power loss, accomplish the following within 30 calendar days after the effective date of this airworthiness directive:

A. Revise the McDonnell Douglas DC-9-80 FAA approved Airplane Flight Manual (AFM) Report MDC-J8480 (English) or MDC-J8480M (Metric) to add the following:

Section 1—Limitations

1. The engine and airplane performance limitations presented in the AFM Report MDC-J8480, Appendix 10, FAA-approved November 26, 1986, or later FAA-approved revisions, must be observed.

2. The Engine Pressure Ratio (EPR) Indicating System for each engine must have the pointer, digital counter, and maximum limit chevron operative prior to takeoff.

Note.—The McDonnell Douglas DC-9 Master Minimum Equipment List (MMEL) Revision #21, dated November 1, 1984, and subsequent revisions, Page 77-1, Item 77-1, Engine Pressure Ratio Indicating System (with Pointer *and* Digital Counter) (Series 80) and Maximum Limit Chevrons (Series 80) is affected by the above AFM Limitations, which take precedence over the MMEL.

B. Terminating action for this AD is the installation of the modified blades P/N 804505 in accordance with P&W Service Bulletin (S/B) 5618, dated November 26, 1985, or later FAA-approved revisions, or other equivalent FAA-approved 5th stage blades.

C. A copy of this AD inserted in the FAA approved AFM may be considered as an acceptable means of compliance with the required AFM revisions.

D. 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.

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). These documents may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California 90808.

This amendment becomes effective March 9, 1987.

Issued in Seattle, Washington, on January 26, 1987.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 87-2182 Filed 2-3-87; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 97

[Docket No. 25178; Amdt. No. 1339]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: *Effective:* An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the **Federal Register** on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:
1. FAA Public Inquiry Center (APA–430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures Standard Branch (AFS–230), Air Trensportation Division, Office of Flight Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 426–8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4, and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as efective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

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. For the same reason, the FAA certifies that this amendment 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 97

Approaches, Standard instrument, Incorporation by reference.

Issued in Washington, DC on January 23, 1987.

John S. Kern,

Director of Flight Standards.

Adoption of the Amendment

PART 97—[AMENDED]

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.M.T. on the dates specified, as follows:

1. The authority citation for Part 97 continues to read as follows:

Authority: 49 U.S.C. 1348, 1354(a), 1421, and 1510; 49 U.S.C. 106(g) (revised, Publ L. 97–449, January 12, 1983; and 14 CFR 11.49(b)(2)).

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33 and 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

. . . Effective April 9, 1987

Montague, CA—Siskiyou County, VOR–B, Amdt. 5, CANCELLED
Detroit, MI—Detroit Metropolitan Wayne County, ILS RWY 3L, Amdt. 10
Detroit, MI—Detroit Metropolitan Wayne County, ILS RWY 3R, Amdt. 9
Detroit, MI—Detroit Metropolitan Wayne County, ILS RWY 21R, Amdt. 22
Detroit, MI—Detroit Metropolitan Wayne County, RADAR–1, Amdt. 17
Detroit, MI—Detroit Metropolitan Wayne County, VOR RWY 9, Amdt. 12
Detroit, MI—Detroit Metropolitan Wayne County, NDB RWY 3L, Amdt. 8
Detroit, MI—Detroit Metropolitan Wayne County, NDB RWY 3C, Amdt. 9
Detroit, MI—Detroit Metropolitan Wayne County, RNAV RWY 21R, Amdt. 1

. . . Effective March 12, 1987

Jesup, GA—Jesup-Wayne County, NDB RWY 10, Orig.
Jesup, GA—Jesup-Wayne County, NDB RWY 10, Amdt. 4, CANCELLED
Atlanta, GA—DeKalb-Peachtree, NDB RWY 9, Orig., CANCELLED
Atlanta, GA—DeKalb-Peachtree, NDB RWY 27, Amdt. 1, CANCELLED
Brunswick, GA—Glynco Jetport, NDB RWY 7, Amdt. 8
Brunswick, GA—Glynco Jetport, ILS RWY 7, Amdt. 6
Cochran, GA—Cochran, VOR/DME RWY 5, Amdt. 5
Valparaiso, IN—Porter County Muni, NDB RWY 27, Amdt. 5

Valparaiso, IN—Porter County Muni, ILS RWY 27, Amdt. 1
Valparaiso, IN—Porter County Muni, RNAV RWY 9, Amdt. 2
Teterboro, NJ—Teterboro, VOR/DME-A, Amdt. 1
Cheveland, OH—Burke Lakefront, LOC RWY 24R, Amdt. 7
Cleveland, OH—Burke Lakefront, NDB RWY 24R, Amdt. 6
Camden, SC—Woodward Field, VOR/DME-A, Amdt. 2
Orangeburg, SC—Orangeburg Muni, NDB RWY 4, Orig.
Oneida, TN—Scott Muni, SDF RWY 23, Amdt. 2
Oneida, TN—Scott Muni, NDB RWY 23, Amdt. 2
Highgate, VT—Franklin County State, VOR-B Amdt. 1

. . . Effective February 12, 1987

Atlanta, GA—KeKalb-Peachtree, VOR/DME RWY 20L, Orig
Atlanta, GA—DeKalb-Peachtree, VOR/DME RWY 27, Orig
Bar Harbor, ME—Hancock County-Bar Harbor, LOC/DME BC RWY 4, Orig.
Bar Harbor, ME—Hancock County-Bar Harbor, ILS RWY 22, Amdt. 2
Atlantic City, NJ—Atlantic City International, ILS RWY 13, Amdt. 3
Cedar City, UT—Cedar City Muni, VOR RWY 20, Amdt. 3
Cedar City, UT—Cedar City Muni, ILS RWY 20, Orig.

. . . Effective January 15, 1987

Lexington, NE—Lexington Muni, VOR RWY 14, Amdt. 1
Butler, PA—Butler County, ILS RWY 8, Amdt. 3

. . . Effective December 30, 1986

Oakdale, CA—Oakdale, VOR RWY 10, Amdt. 5

[FR Doc. 87-2173 Filed 2-3-87; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 38

Education Personnel; Information Collections

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Final rule.

SUMMARY: The Bureau is amending its program regulations by publishing the statements concerning information collection requirements required by the Office of Management and Budget. This technical amendment is being done to conform with 5 CFR Part 1320 by codifying such statements as part of its rules.

EFFECTIVE DATE: March 6, 1987.

FOR FURTHER INFORMATION CONTACT: Ms. Farrell LeGard, Personnel Management Specialist, Office of Indian Education Programs, Room 3515 Interior, 18th and E Street, NW., Washington, DC 20245 (Telephone number (202) 343-8657).

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act (April 1, 1981) gave the Office of Management and Budget approval authority over agency collections of information from the public. The Office of Management and Budget requires that an agency that has collections of information contained in its regulations must publish approved OMB control numbers for such collections in the **Federal Register** to ensure that this information is available to the public and that it is included in the Code of Federal Regulations.

This technical amendment includes only OMB control numbers for information collection requirements in 25 CFR Part 38.

Because the only amendment made to Part 38 in this rule is notification of an information collection requirement already adopted through the procedures provided by the Paperwork Reduction Act, public comment on the rule is determined to be unnecessary. 5 U.S.C. 553(b)(B).

List of Subjects in 25 CFR Part 38

Indians—education, Teachers, Administrators.

Accordingly, Part 38 of Title 25 of the Code of Federal Regulations is amended as set forth below:

PART 38—EDUCATION PERSONNEL

1. The authority citation for Part 38 continues to read as follows:

Authority: Secs. 1131 and 1135 of the Act of November 1, 1978 (92 Stat. 2322 and 2327, 25 U.S.C. 2011 and 2015).

2. A new § 38.14 is added to read as follows:

§ 38.14 Information collection.

The information collection requirements contained in Part 38, § 38.4 use Standard Form 171 for collection, and have been approved by OMB pursuant to 44 U.S.C. 3507 and assigned approval number 3206-0012. The sponsoring agency for the Standard Form 171 is the Office of Personnel Management. The information is being collected to determine eligibility for employment. The information will be used to rate the qualifications of applicants for employment. Response is mandatory for employment

Henrietta Whiteman,

Deputy to the Assistant Secretary/Director—Indian Affairs (Indian Education Programs).

[FR Doc. 87-2206 Filed 2-3-87; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 551

Control, Custody, Care, Treatment and Instruction of Inmates Birth Control, Pregnancy, Child Placement, and Abortion; Correction

AGENCY: Bureau of Prisons, Justice.

ACTION: Notice of Correction.

SUMMARY: This notice amends the public comment date for the Bureau's interim rule on Birth Control, Pregnancy, Child Placement, and Abortion, previously published in the **Federal Register** December 30, 1986 (at 51 FR 47178 et seq.). The public comment date is extended from January 30, 1987 to February 14, 1987.

DATE: Comments on the Interim Rule are now due on or before February 14, 1987.

FOR FURTHER INFORMATION CONTACT: Hank Jacob, Office of General Counsel, Bureau of Prisons, phone 202/272-6874.

Dated: January 29, 1987.

Norman A. Carlson,

Director, Bureau of Prisons.

[FR Doc. 87-2186 Filed 2-3-87; 8:45 am]

BILLING CODE 4410-05-M

VETERANS ADMINISTRATION

DEPARTMENT OF DEFENSE

38 CFR Part 21

Veterans Education; End of Flight Training in VEAP (Post-Vietnam Era Veterans Educational Assistance Program)

AGENCY: Veterans Administration and Department of Defense.

ACTION: Final regulations.

SUMMARY: The Omnibus Budget Reconciliation Act of 1981 provided that people eligible for educational assistance under VEAP (Post-Vietnam Era Veterans Educational Assistance Program) could not enroll in flight training for the first time after September 30, 1981. Those people who enrolled in flight training during September 1981 could receive

educational assistance only during that month. A person who enrolled in flight training before September 1, 1981, could receive educational assistance only if the continuity of his or her enrollment was not broken.

No one received educational assistance for flight training under VEAP during fiscal years 1985 and 1986. Consequently, the continuity of everyone's enrollment has been broken. Educational assistance may no longer be paid for flight training under VEAP. All references to flight training under VEAP have been eliminated from these final regulations.

EFFECTIVE DATE: January 1, 1987.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Education Policy and Program Administration, Vocational Rehabilitation and Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420 (202) 233–2092.

SUPPLEMENTARY INFORMATION: On pages 26913 and 26914 of the Federal Register of July 28, 1986, there was published a notice to amend Part 21 to eliminate all references to flight training under VEAP. Interested people were given 30 days to submit comments, suggestions or objections. The Veterans Administration (VA) and the Department of Defense received two letters with comments.

One letter was from a university official. The other was from an official of an educational organization. Both letter writers indicated that they had no objections to the regulations. Accordingly, the VA and the Department of Defense are making the regulations final.

The VA and the Department of Defense have determined that these final 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 they 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 final regulations 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 final regulations, therefore, are exempt from the initial and final regulatory analyses requirements of section 603 and 604.

This certification can be made because this change results from a requirement of the law. Any effect on small entities results directly from the law, and and not from the final regulations.

The Catalog of Federal Domestic Assistance number for the program effected by these final regulations is 64.117.

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: December 1, 1986.

By direction of the Administrator.

Thomas E. Harvey,

Deputy Administrator.

Approved: December 23, 1986.

A. Lukeman,

Major General USMC, Deputy Assistant Secretary of Defense.

38 CFR Part 21, Vocational Rehabilitation and Education, is amended as follows:

PART 21—[AMENDED]

§ 21.5021 [Amended]

1. In § 21.5021, paragraph (j)(3) is removed.

2. In § 21.5072, the introductory portion of paragraph (a)(1) and paragraph (c) are revised to read as follows:

§ 21.5072 Entitlement Change. * * *

(a) *Residence training.* (1) A charge against the period of entitlement for a program other than one leading to a secondary school diploma or an equivalency certificate where the monthly rate is based on the individual's tuition and fees will be made as follows: (38 U.S.C. 1631)

* * * * *

(c) *Correspondence training courses.* (1) A charge against the period of entitlement for a program consisting exclusively of correspondence training will be made on the basis of 1 month for each sum of money paid equivalent to the dollar value of a month of entitlement as determined under § 21.5138(a)(2)(viii), which is paid to the individual as an educational assistance allowance for this training. When computation results in a period of time other than a full month, the charge will be prorated.

(2) If the individual is contributing to the fund at the same time that benefits are being used or subsequently contributes a sum or sums, the entitlement charges will not be recomputed. Thus, if the monthly rate arrived at by applying the formula is determined to be $150 at the time a benefit program for correspondence training is computed, the individual will be charged 1 month of entitlement for each $150 paid. If a different monthly rate is computed at the time of a subsequent payment for such training, no adjustment will be made in the entitlement charged for the previous payment(s) even though the value of each month's entitlement may vary from payment to payment. (38 U.S.C. 1631(c); Pub. L. 94–502)

3. 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 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. (38 U.S.C. 1631)

* * * * *

§ 21.5137 [Removed]

4. Section 21.5137 is removed.

5. In § 21.5138, paragraphs (a)(2) introductory text, (a)(2)(ix), and the authority citation at the end of (a)(2) are revised to read as follows:

§ 21.5138 Computation of benefit payments and monthly rates.

(a) *Computation of entitlement factor.* * * *

(2) For correspondence training the entitlement factor will be computed as follows:

* * * * *

(ix) Enter the correspondence charges certified by the school..... (9) _____

* * * * *

(38 U.S.C. 1631; Pub. L. 94–502)

* * * * *

§ 21.5250 [Amended]

6. In § 21.5250, paragraph (k) is removed and reserved.

[FR Doc. 87–2155 Filed 2–3–87; 8:45 am]

BILLING CODE 8320-0-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-4-FRL-3147-8; FL-021]

Approval and Promulgation of Implementation Plans; Florida

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is today approving the Florida CO State Implementation Plan (SIP) version for Dade County (Miami). The SIP revision was submitted to EPA by the Florida Department of Environmental Regulation (FDER) on July 16, 1986, and resubmitted on September 19, 1986, with final modifications. Through reductions in CO emissions achieved by the Federal Motor Vehicle Control Program (FMVCP) and transportation control measures (TCMs), Florida has demonstrated attainment of the National Ambient Air Quality Standards (NAAQS) for CO by December 31, 1987. These revisions meet the requirements of the Clean Air Act (CAA) and EPA policy.

DATE: This action will be effective April 6, 1987 unless notice is received within 30 days that adverse or critical comments will be submitted.

ADDRESSES: Written comments should be addressed to Thomas Hansen of EPA Region IV's Air Programs Branch (see EPA Region IV address below). Copies of the materials submitted by Florida may be examined during normal business hours at the following locations:

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

Bureau of Air Quality Management, Florida Department of Environmental Regulation, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32301–8241

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

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Hansen, Air Programs Branch, EPA Region IV, at the above address and telephone number 404/347–4292 or FTS 257–4292.

SUPPLEMENTARY INFORMATION: Dade County, Florida was officially designated an attainment area on March 3, 1978, for the pollutant CO (40 CFR 81.310), negating the need for a Part D SIP revision. This designation was based on a single CO monitoring site, located in the downtown area of Miami. On May 10, 1979, EPA promulgated the ambient Air Quality Surveillance Regulations (40 CFR Part 58). Pursuant to these regulations, the monitoring network in Dade County was expanded. Analysis by EPA and the State of Florida of ambient CO measurements collected in the Miami area indicated that, on a number of occasions, recorded levels of CO had exceeded the eight-hour NAAQS.

For areas with a full approved SIP, showing attainment, but which did not attain, EPA announced its intention to treat such areas as "substantially inadequate" to assure attainment under section 110(a)(2)(H) of the CAA. EPA policy stated that CO SIP calls should be made in all cases where the highest second high is greater than or equal to 12.6mg/m^3 (11 ppm), using the two most current years of data available. A review of the latest available data for Dade County at that time (1982 and 1983) resulted in a design value of 13.2 mg/m^3. On September 18, 1984, the Governor of the State of Florida requested EPA concurrence for the State to revise its SIP for CO, obviating the need for a section 110(a)(2)(H) call by EPA. On October 9, 1984, EPA approved the proposed action by the Governor on condition that the State of Florida commit to completing its SIP revision within one year. A proposed schedule was submitted within 60 days of EPA's concurrence, detailing how this would be accomplished.

To achieve the deadlines imposed by the proposed schedule, the State, in a January 22, 1985, letter, requested technical assistance from EPA in the form of contractual help. EPA agreed to provide this assistance. The contractor, under EPA direction and with the assistance and cooperation of the FDER and the Dade County Department of Environment Resources Management (DERM), prepard four technical memorandums entitled:

- Analysis of East Flagler Street Carbon Monoxide Exceedances—Downtown Miami.
- Description of Methodologies to Assess Eight-Hour Nightime Carbon Monoxide Exceedances.
- Identification and Analysis of Potential Carbon Monoxide Hotspots in Dade Country, Florida.
- Analysis of Transportation Control Measures (TCMs), Dade County/Miami.

The results of this in-depth analysis predict that the ambient air quality standard for CO will be met in Dade County by December 31, 1987. Furthermore, no additional control measures beyond those already in place need to be implemented to meet this attainment date.

East Flagler Street

Nearly ninety percent of all CO exceedances which have been measured in Dade County have occurred at a monitoring site located on East Flagler Street, downtown Miami. The monitor is located near midblock of this roadway with the objective of measuring the maximum concentration in the Miami Central Business District (CBD). Furthermore, the site is characterized as a "street canyon" because of the presence of tall buildings on both sides of the street. The data collected at this site indicates a strong downward trend both in the number of exceedances as well as the maximum concentrations measured. The NAAQS for CO is 40 mg/m^3 (35 ppm) for one hour or 10 mg/m^3 (9 ppm) over eight hours, not to be exceeded more than once per year. The East Flagler Street site has not experienced any exceedances of the one-hour standard. The site experienced 72 exceedances of the eight-hour CO NAAQS in 1981. However, this number has become less each year until in 1985 only one exceedance was recorded. Likewise the magnitude of the exceedances has come down from a high of 15.3 mg/m^3 in 1981, successively lowering to 10.4 mg/m^3 in 1985, which when rounded off would meet the standard. Therefore, the modeling and monitoring data support the conclusion of the air quality analysis, i.e., this site will be in attainment by December 31, 1987. Since the East Flagler Street site is the worst case, all other CBD sites are either in attainment or can be expected to attain by that date.

Little Havana

The Little Havana CO monitor is a neighborhood spatial scale site located in a suburban area of Miami and has been sited to measure the CO concentrations representative of areas of high population density to obtain the maximum population exposure.

The conventional wisdom that has guided the development of most SIPs is that (a) ambient CO concentrations are caused almost exclusively by motor vehicle traffic; (b) ambient CO concentrations are high near roadways and drop off rapidly with distance; and (c) to attain the NAAQS for CO it is necessary to either reduce tailpipe emissions and/or traffic congestion in the area where the exceedances occur.

At the Little Havana site, however, as well as in numerous other locations in Region IV and throughout the United States, exceedances have been found to

occur during nightime hours when there is little or no traffic. An analysis of the hourly data associated with these "coldspot"exceedances indicates that the greatest portion of the highest concentrations is attributable to background levels. Therefore, a "rollback" technique was used to determine the required emission reduction to attain the NAAQS. This technique involves linearly rolling back the design value to the standard and reduction emissions by the percentage difference. The 1982 design value for this site is 10.8 mg/m³ and therefore requires a 7.4% reduction in emissions by December 31, 1987, to attain the 10 mg/m³ eight-hour CO NAAQS. The FMVCP controls are projected to reduce mobile source emissions 30% between 1982 and 1987. Applying this reduction to the background portion of the design value yields a maximum projected concentration of 8.55 mg/m³ by the end of 1987, well below the NAAQS.

Intersection Hot Spot Analysis

No ambient monitoring data for CO is currently available at any intersection in Dade County. Therefore, evaluation of both current and projected air quality was made using appropriate modeling techniques. A general screening process was used to rank the most congested intersections in the county. Five of the intersections expected to have the worst air quality impacts at the end of 1987 were subjected to more detailed analysis. The detailed modeling methodology described in EPA's "Guidelines for Air Quality Maintenance Planning and Analysis Volume 9 (Revised): Evaluating Indirect Sources" (EPA–450/4–78–001), with corrections made to update the emission factors, was then used to predict maximum eight-hour concentrations near each intersection. This methodology is the only EPA-approved technique, at this time, to address intersectional hot spots. The only emission controls accounted for were those associated with the FMVCP. The worst of these intersections is projected to have a maximum eight-hour concentration of 9.5 mg/m³.

Transportation Control Measures

Metrorail and Metromover—The Metrorail is a heavy rail mass transit system currently in operation at Dade County. The system connects downtown Miami with Hialeah to the northwest and with the Kendall area (via the South Dixie Highway corridor) to the southwest. Once into the downtown area the main line connects to a downtown Metromover system which circles the downtown area. The Metrorail system, which was in part designed to reduce traffic into the downtown area, has not attained the ridership originally expected. Although there has been at least some traffic reduction, for the purpose of this SIP revision no emission reductions were calculated directly as a result of Metrorail or the Metromover. Indirectly, as a result of Metrorail, a portion of the bus services to the downtown area is expected to be cancelled. These fewer buses are expected to increase traffic flow and reduce emissions.

Anti-Tampering and Fuel Switching—The county has adopted an anti-tampering and fuel switching (misfueling) ordinance. This ordinance makes it unlawful for an owner of a motor vehicle to operate the vehicle if it (a) does not meet a 20 percent opacity standard for exhaust emissions; or (b) has had certain emission control devices tampered with; or (c) is powered by leaded gasoline when the vehicle is designed by the manufacturer to be powered by unleaded gasoline. The enforcement of this ordinance is a random one percent roadside tampering/misfueling inspection countywide. Any owner of a motor vehicle found to be in violation is subject to a fine and must repair the vehicle.

The amount of CO emission reduction directly associated with randomly auditing and repairing one percent or 10,000-15,000 vehicles/year is quite small. However, the impact of this program will probably improve the emission characteristics of more than just the one percent of the motor vehicles being audited in the county, especially through an active public information campaign and the owner knowing he/she may be pulled over. Emission credits for this program can only be obtained for the actual number of vehicles audited. The SIP revision does not claim this credit.

Because of EPA's close involvement in the detailed analysis work and throughout this process, the technical reports prepared by the EPA consultant will serve as the technical support document for this approval action.

Final Action

Based on the above discussion, EPA is approving the Post-1982 Florida CO SIP revision for Dade County. The plan revision satisfactorily meets all Part D requirements of the CAA.

Since the State of Florida is not required to revise their CO control strategy or change their rules or regulations to assure attainment of the CO NAAQS in Dade County, there is no material to be incorporated by reference.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective 60 days from the date of this **Federal Register** unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted.

If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective April 6, 1987.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 6, 1987. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

Under 5 U.S.C. 605(b), I certify that this approval action will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

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

List of Subjects in 40 CFR Part 52

Air pollution control, Intergovernmental relations, Carbon monoxide.

Dated: January 27, 1987.

Lee M. Thomas,

Administrator.

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

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7642.

Subpart K—Florida

2. Section 52.520 as amended by adding paragraph (c)(59) as follows:

§ 52.520 Identification of plan.

* * * * *

(c) * * *

(59) Post-1982 CO SIP revision for Dade County, submitted on September 19, 1986, by the Florida Department of Environmental Regulation.

(i) Incorporation by reference—none.

(ii) Other material.

(A) Narrative description of analysis performed for CO.

(B) Analysis of East Flagler Street Carbon Monoxide Exceedances—Downtown Miami.

(C) Description of Methodologies to Assess Eight-Hour Nighttime Carbon Monoxide Exceedances.

(D) Identification and Analysis of Potential Carbon Monoxide Hotspots in Dade County, Florida.

(E) Analysis of Transportation Control Measures (TCMs), Dade County/Miami.

[FR Doc. 87-2211 Filed 2-3-87; 8:45 am]

BILLING CODE 6560-50-M

Proposed Rules

Federal Register
Vol. 52, No. 23
Wednesday, February 4, 1987

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 928

Papayas Grown in Hawaii; Change in the Term of Office of Committee Members

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would change the 2-year term of office of the members and alternates of the Papaya Administrative Committee to the period July 1–June 30, from the period January 1–December 31, and extend for 6 months the current committee members' term of office through June 30, 1987. The beginning date of the new term of office would coincide with the beginning date of the new fiscal year (July 1) recently established under the marketing order. These proposed changes are expected to improve the functioning and operations of the committee and the marketing order program.

DATES: Comments must be received by March 6, 1987.

ADDRESSES: Comments should be sent to: Docket Clerk, F&V, AMS, Room 2085–S, U.S. Department of Agriculture, Washington, DC 20250. Three copies of all written material shall be submitted, and they will be made available for public inspection at the office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Ronald L. Cioffi, Chief, Marketing Order Administration Branch, F&V, AMS, USDA, Washington, DC 20250, telephone (202) 447–5697.

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

The proposed rule is issued under the marketing agreement and Order No. 928 (7 CFR Part 928), regulating the handling of papayas grown in Hawaii. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The rule is based upon the recommendations and information submitted by the Papaya Administrative Committee, established under the order, and upon other available information.

This proposed rule would change the 2-year term of office of committee members and alternates currently specified in § 928.21, so that the term begins on July 1 of each odd-numbered year, rather than January 1 of each odd numbered year. Section 928.21 authorizes the Secretary to change the fiscal period upon recommendation of the committee. The beginning date of the new term of office would coincide with the beginning date of the new fiscal year, which was recently changed to July 1 from January 1 by a rule issued under the marketing order adding a new § 928.106 (51 FR 35342, October 2, 1986). In addition, the proposal would extend the term of office of members and alternates currently serving on the committee by 6 months, until June 30, 1987, to provide for an orderly transition to the new term of office.

These changes are designed to improve the functioning of the committee, and the operations of the marketing order program.

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

The purpose of the FRA is to fit regulatory actions to the scale of businesses 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 of 1937, as amended (the Act, 7 U.S.C. 601–674), and rules promulgated thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 100 handlers of Hawaiian papayas subject to regulation under the Hawaiian papaya marketing order, and approximately 306 papaya producers in Hawaii. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual gross revenues for the last three years of less than $100,000 and agricultural service firms are defined as those whose gross annual receipts are less than $3,500,000. The great majority of handlers and producers of Hawaiian papayas may be classified as small entities. This action is primarily of an administrative nature and, as such, does not impose any additional costs on handlers.

List of Subjects in 7 CFR Part 928

Marketing agreements and orders, Papayas, Hawaii.

PART 928—[AMENDED]

1. The authority citation for 7 CFR Part 928 continues to read as follows:

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

2. The proposal is to amend Subpart—Rules and Regulations (7 CFR 928.141–928.313) by adding § 928.121 to read as follows:

§ 928.121 Term of office.

Pursuant to § 928.21, the term of office for each member and alternate member on the committee is reestablised to be a 24-month period beginning July 1 of each odd-numbered year and ending on the second succeeding June 30: *Provided*, That committee members currently serving on the committee shall continue to serve through June 30, 1987.

Dated: January 29, 1987.

Thomas R. Clark,

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

[FR Doc. 87–2168 Filed 2–3–87; 8:45 am]

BILLING CODE 3410–02–M

Farmers Home Administration

7 CFR Part 1942

Community Facility Loans and Grants

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to amend its regulations regarding loans

and grants for Community Facility projects. This proposed action is being taken by FmHA to comply with Pub. L. (Pub. L.) 99–198. Title XIII of Pub. L. 99–198 changes certain criteria for determining the amount of grant and interest rate a community can receive under FmHA's water and waste disposal program and establishes a new purpose for which grant funds may be used. Also the proposed action removes the limitation on the use of grant funds to pay a portion of project cost when the annual reserve exceeds one-tenth of the average debt service. Also the proposed action is being taken to comply with Office of Management and Budget (OMB) Circulars A–128 and A–110. Other editorial changes are proposed to remove ambiguity in the existing regulations. The intended effect of this action is to bring existing regulations into compliance with Pub. L. 99–198, develop a new regulation for the technical assistance and/or training grants authorized by the law, and to more effectively serve the needs of rural communities.

DATE: Comments must be received on or before March 6, 1987.

ADDRESSES: Submit written comments in duplicate to the Office of the Chief, Directives Management Branch, Farmers Home Administration, USDA, South Building, Room 6348, 14th and Independence Avenue, SW., Washington, DC 20250. All written comments made pursuant to this notice will be available for public inspection on weekdays between the hours of 8:15 a.m. and 4:45 p.m. at the above address. The collection of information requirements contained in this rule have been submitted to the Office of Management and Budget for review under section 3504(h) of the Paperwork Reduction Act of 1980. Submit comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Farmers Home Administration, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jerry W. Cooper, Loan Specialist, Water and Waste Disposal Division, Farmers Home Administration, USDA, South Agriculture Building, Room 6328, Washington, DC 20250, telephone: (202) 382–9589.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established in Departmental Regulation 1512–1, which implements Executive Order 12291, and has been determined to be "nonmajor" since the annual effect on the economy is less than $100 million and there will be no significant increase in cost or prices for consumers; individual industries; Federal, State, or Local Government agencies; or geographic regions. Futhermore, there will be no adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. This proposed action is not expected to substantially affect budget outlay, to affect more than one agency or to be controversial. Additional efforts to administer the changes are expected to be minimal. Increased program costs are, therefore, not anticipated. The net result is expected to provide better service to rural communities.

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.418, Water and Waste Disposal Systems for Rural Communities, and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials (7 CFR Part 3015, Subpart V, 48 FR 29112, June 24, 1983, and 7 CFR Part 1940, Subpart J, "Intergovernmental Review of Farmers Home Administration Programs and Activities").

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

In compliance with the Regulatory Flexibility Act (Pub. L. 96–354), Mr. Vance L. Clark, Administrator of the Farmers Home Administration, has determined that this action will not have a significant economic impact on a substantial number of small entities because in terms of the total number of rural communities less than 100 will be affected annually.

This action amends FmHA's policies for making development grants and loans. These loans and grants assist in financing the development costs of domestic water and waste disposal systems to rural communities and other associations of farmers, ranchers, rural residents, and other rural users.

These loans and grants will assist rural communities and other associations of farmers, ranchers, rural residents, and other rural users in developing projects and improving the management or operations of existing systems. This action also includes a new regulation and policies for making technical assistance and/or training grants to private nonprofit organizations.

Public Law 99–198 requires FmHA to:

(1) Develop a graduated scale of grant rates that establishes a higher rate for projects in communities having lower population and income levels.

(2) For water and waste disposal projects serving more than one separate community use median population and income levels of all the separate communities in calculating grants and establishing interest rates.

(3) Provide grants to private nonprofit organizations for the purpose of providing technical assistance and/or training to associations eligible for FmHA water and waste disposal grant funding.

This action removes a limitation on the use of grant funds when the annual reserve exceeds one-tenth of the annual debt service requirements. This reserve limitation affects projects involving other lenders.

The audit requirements of OMB Circulars A–128 and A–110 are being incorporated into FmHA's grant regulations by adding a new section.

FmHA proposes to amend Subparts A and H and add a new Subpart J of Part 1942 to bring FmHA Community Facility regulations into compliance with Pub. L. 99–198.

List of Subjects in 7 CFR Part 1942

Community development, Community facilities, Loan programs—Housing and community development, Loan security, Rural areas, Waste treatment and disposal—Domestic, Water supply—Domestic.

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

PART 1942—ASSOCIATIONS

1. The authority citation for Part 1942 continues to read as follows:

Authority: 7 U.S.C. 1927 A; 7 U.S.C. 1989; 7 CFR 2.23; 7 CFR 2.70.

Subpart A—Community Facility Loans

2. In § 1942.17, paragraph (f)(6) is revised to read as follows:

§ 1942.17 Community facilities.

* * * * *

(f) * * *

(6) *Income determination.* The income data used to determine median household income should be that which most accurately reflects the income of the service area. The service area is that

area reasonably expected to be served by the facility being financed by FmHA. In cases where more than one geographic area is being served by a water and waste disposal project, the most accurate income figure should be used. One method of obtaining the income of the service area is by calculating a weighted average based on the number of households in each area. The following example demonstrates this method:

	Income	Households	Total income
Area A	$11,200	150	$1,680,000
Area B	14,500	1,500	21,750,000
Area C	16,000	7,000	112,000,000
		8,650	135,430,000

$$\frac{\text{Total Income}}{\text{Total Households}} = \frac{\$135,430,000}{8,650} = \$15,657 \text{ weighted median household income}$$

The median household income of the service area and the nonmetropolitan median household income of the State will be determined from income data from the most recent decennial census of the U.S. If there is reason to believe that the census data is not an accurate representation of the median household income within the area to be served, the reasons will be documented and the applicant may furnish, or FmHA may obtain, additional information regarding median household income. Information will consist of reliable data from local, regional, State or Federal sources or from a survey conducted by a reliable impartial source. The nonmetropolitan median household income of the State may only be updated on a national basis by the FmHA National Office. This will be done only when median household income data for the same year for all Bureau of the Census areas is available from the Bureau of the Census or other reliable sources. Bureau of the Census areas would include areas such as: Counties, County Subdivisions, Cities, Towns, Townships, Boroughs, and other places.

* * * * *

Subpart H—Development Grants for Community Domestic Water and Waste Disposal Systems

3. Section 1942.358 is amended by revising paragraph (e) to read as follows:

§ 1942.358 Use of grant funds.

* * * * *

(e) To use FmHA grant funds on projects where other types of financial assistance are available on all or part of the projects, provided the other assistance is on reasonable rates and terms. In such cases the maximum percentages allowed under other agencies' authorities will apply to their participation in the project. However, the FmHA grant may not exceed applicable percentages in § 1942.360(b) of this subpart of the eligible project development cost. The need for FmHA grant funds must meet the requirements of § 1942.363 of this subpart after considering all project financing.

* * * * *

4. Section 1942.360 is amended by removing paragraph (a)(11); redesignating paragraphs (a)(12), (a)(13), and (a)(14) as (a)(11), (a)(12), and (a)(13) respectively; and by revising newly redesignated paragraph (a)(13) and paragraph (b) to read as follows:

§ 1942.360 Grant limitations.

(a) * * *

(13) Pay any costs of a project when the median household income of the service area is above the poverty line and more than 100 percent of the nonmetropolitan median household income of the State. The poverty line will be that income for a family of four as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

(b) An FmHA development grant may not be made in excess of the following percentages (*whichever is higher*) of the eligible project development costs. Facilities previously installed will not be considered in determining the development costs.

(1) Seventy-five percent (75%) when the median household income of the service area is below the poverty line or below 80 percent of the statewide nonmetropolitan median household income.

(2) Fifty-five percent (55%) when the median household income of the service area exceeds the seventy-five percent requirements described in paragraph (b)(1) of this section but is not more than 100 percent of the statewide nonmetropolitan median household income.

5. In § 1942.363, paragraph (b)(3) is added, and paragraphs (c)(1), (c)(2) and (d) are revised to read as follows:

§ 1942.363 Determining the need for development grants.

* * * * *

(b) * * *

(3) *User rate.* The initial user rate after the grant is made should produce enough revenue to provide for all costs of the facility. The planned revenue should be sufficient to provide for all debt service, reserve, operation and maintenance and if appropriate, additional revenue for facility replacement of short lived assets without building a substantial surplus. Ordinarily, the total reserve will be equal to one average annual loan installment which will accumulate at the rate of one-tenth of the total each year.

(c) * * *

(1) Grants may not exceed the percentages in § 1942.360(b) of this subpart of the eligible project development costs listed in § 1942.358 of this subpart.

(2) Applicants will be considered for grant assistance when the debt service portion of the average annual user cost, for users in the applicant's service area, exceeds the following percentages of median household income:

(i) *.5 percent* when the median household income of the service area is below the poverty line or below 80 percent of the statewide nonmetropolitan median household income.

(ii) *1.0 percent* when the median household income of the service area exceeds the .5 percent requirement but is not more than 100 percent of the statewide nonmetropolitan median household income.

* * * * *

(d) The income data used to determine median household income should be that which most accurately reflects the income of the service area. The service area is that area reasonably expected to be served by the facility being financed by FmHA. In cases where more than one geographic area is being served by a water and waste disposal project, the most accurate income figure should be used. One method of obtaining the income of the service area is by calculating a weighted average based on the number of households in each area. The following example demonstrates this method:

	Median income	Households	Total income
Area A	$11,200	150	$1,680,000
Area B	14,500	1,500	21,750,000
Area C	16,000	7,000	112,000,000
Total		8,650	135,430,000

Total income ($135,430,000) divided by Total Households (8,650) equals the Weighted Median Household Income ($15,657).

The median household income of the service area, communities described in paragraph (b)(2) of this section, communities used in Part 11 C of Form FmHA 1942-51, and the nonmetropolitan median household income for the State will be determined from income data from the most recent decennial census of the U.S. If there is reason to believe that the census data is not an accurate representation of the median household income within the area to be served, the reasons will be documented on Form FmHA 1942-51 and the applicant may furnish, or FmHA may obtain, additional information regarding such median household income. Information will consist of reliable data from local, regional, State or Federal sources or from a survey conducted by a reliable impartial source. The nonmetropolitan median household income of the State may only be updated on a national basis by the FmHA National Office. This will be done only when median household income data for the same year for all Bureau of the Census areas is available from the Bureau of the Census or other reliable sources. Bureau of the Census areas would include areas such as: Counties, County Subdivisions, Cities, Towns, Townships, Boroughs, and other places.

* * * * *

6. Section 1942.381 is added to read as follows:

§ 1942.381 Audits.

Audits will be handled in accordance with § 1942.17(q)(4) of Subpart A of Part 1942 of this chapter.

7. New Subpart J is added to Part 1942 to read as follows:

Subpart J—Technical Assistance and Training Grants

Sec.

Subpart J—Technical Assistance and Training Grants

§ 1942.451 General.

This subpart sets forth the policies and procedures for making technical assistance and training grants authorized under section 306(a)(16)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)), as amended.

§ 1942.452 [Reserved]

§ 1942.453 Objectives.

The objectives of the Technical Assistance and Training Grant Program are to:

(a) Identify and evaluate solutions to water and waste disposal problems in rural areas.

(b) Assist applicants in preparing applications for water and waste disposal grants made in accordance with Subpart H of Part 1942 of this chapter.

(c) Improve operation and maintenance of existing water and waste disposal facilities in rural areas.

§ 1942.454 Definitions.

(a) *Association.* An entity that is eligible for FmHA water and waste disposal financial assistance in accordance with § 1942.17(b) of Subpart A and § 1942.355(a) of Subpart H of Part 1942 of this chapter.

(b) *Grantee.* An entity with whom the Farmers Home Administration (FmHA) has entered into a grant agreement under this program.

(c) *Low income.* Median household income below the poverty line for a family of four as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), or below 80 percent of the Statewide nonmetropolitan median household income.

(d) *Rural area.* For water and waste disposal facilities the terms "rural" or "rural area" will not include any area in a city or town with a population in excess of 10,000 inhabitants according to the latest decennial census of the United States.

(e) *State.* Any of the fifty States, the Commonwealth of Puerto Rico, the Western Pacific Territories, Marshall Islands, Federated States of Micronesia, Republic of Palau, and the U.S. Virgin Islands.

§ 1942.455 Source of funds.

All grants awarded will be made from not less than one (1) percent or, at the discretion of the FmHA Administrator, not more than two (2) percent of any appropriations for grants under section 306(a)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)). Funds not obligated by September 1 of each fiscal year under this subpart will be used for water and waste disposal grants made in accordance with Subpart H of Part 1942 of this chapter.

§ 1942.456 [Reserved]

§ 1942.457 Eligibility.

Organizations eligible for grants are private nonprofit organizations that have been granted tax exempt status by the Internal Revenue Service of the United States. Applicants must have the proven ability, background, experience, legal authority and actual capacity to provide technical assistance and/or training to associations as provided in § 1942.453 of this subpart.

§ 1942.458 Purpose.

Technical Assistance and/or Training Grants may be used to:

(a) Identify and evaluate solutions to water problems of associations in rural areas relating to:

(1) Source.

(2) Storage.

(3) Treatment.

(4) Distribution.

(b) Identify and evaluate solutions to waste problems of associations in rural areas relating to:

(1) Collection.

(2) Treatment.

(3) Disposal.

(c) Assist associations that have filed a preapplication with FmHA in the preparation of water and/or waste disposal grant applications.

(d) Provide training to association personnel that will improve the management, operation and maintenance of water and waste disposal facilities.

(e) To pay the expenses associated with providing the technical assistance and/or training authorized in

paragraphs (a), (b), (c), and (d) of this section.

§ 1942.459 [Reserved]

§ 1942.460 Limitations.

Grant funds may not be used to:

(a) Recruit applications for FmHA's water and waste disposal loan and/or grant program or any loan and/or grant program.

(b) Duplicate current services, replacement or substitution of support previously provided such as those performed by an association's consultant in developing a project.

(c) Fund political activities.

(d) Pay for capital assets, the purchase of real estate or vehicles, improve and renovate office space, or repair and maintain privately-owned property.

(e) Pay for construction or operation and maintenance costs.

(f) Pay costs incurred prior to the effective date of grants made under this subpart.

§ 1942.461 Equal opportunity requirements.

The policies and regulations contained in Subpart E of Part 1901 this chapter apply to grants made under this subpart.

§ 1942.462 Environmental requirements.

The policies and regulations contained in Subpart G of Part 1940 of this chapter apply to grants made for the purposes in § 1942.458 of this subpart.

§ 1942.463 Preapplications.

(a) Applicants will file an original and one copy of Form AD–621, "Preapplication for Federal Assistance," with the appropriate FmHA office between October 1 and December 31 each fiscal year. This form is available in all FmHA offices. Applicants proposing to provide technical assistance and/or training in only one State will apply through the appropriate FmHA State Office. The FmHA State Office will forward preapplications, with any written comments, within seven working days to the National Office, Attention: Water and Waste Disposal Division. Applicants providing technical assistance and/or training in more than one State will forward the preapplication to the Administrator, Farmers Home Administration, Washington, DC 20250.

(b) All preapplications shall be accompanied by:

(1) Evidence of applicant's legal existence and authority.

(2) Evidence tax exempt status from the Internal Revenue Service.

(3) Brief written narrative which includes items such as:

(i) The proposed service(s) to be provided, including the benefits of the technical assistance and/or training.

(ii) Area to be served.

(iii) Name of association(s) or type of association(s) that will be served.

(iv) Median household income of the population to be served by each association(s).

(v) Grantee's experience, including experience of key staff members and person(s) providing the technical assistance and/or training.

(vi) The number of months duration of the project or service and the estimated time it will take from grant approval to beginning of service.

(vii) Method used to select the association(s) that will receive the service.

(viii) Brief description of how the service will be provided. Such as through currently employed personnel or some other method.

(ix) Method to be used for delivery of the service, including personnel to be utilized and tasks to be contracted, if any.

(4) Latest financial information to show the organization's financial capacity to carry out the proposed work. As a minimum, the information should include a balance sheet and an income statement. A current audit report is preferred.

(5) Estimated breakdown of costs including that to be funded by grantee as well as other sources.

(6) Budget and accounting system in place or proposed.

(7) Evaluation method to determine if objective(s) of the proposed activity is being accomplished.

(c) Upon receipt of a preapplication, the FmHA National Office will:

(1) Review and evaluate the preapplication and accompanying documents; and

(2) Request from the Office of General Counsel (OGC), a legal determination of applicant's legal existence and authority to provide technical assistance and/or training. The legal opinion will be obtained from the Regional Attorney serving the area where the applicant's headquaters is located; and

(3) Normally, respond to the applicant within 45 days after December 31 of each year using Form AD–622, "Notice of Preapplication Review Action," indicating the action taken on the preapplication.

(d) Applicants whose preapplications are found to be ineligible will be given notice by use of Form AD–622 and advised of their appeal rights under Subpart B of Part 1900 of this chapter.

(e) Applicants who are eligible, but do not have the priority necessary for further consideration will be notified with Form FmHA AD–622 which includes the following statements:

"Your proposal cannot be funded within the available funds."

"You are advised against incurring obligations which cannot be fulfilled without FmHA funds."

(f) Applicants that are eligible for funding within the available funds will be provided forms and instructions for filing a complete application. Applicants should be advised against incurring obligations which cannot be fulfilled without FmHA funds.

§ 1942.464 Priority.

The preapplication and supporting information will be used to determine the applicant's priority for available funds. The following specific criteria will be considered in the competitive selection of grant recipients:

(a) Applicant's demonstrated capability and past performance in providing technical assistance and/or training to rural associations.

(b) The extent to which the population of the associations served have low income.

(c) Applicant's financial and if applicable, in-kind resources.

(d) The extent to which the project will be cost effective, including but not limited to; the ratio of proposed personnel to the cost of the project, the cost per person of the benefited users of the project, and the expected benefits from the project.

(e) How well the proposal coincides with the objectives of FmHA's Water and Waste Disposal program authorized in Subparts A and H of Part 1942 of this chapter.

(f) Applicants proposing to serve multi-state, regional, or nationwide areas.

(g) Applicants whose time frame for completion of the project is twelve months or less.

§ 1942.465 [Reserved]

§ 1942.466 Application processing.

(a) Upon notification on Form AD–622. that the applicant is eligible for funding, the following will be submitted to the FmHA National Office by the applicant.

(1) Form AD–623, "Application for Federal Assistance (Nonconstruction Programs)."

(2) Proposed scope of work detailing the training and/or technical assistance to be accomplished and time frames for completion of each task.

(3) Proposed budget.

(4) Other requested information needed by FmHA to make a grant award determination.

(b) The following forms and documents will be part of the grant docket:

(1) Form FmHA 400–1, "Equal Opportunity Agreement."

(2) Form FmHA 400–4, "Assurance Agreement."

(3) Grant Agreement signed by the applicant.

(4) Scope of work prepared by the applicant.

(5) Form FmHA 1940–1, "Request for Obligation of Funds."

(c) If the applicant fails to submit the application and related material by the date shown on Form AD–622 (normally 30 days from the date of Form AD–622), FmHA may discontinue consideration of the application.

§ 1942.467 [Reserved]

§ 1942.468 Grant approval and obligation of funds.

(a) FmHA National Office will review the application and other documents to determine whether the proposal complies with these regulations.

(b) All grants made under these regulations will be approved and obligated by the FmHA Administrator, or designee.

(c) The obligation of funds will be handled in accordance with § 1942.5(d) of Subpart A of Part 1942 of this chapter.

(d) An executed copy of the Grant Agreement and scope of work will be sent to the applicant on the obligation date, along with a copy of Form FmHA 1940–1. FmHA will retain the executed original of the Grant Agreement. The grant will be considered closed on the obligation date.

(e) If the grant is not approved, the applicant will be notified in writing of the reason(s) for rejection. The notification to the applicant will state that a review of this decision by FmHA may be requested by the applicant under Subpart B of Part 1900 of this chapter.

§ 1942.469 Fidelity bond.

Prior to the advancing of funds, the grantee will provide fidelity bond coverage for the positions of persons entrusted with the receipt and disbursement of its funds and the custody of valuable property. The amount of the bond will be at least equal to the maximum amount of monies that the grantee will have on hand at any one time for technical assistance and/or training provided in accordance with the Grant Agreement. Unless prohibited by State law, the United States, acting through the Farmers Home Administration, will be named as co-obligee in the bond. The bond must be obtained from a company listed in Department of Treasury Circular 570, as amended. Form FmHA 440–24, "Position Fidelity Schedule Bond," may be used. A certified power-of-attorney with effective date will be attached to the bond.

§§ 1942.470–1942.471 [Reserved]

§ 1942.472 Fund disbursement.

Grantees will be reimbursed as follows:

(a) Standard Form (SF) 270, "Request for Advance or Reimbursement," will be completed by the applicant and submitted to FmHA National Office not more frequently than monthly.

(b) Upon receipt of a properly completed SF–270, the funds will be requested through the field office terminal system. Ordinarily, payment will be made within 30 days after receipt of a proper request for reimbursement.

(c) Grantees are encouraged to use minority banks (a bank which is owned by at least 50 percent minority group members) for the deposit and disbursement of funds. A list of minority owned banks can be obtained from the Office of Minority Business Enterprise, Department of Commerce, Washington, DC 20230.

§ 1942.473 Grant cancellation or major changes.

If it is determined that a project will not be funded or if major changes in the scope of the project are made after release of the approval announcement, the Administrator will notify the Director of Legislative Affairs and Public Information Staff (LAPIS) giving the reasons for such action. In the case of a grant cancellation, Form FmHA 1940–10, "Cancellation of U.S. Treasury Check and/or Obligation," will not be submitted to the Finance Office until five working days after notifying the Director of LAPIS and grant obligation cancellations will not be submitted to the National Office until 5 work days after notifying the Director of LAPIS.

§ 1942.474 Reporting.

Standard Form (SF) 269, "Financial Status Report," SF 272, "Federal Cash Transactions Report," and a project performance activity report will be required of all Grantees on a quarterly basis. A final project performance report will be required with the last SF–269. The final report may serve as the last quarterly report. Grantees shall constantly monitor performance to ensure that time schedules are being met, projected work by time periods is being accomplished, and other performance objectives are being achieved. All multi-state, regional, and nationwide Grantees are to submit an original of each report to the FmHA National Office. Grantees serving only one State are to submit an original of each report to the FmHA State Director. The FmHA State Director will review and forward to the FmHA National Office the report with comments. The project performance reports shall include, but not be limited to, the following:

(a) A comparison of actual accomplishments to the objectives established for that period;

(b) Reasons why established objectives were not met;

(c) Problems, delays, or adverse conditions which will affect attainment of overall project objectives, prevent meeting time schedules or objectives, or preclude the attainment of particular project work elements during established time periods. This disclosure shall be accompanied by a statement of the action taken or planned to resolve the situation; and

(d) Objectives and timetable established for the next reporting period.

§ 1942.475 Audit.

The Grantee will provide an audit report prepared in accordance with OMB Circular A–110, Attachment F, within 90 days after project completion.

§ 1942.476 Grant Agreement.

Exhibit A of this subpart is a Grant Agreement which sets forth the procedures for making and servicing grants made under this subpart.

§ 1942.477 Grant servicing.

Grants will be serviced in accordance with the grant agreement and Subpart E of Part 1951 of this chapter. Subpart B of Part 1900 of this chapter will be followed when grants are terminated for cause.

§ 1942.478 Delegation of authority.

The authority under this subpart is redelegated to the Assistant Administrator, Community and Business Programs, except for the discretionary authority contained in § 1942.455 of this subpart. The Assistant Administrator, Community and Business Programs, may redelegate the authority in this section.

§§ 1942.479–1942.500 [Reserved]

Exhibit A—Grant Agreement—Technical Assistance and Training

This agreement is between _____ (name), _____ (address), (Grantee) and the United States of America acting through the Farmers Home

Administration (Grantor or FmHA). Grantee has determined to undertake certain Technical Assistance and/or Training at an estimated cost of $_____ and has duly authorized such activity. Grantee shall finance $_____ of the costs through cash and in-kind contributions. The Grantor agrees to grant to Grantee a sum not to exceed $_____ subject to the terms and conditions established by the Grantor; provided, however, that the proportionate share of any grant funds actually advanced and not needed for grant purposes shall be returned immediately to the Grantor. The Grantor may terminate the grant in whole, or in part, at any time before the date of completion, whenever it is determined that the Grantee has failed to comply with the conditions of the grant. In consideration of said grant by Grantor to Grantee, to be made pursuant to Section 306 (a)(16)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926 (a)) for the purpose of defraying technical assistance and/or training costs as permitted by applicable Farmers Home Administration regulations:

Part A

Grantor and Grantee agree:

1. This agreement shall be effective when executed by both parties.

2. The scope of work described by the applicant in Exhibit 1 shall be completed within ____ days from the date of this agreement.

3. Use of grant funds for travel which is determined as being necessary to the program for which the grant is established may be subject to the travel policies of the Grantee institution if they are uniformly applied regardless of the source of funds in determining the amounts and types of reimbursable travel expenses of Grantee staff and consultants. Where the Grantee institution does not have such specific policies uniformly applied, the Federal Travel Regulations shall apply in determining the amount charged to the grant.

The information collected through the grant agreement is required to obtain a Technical Assistance and/or Training grant and is used to determine that the grant funds are used for authorized program purposes.

Grantee may purchase furniture and office equipment only if specifically approved in the scope of work. Approval will be given only when Grantee demonstrates that purchase is necessary. Commercial purchase under these circumstances will be approved only after consideration of Federal supply sources.

(a) Expenses and Purchases Excluded:

(i) In no event shall the Grantee expend or request reimbursement from Federal-share funds for obligations entered into or for costs incurred or accrued prior to the effective date of this grant.

(ii) Funds budgeted under this grant may not be used for entertainment expenses or to fund political activities.

(iii) Funds budgeted under this grant may not be used to pay for capital assets, the purchase of real estate or vehicles, improve or renovate office space, or repair and maintain privately-owned property.

(iv) Recruit applications for FmHA's water and waste disposal loan and/or grant program.

(v) Duplicate current services, replacement, or substitution of support previously provided.

(b) Grant funds shall not be used to replace any financial support previously provided for or assured from any other source. The Grantee agrees that the general level of expenditure by the Grantee for the benefit of program area and/or program covered by this agreement shall be maintained and not reduced as a result of the Federal share funds received under this grant.

4. Grant funds will be disbursed by FmHA on a reimbursement basis not to exceed one advance every 30 days. The financial management system of the recipient organization shall provide for effective control over and accountability for all funds, property and other assets.

(a) As needed, but not more frequently than once every 30 days, an original and one copy of Standard Form (SF) 270, "Request for Advance or Reimbursement" may be submitted to FmHA.

(b) Grantee shall provide satisfactory evidence to FmHA that all officers of Grantee organization authorized to receive and/or disburse Federal funds are covered by such bonding and/or insurance requirements as are normally required by the Grantee.

(c) Where the Grantee shall have claimed credit for contributions-in-kind to the total cost of allowable expenses, the evaluation of such contributions-in-kind shall be subject to reevaluation by the Grantor at any time, and any deficiency so determined by the Grantor shall be compensated by supplemental contributions by the Grantee as a condition for further disbursements by the Grantor. Specific procedures for establishing the value of in-kind contributions from third parties established in OMB Circular A–110 will govern such an evaluation. Principles for determining cost are set forth in OMB Circular A–122 and will be used in cost evaluation.

(d) If for any reason grant funds are invested, income earned on such investments shall be identified as interest income on grant funds and forwarded to the Finance Office, FmHA, St. Louis, Missouri.

5. The Grantee will submit Performance and Financial reports as indicated below:

(a) Quarterly, an original and one copy of SF 269, "Financial Status Report," SF 272, "Federal Cash Transactions Report," (due 15 working days after end of quarter) and a Project Performance report according to the schedule below:

Period *Date Due*

(b) Final, an original and 1 copy of SF 269, and a Project Performance report according to the schedule below:

Due Date

Note.—Final reports may serve as the last quarterly reports.

(c) The original and 1 copy of reports and forms are to be submitted to the Administrator, Farmers Home Administration, Washington, D.C. 20250.

6. The budget covered by this agreement is:

(a) Federal Contribution $_____

Grantee Contribution:

Cash _____

In-kind _____

Total $ _____

(b) Budget.

Budget categories	Federal funds	Non-Federal share		Total
		Cash	In-Kind	
Direct charges:				
1. Personnel	$	$		$
2. Fringe benefits				
3. Travel				
4. Equipment				
5. Supplies				
6. Contractual				
7. Other				
Total Direct Charges	$			
Totals	$	$		$

(c) In accordance with OMB Circular A–122, compensation for employees will be considered reasonable to the extent that such compensation is consistent with that paid for similar work in order activities of the State or local government.

(d) In accordance with OMB Circular A–110, Attachment J, transfers among direct cost budget categories of more than 5 percent of the total budget must have prior written approval by the Administrator, Farmers Home Administration.

7. Grantee responsibility.

(a) The scope of work is described in the attached Exhibit 1. The Grantee accepts responsibility for providing technical assistance and/or establishing and implementing a training program as set forth in scope of work. The Grantee shall:

(i) Identify and evaluate solutions to water and waste disposal problems in rural areas.

(ii) Provide technical assistance and/or training to improve operation and maintenance of water and waste disposal facilities in rural areas.

(iii) Assist rural communities that have decided to submit an application for the FmHA Water and Waste Disposal grant program in preparing such application.

(iv) Provide continuing information to FmHA on the status of Grantee programs, projects, related activities, and problems.

(b) The Grantee shall inform the Grantor as soon as the following types of conditions become known:

(i) Problems, delays, or adverse conditions which materially affect the ability to attain program objectives, prevent the meeting of time schedules or goals, or preclude the attainment of project work units by established time periods. This disclosure shall be accompanied by a statement of the action taken or contemplated, and any Grantor assistance needed to resolve the situation.

(ii) Favorable developments or events which enable meeting time schedules and

goals sooner than anticipated or producing more work units than originally projected.

Part B

Grantee agrees:

1. To comply with property management standards established by Attachment N of OMB Circular A–110 for expendable and nonexpendable personal property. "Personal property" means property of any kind except real property. It may be tangible—having physical existence—or intangible—having no physical existence, such as patents, inventions, and copyrights. "Nonexpendable personal property" means tangible personal property having a useful life of more than one year and an acquisition cost of $300 or more per unit. A Grantee may use its own definition of nonexpendable personal property provided that such definition would at least include all tangible personal property as defined above. "Expendable personal property" refers to all tangible personal property other than nonexpendable property. When nonexpendable tangible property is acquired by a Grantee with project funds, title shall not be taken by the Federal Government but shall be vested in the Grantee subject to the following conditions:

(a) Right to transfer title. For items of nonexpendable personal property having a unit acquisition cost of $1,000 or more, FmHA may reserve the right to transfer the title to the Federal Government or to a third party named by the Federal Government when such third party is otherwise eligible under existing statutes. Such reservation shall be subject to the following standards:

(i) The property shall be appropriately identified in the grant or otherwise made known to the Grantee in writing.

(ii) FmHA shall issue disposition instructions within 120 calendar days after the end of the Federal support of the project for which it was acquired. If FmHA fails to issue disposition instructions within the 120 calendar day period, the Grantee shall apply the standards of Part B1. (b) and (c) of this exhibit.

(iii) When FmHA exercises its right to take title, the personal property shall be subject to the provisions for federally owned nonexpendable property discussed in Part B 1. (b) and (c) of this exhibit.

(iv) When title is transferred either to the Federal Government or to a third party and the Grantee is instructed to ship the property elsewhere, the Grantee shall be reimbursed by the benefiting Federal agency with an amount which is computed by applying the percentage of the Grantee participation in the cost of the original grant project or program to the current fair market value of the property, plus any reasonable shipping or interim storage cost incurred.

(b) Use of other tangible nonexpendable property for which the Grantee has title.

(i) The Grantee shall use the property in the project or program for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds. When it is no longer needed for the original project or program, the Grantee shall use the property in connection with its other Federally sponsored activities, in the following order of priority:

(*1*) Activities sponsored by FmHA.

(*2*) Activities sponsored by other Federal agencies.

(ii) Shared use. During the time that nonexpendable personal property is held for use on the project or program for which it was acquired, the Grantee shall make it available for use on other projects or programs if such other use will not interfere with the work on the project or program for which the property was originally acquired. First preference for such other use shall be given to projects or programs sponsored by FmHA; second, preference shall be given to projects or programs sponsored by other Federal agencies. If the property is owned by the Federal Government, use on other activities not sponsored by the Federal Government shall be permissible if authorized by FmHA. User charges should be considered if appropriate.

(c) Disposition of other nonexpendable property. When the Grantee no longer needs the property as provided in Part B 1. (b) of this exhibit, the property may be used for other activities in accordance with the following standards:

(i) Nonexpendable property with a unit acquisition cost of less than $1,000. The Grantee may use the property for other activities without reimbursement to the Federal Government or sell the property and retain the proceeds.

(ii) Nonexpendable personal property with a unit acquisition cost of $1,000 or more. The Grantee may retain the property for other use provided that compensation is made to FmHA or its successor. The amounts of compensation shall be computed by applying the percentage of Federal participation in the cost of the original project or program to current fair market value of the property. If the Grantee has no need for the property and the property has further use value, the Grantee shall request disposition instructions from the original Grantor agency.

(iii) FmHA shall determine whether the property can be used to meet the agency's requirements. If no requirement exists within that agency, the availability of the Federal Property Management Regulations (FPMR), to the General Services Administration by FmHA to determine whether a requirement for the property exists in other Federal agencies. FmHA shall issue instructions to the Grantee no later than 120 days after the Grantee request and the following procedures shall govern:

(*1*) If so instructed or if disposition instructions are not issued within 120 calendar days after the Grantee's request, the Grantee shall sell the property and reimburse FmHA an amount computed by applying to the original project or program. However, the Grantee shall be permitted to deduct and retain from the Federal share $100 or ten percent of the proceeds, whichever is greater, for the Grantee's selling and handling expenses.

(*2*) If the Grantee is instructed to dispose of the property other than as described in Part B 1. (b) and (c) of this exhibit, the Grantee shall be reimbursed by FmHA for such costs incurred in its disposition.

(*3*) Property management standards for nonexpendable property. The Grantee's property management standards for nonexpendable personal property shall include the following procedural requirements:

(*a*) Property records shall be maintained accurately and shall include:

(*i*) A description of the property.

(*ii*) Manufacturer's serial number, model number, Federal stock number, national stock number, or other identification number.

(*iii*) Sources of the property including grant or other agreement number.

(*iv*) Whether title vests in the Grantee or the Federal Government.

(*v*) Acquisition date (or date received, if the property was furnished by the Federal Government) and cost.

(*vi*) Percentage (at the end of the budget year) of Federal participation in the cost of the project or program for which the property was acquired. (Not applicable to property furnished by the Federal Government.)

(*vii*) Location, use and condition of the property and the date the information was reported.

(*viii*) Unit acquisition cost.

(*ix*) Ultimate disposition data, including date of disposal and sales price or the method used to determine current fair market value where a Grantee compensates the Federal agency for its share.

(*b*) Property owned by the Federal Government must be marked to indicate Federal ownership.

(*c*) A physical inventory of property shall be taken and the results reconciled with the property records at least once every two years. Any differences between quantities determined by the physical inspection and those shown in the accounting records shall be investigated to determine the causes of the difference. The Grantee shall, in connection with the inventory, verify the existence, current utilization, and continued need for the property.

(*d*) A control system shall be in effect to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss; damage, or the theft of nonexpendable property shall be investigated and fully documented; if the property was owned by the Federal Government, the Grantee shall promptly notify FmHA.

(*e*) Adequate maitenance procedures shall be implemented to keep the property in good condition.

(*f*) Where the Grantee is authorized or required to sell the property, proper sales procedures shall be established which would provide for competition to the extent practicable and result in the highest possible return.

(*g*) Expendable personal property shall vest in the Grantee upon acquisition. If there is a residual inventory of such property exceeding $1,000 in total aggregate fair market value, upon termination or completion of the grant and if the property is not needed for any other federally sponsored project or program, the Grantee shall retain the property for use on nonfederally sponsored activities, or sell it, but must in either case compensate the Federal Government for its share. The amount of compensation shall be computed

in the same manner as nonexpendable personal property.

2. To provide Financial Management Systems which will include:

(a) Accurate, current, and complete disclosure of the financial results of each grant. Financial reporting will be on an accrual basis.

(b) Records which identify adequately the source and application of funds for grant-supported activities. Those records shall contain information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income.

(c) Effective control over and accountability for all funds, property and other assets. Grantees shall adequately safeguard all such assets and shall assure that they are used soley for authorized purposes.

(d) Accounting records supported by source documentation.

3. To retain financial records, supporting documents, statistical records, and all other records pertinent to the grant for a period of at least three years after grant closing except that the records shall be retained beyond the three-year period if audit findings have not been resolved. The Grantor and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the Grantee which are pertinent to the specific grant program for the purpose of making audit, examination, excerpts, and transcripts.

4. Provide an audit report prepared in accordance with OMB Circular A–110, Attachment F, within 90 days after project completion.

5. To account for and to return to Grantor interest earned on grant funds pending their disbursement for program purposes. See Part A 4.(d) of this exhibit.

6. Not to encumber, transfer, or dispose of the property or any part thereof, furnished by the Grantor or acquired wholly or in part with Grantor funds without the written consent of the Grantor except as provided in Part B 1 of this exhibit.

7. To provide Grantor with such periodic reports as it may require of Grantee operations by designated representative of the Grantor.

8. To execute Form FmHA 400–1, "Equal Opportunity Agreement," Form FmHA 400–4, "Assurance Agreement," and to execute any other agreements required by Grantor to implement the civil rights requirements.

9. That, upon any default under its representations or agreements set forth in this instrument, Grantee, at the option and demand of Grantor, will to the extent legally permissable, repay to the Grantor forthwith the original principal amount of the grant stated herein above, with interest accruing thereon from the date of default at the market rate for water and waste disposal loan assistance in effect on the date hereof or at the time the default occurred. Default by the Grantee will constitute termination of the grant thereby causing cancellation of Federal assistance under the grant. The provisions of this Grant Agreement may be enforced by the Grantor, at its option and without regard to: (a) Prior waivers by it of previous defaults of Grantee, (b) by judicial proceedings to require specific performance of the terms of this Grant Agreement, (c) by such other proceedings in law or equity, in either Federal or State courts, as may be deemed necessary by Grantor to assure compliance with the provisions of this Grant Agreement and, (d) the laws and regulations under which this grant is made.

10. That no member of Congress shall be permitted any share or part of this grant or any benefit that may arise therefrom; but this provision shall not be construed to bar as a contractor under the Grant a private nonprofit organization whose membership might include a member of Congress.

11. That all nonconfidential information resulting from its activities shall be made available to the general public on an equal basis.

12. That the purpose and scope of work for which this grant is made shall not duplicate programs for which monies have been received, are committed, or are applied for from other sources, public and private.

13. That the Grantee shall relinquish any and all copyrights and/or privileges to the materials developed under this grant, such material being the sole property of the Federal Government. In the event anything developed under this grant is published in whole or in part, the material shall contain notice and be identified by language to the following effect: "The material is the result of tax-supported research and as such is not copyrightable. It may be freely reprinted with the customary crediting of the source."

14. That the Grantee shall abide by the policies promulgated in OMB Circular A–110, Attachment O, which provides standards for use by Grantees in establishing procedures for the procurement of supplies, equipment, and other services with Federal grant funds.

15. To the following termination provisions:

(a) *Termination for cause.* The Grantor agency may terminate any grant in whole, or in part, at any time before the date of completion, wherever it is determined that the Grantee has failed to comply with the conditions of the grant. The Grantor agency shall promptly notify the Grantee in writing of the determination and the reasons for the termination, together with the effective date. Grants can be terminated for cause such as: failure to use funds for authorized purposes, poor progress, untimely reports, no progress, and failure to properly account for expenditures or property.

(b) *Termination for convenience.* The Grantor agency or Grantee may terminate grants in whole, or in part, when both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated. The Grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Grantor agency shall allow full credit to the Grantee for the Federal share of the noncancelable obligations, properly incurred by the Grantee prior to termination. Disposition of expandable and nonexpendable personal property will be in accordance with the standards of Part B1. of this exhibit.

16. As a condition of this grant or Cooperative Agreement, the recipient assures and certifies that it is in compliance with and will comply in the course of the Agreement with all applicable laws, regulations, Executive Orders and other generally applicable requirements, including those set out in 7 CFR 3015.205b, which hereby are incorporated in this Agreement by reference, and such statutory provisions as are specifically set for herein.

Part C

Grantor Agrees:

1. That it will assist Grantee, within available appropriations , with such technical assistance as Grantor deems appropriate in planning the project.

2. That at its sole discretion, Grantor may at any time give any consent, deferment, subordination, release, satisfaction, or termination of any or all of Grantee's grant obligations, with or without valuable consideration, upon such terms and conditions as Grantor may determine to be (a) advisable to further the purposes of the grant or to protect Grantor's financial interest therein, and (b) consistent with both the statutory purposes of the grant and the limitations of the statutory authority which it is made.

This agreement is subject to current Grantor regulations and any future regulations not inconsistent with the express terms hereof.

Grantee on _____ 19 ____, has caused this agreement to be executed by its duly authorized _____ and attested and its corporate seal affixed by its duly authorized _____.

Attest:

Grantee

_____

By _____

(Title)

Grantor

United States of America

Farmers Home Administration

By _____

_____

(Title)

Dated: January 28, 1987.

Vance L. Clark,

Administrator, Farmers Home Administration.

[FR Doc. 87–2137 Filed 2–3–87; 8:45 am]

BILLING CODE 3410–07–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

Issuance or Amendment; Power Reactor License or Permit Following Initial Decision

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission proposes to amend its regulation that specifies when a license, permit, or amendment can be issued following an initial adjudicatory decision resolving all issues before the presiding officer in favor of authorizing the issuance or amendment of a license or permit. Changes are proposed to simplify and clarify the existing rule and to delete language in the regulation emanating from Three Mile Island-related regulatory policies, action upon which has now been completed. This proposed rule supersedes two prior proposed rules entitled "Possible Amendments to 'Immediate Effectiveness' Rules," published May 22, 1980 (45 FR 34279), and "Commission Review Procedures for Power Reactor Construction Permits; Immediate Effectiveness Rule," published October 25, 1982 (47 FR 47260).

DATES: Comment period expires April 6, 1987. Comments received after this date will be considered if practicable to do so, but assurance of consideration can be given only for comments filed on or before that date.

ADDRESSES: Submit written comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, ATTN: Docketing and Service Branch. Hand deliver comments to: Room 1121, 1717 H Street, NW., Washington, DC, between 8:15 a.m. and 5:00 p.m.

Examine comments received at: The NRC Public Document Room, 1717 H St., NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Paul Bollwerk, Attorney, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 202–634–3224.

SUPPLEMENTARY INFORMATION:

I. Introduction

Prior to the March 1979 accident at Three Mile Island, Unit 2 (TMI–2), 10 CFR 2.764 authorized the Director of Nuclear Reactor Regulation to issue construction permits, operating licenses, and amendments to such permits and licenses immediately following the issuance of a favorable Atomic Safety and Licensing Board decision on a pending application without regard to whether an administrative appeal was filed. Shortly after the accident, however, the Commission recognized that the various investigations into the accident were likely to result in significant changes in the Commission's regulatory policy and in power reactor licensing procedures, making the previous "immediate effectiveness" practice inappropriate. 44 FR 58559 (October 10, 1979). To ensure that such changes were incorporated properly into the licensing process, the Commission provided in a new Appendix B to 10 CFR Part 2 that no initial decision authorizing issuance of a nuclear power reactor construction permit, limited work authorization, or operating license could become "effective," in the sense that the permit or license may then be issued by the Director of the appropriate NRC staff office, prior to Atomic Safety and Licensing Appeal Board and Commission "effectiveness" reviews (44 FR 65249 (November 9, 1979)). In addition, in the new Appendix B, the Commission set forth a general statement of policy on the implications of the TMI–2 accident for Licensing and Appeal Board interpretation of regulations and regulatory policy. *Id.* Eventually these revised effectiveness procedures and the TMI-related guidance were incorporated into the language of § 2.764 (46 FR 28627 (May 28, 1981)).

On the basis of the experience gained in reviewing operating license decisions subsequent to the TMI–2 accident, the Commission thereafter revised its practice relating to the effectiveness of operating license initial decisions. For instance, under current regulations review by an Appeal Board is no longer included as part of the effectiveness review procedure for full-power operating license decisions. 10 CFR 2.764(f). Also, prior agency practice applicable to operating license decisions now has been reinstated partially in that decisions regarding fuel loading and low power testing are again immediately effective. *Id.* 2.764(f)(1) (published at 46 FR 47764 (September 30, 1981)).

In addition to these regulatory changes, the Commission has put forth several rulemaking proposals to revise the existing scheme for the effectiveness of initial decisions regarding construction permits. These proposals were designed to deal with a number of concerns, including whether review of site-related issues in potentially troublesome cases should be advanced before large sums of money are committed and construction sites are altered irrevocably. (45 FR 34279 (May 22, 1980) and 47 FR 47260 (October 25, 1982)).

After reviewing again the operation of its current effectiveness provisions and the outstanding rulemaking proposals, the Commission believes that further revisions are appropriate.

II. Proposed Revisions to "Immediate Effectiveness" Rule

A. General Provisions on Issuance of Licenses and License Amendments Following a Favorable Initial Decision

Under existing paragraph (a) of § 2.764, subject to certain stated exceptions, an initial decision rendered in a formal adjudicatory proceeding conducted under 10 CFR Part 2, Subpart G, supporting the issuance or amendment of a construction permit, a construction authorization, or an operating license is immediately effective. The exceptions are (1) an authorization under 10 CFR Part 72 allowing construction and operation of an independent spent fuel storage installation, (2) certain authorizations under 10 CFR Part 60 regarding any high-level radioactive waste storage facility, (3) an authorization regarding issuance of a construction permit or operating license for power reactors under 10 CFR Part 50, (4) any instance when a presiding officer finds that good cause exists why the initial decision should not become immediately effective, and (5) any special circumstance in which the Commission issues an order to the contrary. Further, except in instances covered by these exceptions, under paragraph (b) of § 2.764, the Director of the NRC staff office with delegated jurisdiction over the subject matter of the application is to issue the permit, license, or amendment within ten days of an initial decision favorable to issuance.

The major substantive changes in § 2.764 that are now proposed, and that are discussed more fully in section II.B., concern initial decisions relating to construction permits and operating licenses that are covered in paragraphs (e) and (f) of the current rule. In addition, some clarifying revisions have been made to the other provisions of the existing rule that require explanation.

The language of paragraph (a) and other portions of the proposed rule have been revised to clarify the relationship between the presiding officer's initial decision and issuance of a license. The proposed rule would indicate that an initial decision only serves to resolve those issues pending before the presiding officer; though a necessary step toward issuance of a license in

adjudicated cases, an initial decision does not itself constitute the issuance of a license or an amendment. The act of issuing a license or amendment is ultimately within the province of the Director of the appropriate NRC staff office under authority delegated by the Commission. *See, e.g.*, 10 CFR 2.760a, 50.50, 50.92(a). Such issuance takes place only after the Director has made all the appropriate findings required by the Atomic Energy Act and agency regulations on the basis of the presiding officer's decision on contested matters and the staff's review of other matters. The provisions of the proposed rule have been revised to emphasize this distinction.

Under the proposed rule, an initial decision by a Licensing Board that resolves all contested issues in favor of an applicant is "immediately effective" in the sense that a necessary step toward license issuance has been taken. But the proposed rule also would add language to paragraph (a) to make it clear that a stay order issued in accordance with § 2.788 would suspend the effectiveness of any initial decision, thereby blocking license issuance until the stay is lifted. The proposed rule would continue to indicate that the Commission itself can issue an order suspending the effectiveness of an initial decision.

The Commission further proposes to make certain clarifying changes relating to the other stated exceptions to the general rule in § 2.764(a) that an initial decision resolving all issues in favor of authorizing the issuance of a license is immediately effective. The rule as proposed continues the existing references to Part 72 and Part 60 proceedings as exceptions to immediate effectiveness under paragraphs (c) and (d). In addition, incorporated into paragraph (d) of the proposed rule is the language of existing § 2.765 relating to low-level waste disposal licensed under 10 CFR Part 61. Retaining § 2.765 as a separate provision is unnecessarily duplicative.

Under paragraph (b), a Director's authority to issue a license subsequent to an initial decision will continue to be subject to the existing exceptions as well as an additional exception in paragraph (e), which sets forth the particular practice relating to a Director's issuance of a full-power operating license for a reactor. Existing § 2.764(b) nonetheless has been revised to indicate that license issuance by the Director is to occur promptly after the Director is able to make the appropriate licensing findings. This reference to the Director's licensing findings is another explicit recognition that certain additional findings are a prerequisite to license issuance even after entry of an initial decision that resolves in the applicant's favor all contested issues raised in an adjudicatory proceeding.

B. Initial Licensing Decisions Regarding Reactor Construction Permits and Operating Licenses

Under the existing § 2.764(e)(2), a Licensing Board's initial decision supporting issuance of a construction permit cannot become effective until an Appeal Board, in accordance with 10 CFR 2.788, decides any stay motion filed or, if no such motion is submitted, makes its own determination about whether a stay should be granted. The Appeal Board has sixty days within which to make its determination. In addition, under § 2.764(e)(3), an initial decision on a construction permit cannot become effective until the Commission, of its own accord, has reviewed and issued a decision on the Appeal Board's determination on whether a stay should be granted. This is to be completed within twenty days of receipt of the Appeal Board's decision but, in any event, the initial decision will not become effective until the Commission issues its determination.

Under the revisions now proposed to § 2.764, the language of paragraph (e) of existing § 2.764 would be deleted entirely and paragraphs (a) and (b) would be worded to indicate that initial decisions regarding construction permits are excluded from the immediate effectiveness provision altogether. Although the Commission's notices of proposed rulemaking published in 1980 and 1982 discussed several possible revisions of the existing procedures, the Commission does not believe that further consideration of those proposals at this time would be fruitful. The outstanding rulemaking proposals and the comments thereon are dated and would not provide the best foundation for further Commission consideration of appropriate regulatory changes. Moreover, there currently are no construction permit applications pending with the Commission nor have any been filed for the past several years, making Commission consideration of the matter somewhat academic. Nonetheless, given the Commission's general concern that existing effectiveness procedures need to be revised, retaining the present provision would be misleading and somewhat inconsistent. The Commission thus has decided simply to remove power reactor construction permit initial decisions from § 2.764. However, the Commission has directed the NRC staff to undertake consideration of how the effectiveness of initial decisions on such permits should be handled in the context of staff's ongoing review of appropriate licensing procedures for standardized reactor design applications.[1]

Under the existing § 2.764(f), an initial decision regarding a license to operate a power reactor above five percent rated power cannot become effective until the Commission, on its own motion, has issued a decision that a stay of effectiveness is not necessary. Absent such an affirmative Commission decision, which is to be issued within thirty days of Commission receipt of the Licensing Board's decision, the initial decision will not become effective. The proposed rule does not retain the requirement that the Commission itself make an affirmative determination that an initial decision favorable to the applicant should become effective during the period when formal review of the initial decision is ongoing. Consistent with the foregoing discussion, such initial decisions will become effective immediately upon issuance.

Such a decision by itself, however, will not be sufficient to authorize the Director of Nuclear Reactor Regulation to issue a full-power license. As is indicated in paragraph (e)(1), in the exercise of its inherent supervisory power over proceedings conducted by its adjudicatory boards, *see Public Service Co. of New Hampshire* (Seabrook Station, Units 1 and 2), CLI-77-8, 5 NRC 503, 516-17 (1977), the Commission will undertake its own supervisory examination of the matters contested before the Licensing Board to determine if any cause exists for suspending the effectiveness of the Licensing Board's initial decision. As paragraph (e)(1) indicates, this supervisory examination is to be finished prior to issuance of a license authorizing operation above five percent of rated power, and notification that it has been completed must be received by the Director before license issuance. While the conduct of this supervisory examination is a prerequisite to issuance of such a license, the Commission need not reach or announce any affirmative decision on contested matters, and generally will not do so, unless the Commission concludes from

[1] In the absence of a particular rule, the Commission could establish effectiveness procedures for construction permit decisions on a case-by-case basis if necessary. *See West Chicago v. NRC*, 701 F.2d 632, 646-47 (7th Cir. 1982). If circumstances so justified, the procedures could provide for the immediate effectiveness of an initial decision on a construction permit application.

the examination that Commission intervention in the adjudicatory process is appropriate.

In the course of its supervisory examination of contested matters the Commission intends to consider all pertinent information relating to facility operation, including information on ongoing investigations. Since this supervisory examination is not in any way a part of the adjudicatory proceeding, the ex parte and separation of functions constraints applicable to communications to the Commission during adjudications would not be applicable to bar Commission consideration of any investigation information. Also, because its supervisory examination is not a part of the adjudicatory proceeding, the Commission will not entertain unsolicited comments or requests from the parties concerning its supervisory examination. Rather, as § 2.764(e)(1) suggests, any party wishing to stay the effectiveness of an initial decision in order to preclude license issuance should file a motion with the presiding officer, the Appeal Board, or the Commission in accordance with 10 CFR 2.788.

In addition to a supervisory examination of contested issues under proposed § 2.764(e)(2), prior to issuance of a license authorizing operation above five percent of rated power the Commission will consider the NRC staff's reviews relative to those matters that were not contested before the Licensing Board but nonetheless must be the subject of appropriate findings by the Director in accordance with 10 CFR 50.57(a) before a license can issue. *See* 10 CFR 2.760a. Under proposed paragraph (e)(2), the Commission will issue a notification that it has completed its review of the NRC staff's findings on uncontested issues and a determination that those findings provide an appropriate basis for issuance of the license. Only after this Commission authorization is given will the Director be able to issue a license for operation above five percent of rated power.

As § 2.764(e) states, it is the Commission's intention that its supervisory examination of contested matters and its review of uncontested issues be completed prior to the time a facility is ready for operation above five percent of rated power. To ensure that the Commission can do so in a timely manner, paragraph (e)(3) of the rule imposes upon the Director the responsibility to keep the Commission informed of the expected date when the facility involved will be ready for full-power operation. Because it is the Commission's intention that, absent unusual circumstances, a full-power license should not be issued until shortly before a facility is ready for full-power operation, the Director's representations will provide the timetable for Commission completion of its supervisory examination of contested issues under paragraph (e)(1) and its review of uncontested issues under paragraph (e)(2).

Finally, proposed paragraph (e)(4) indicates that, in the event the Commission determines on the basis of its supervisory examination of contested issues or its review of uncontested issues that Commission action is necessary, any suspension of the effectiveness of the Licensing Board's decision or substantial postponement of the Director's issuance of the license will include a written statement of the reasons for that suspension or postponement. That suspension or postponement will not be open ended, but instead will be limited to such period as is necessary for the Commission to accept appropriate submissions from the applicant, the NRC staff, and any other party to the licensing proceeding with respect to any contested issue or from the applicant with respect to any uncontested issue and to resolve the issues.

Under this proposed procedure for full-power operating licenses, judicial review of the issuance of a license following an initial decision will be appropriate only in two circumstances: (1) Upon final agency action on a stay motion filed in accordance with § 2.788 or (2) upon the completion of the process of agency appellate review of an initial decision. Any other attempt to seek judicial review regarding an initial decision authorizing operation will be challenged by the agency for failure to exhaust administrative remedies. Moreover, with regard to the first circumstance, the appropriate subject of any judicial challenge to final agency action on a stay motion would be the propriety of the agency's determination to issue or withhold a stay, not the merits of the initial decision for which the stay is sought.

C. TMI-Related Provisions

As was noted earlier, the Commission has provided the Licensing and Appeals Boards with guidance on how to factor into the adjudicatory process the various regulatory changes resulting from the TMI–2 accident. Paragraphs (e)(1)(ii) and (f)(1)(ii) of existing § 2.764 direct the Licensing Boards that in considering construction permit or operating license applications they should "interpret existing regulations and regulatory policies with due consideration to the implications for those regulations and policies of the Three Mile Island Accident." A similar reminder is given to the Appeal Boards under § 2.764(e)(2)(ii) with regard to their consideration of construction permit stay requests. Further, paragraph (f)(1)(ii) relating to Licensing Board consideration of operating license applications states that "[i]n this regard it should be understood that as a result of [TMI-related] analyses under way the Commission may change its present regulations and regulatory policies in important respects and that compliance with existing regulations may turn out to no longer warrant approval of a license application."

While the Commission remains acutely aware of the need for this agency and the nuclear industry to remain alert to the implications an consequences of the TMI–2 accident, nonetheless the specific Commission guidance provided in § 2.764 and various Commission policy statements relating to the litigation of TMI-related issues has become superfluous. In the six years since the accident, the agency has identified various "lessons learned" from the TMI–2 accident, which are embodied in NUREG–0737, "Clarificaiton of TMI Action Plan Requirements." [2] It has implemented changes to update regulatory requirements on the basis of these "lessons" through specific license conditions, orders, and regulations. *See, e.g.*, 10 CFR 50.44 (hydrogen control); 50.47, 50.54(s), and Appendix E to Part 50 (emergency planning); 50.54(w) (property insurance); Part 55 (operator training). The NRC staff has advised the Commission that all applicable NUREG–0737 action items are covered by regulatory changes and that a license applicant's compliance with existing regulations is a sufficient response to all applicable TMI–2 accident "lessons learned." As a result, the Commission has reassessed a number of its existing policy statements on TMI-related requirements and will be publishing a notice that rescinds previous superseded policy statements and sets forth the Commission's updated policy on litigation of TMI-realted issues. Further,

[2] NUREG-series reports referenced in this document are available for inspection and copying for a fee in the NRC Public Document Room, 1717 H Street, NW., Washington, DC. These reports may be purchased from the U.S. Government Printing Office by calling 202–275–2060 or by writing this office at P.O. Box 37082, Washington, D.C. 20013–7082. They also may be purchased from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161.

the Commission proposes this notice to delete the references to TMI–2 action items in existing § 2.764(e)(1)(ii), (e)(2)(ii), (f)(1)(ii).

Additional Views of Commissioner Bernthal

For several years it has been Commission practice to convene a pubic meeting before a nuclear power plant license issues. At that meeting, NRC technical staff, the applicant, and other interested parties are given the opportunity to comment on whether the Commission should permit "immediate effectiveness" of any Licensing Board decision authorizing full power operation for a commercial nuclear power plant. Generally speaking, following presentations from interested parties, the Commission publicly votes on the question of whether or not a license should issue.

This proposed rule suggests that such meetings no longer be held. Instead, the Commission would conduct a supervisory examination of contested issues and a review of uncontested matters to determine whether the Licensing Board's decision should be suspended or not. Via written public notice, the Commission would then simply communicate the results of its review to the Director of Nuclear Reactor Regulation.

The public may wish to consider the question of whether the Commission should continue its past practice of holding open meetings as described above, or whether the procedure outlined in this proposed rule adequately serves public interest in the results of the Commission's supervisory review of any issues that may be associated with an application for a full-power license.

Environmental Impact: Categorical Exclusion

The NRC has determined that this proposed regulation is the type of action described in categorical exclusion 10 CFR 51.22(c)(1). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this proposed regulation.

Paperwork Reduction Review

This proposed rule contains no new or amended 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.*).

Regulatory Analysis

The existing requirements governing the effectiveness of initial decisions regarding construction permits and full-power operating licenses act to delay automatic issuance of a license following a Licensing Board's favorable initial decision until such time as the Appeal Board or the Commission has had an opportunity to review and make an affirmative determination about whether the decision should become effective. The alternative put forth in this proposed rule with regard to full-power operating license initial decisions reduces the potential for administrative delay inherent in the existing process while ensuring that mechanisms are available, whether in the form of stay requests filed under 10 CFR 2.788 or through the Commission's supervisory examination or review detailed in proposed § 2.764(e)(1), (2), to postpone license issuance in appropriate circumstances.

Some revision of the existing requirements for construction permits also appears appropriate. However, there are no pending construction permit applications and none has been filed for several years. While the Commission could retain the existing immediate effectiveness provisions, this would create misleading inconsistencies with the proposed operating license effectiveness procedures. The Commission therefore proposes as an alternative the removal of construction permit initial decisions from § 2.764 with the expressed intent to revisit the issue of the appropriate effectiveness scheme after additional staff study.

Finally, the Commission's previous concern that the implications of the TMI–2 accident be incorporated appropriately into the licensing process has now been resolved. Retention of the TMI–2 related provisions of the current immediate effectiveness rule therefore is unnecessary and would be misleading to participants in NRC licensing proceedings. Deletion of those provisions also is proposed.

The proposed rule thus constitutes the preferred alternative and the cost involved in its promulgation and application is necessary and appropriate. The foregoing discussion constitutes the regulatory analysis for the proposed rule.

Backfit Analysis

This proposed rule does not modify or add to systems, structures, components, or design of a facility; the design approval or manufacturing license for a facility; or the procedures or organization required to design, construct, or operate a facility. Accordingly, no backfit analysis pursuant to 10 CFR 50.109(c) is required for this proposed rule.

Regulatory Flexibility Certification

The proposed rule will not have a significant economic impact upon a substantial number of small entities. Entities seeking construction permits or Commission operating licenses that would be subject to the revised immediate effectiveness provisions would not fall within the definition of small businesses found in section 34 of the Small Business Act, 15 U.S.C. 632, the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121, or the NRC's size standards published December 9, 1985 (50 FR 50241). Further, intervenors who probably would fall within the pertinent Small Business Act definition will not encounter a significant economic impact from the proposed rule. While the proposed rule would no longer afford intervenors an opportunity to comment directly to the Commission on the issue whether an initial decision should be immediately effective, the economic costs of participating in NRC proceedings would not be affected since the rule merely redirects such comments to an Appeal Board under 10 CFR 2.788, the existing regulation governing stays. In accordance with the Regulatory Flexibility Act, 5 U.S.C. 605(b), the NRC hereby certifies that this rule, if promulgated, will not have a significant economic impact upon a substantial number of small entities.

List of Subjects in 10 CFR Part 12

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Environmental protection, Nuclear materials, Nuclear power plant and reactors, Penalty, Sex discrimination, Source material, Special nuclear material, Waste treatment and disposal.

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 proposing to adopt the following amendments to 10 CFR Part 2:

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

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

Authority: Secs. 161, 181, 68 Stat. 948, 953, as amended (42 U.S.C. 2201, 2231); sec. 191, as amended, Pub. L. 87–615, 76 Stat. 409 (42 U.S.C. 2241); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); 5 U.S.C. 552.

Section 2.101 also issued under secs. 53, 62, 63, 81, 103, 104, 105, 68 Stat. 930, 932, 933, 935, 936, 937, 938, as amended (42 U.S.C. 2073,

2092, 2093, 2111, 2133, 2134, 2135); sec. 102, Pub. L. 91–190, 83 Stat. 853, as amended (42 U.S.C. 4332); sec. 301, 88 Stat. 1248 (42 U.S.C. 5871). Sections 2.102, 2.103, 2.104, 2.105, 2.721 also issued under secs. 102, 103, 104, 105, 183, 189, 68 Stat. 936, 937, 938, 954, 955, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2233, 2239). Section 2.105 also issued under Pub. L. 97–415, 96 Stat. 2073 (42 U.S.C. 2239). Sections 2.200 through 2.206 also issued under secs. 186, 234, 68 Stat. 955, 83 Stat. 444, as amended (42 U.S.C. 2236, 2282); sec. 206, 88 Stat. 1246 (42 U.S.C. 5846). Sections 2.600 through 2.606 also issued under sec. 102, Pub. L. 91–190, 83 Stat. 853, as amended (42 U.S.C. 4332). Sections 2.700a, 2.719 also issued under 5 U.S.C. 554. Sections 2.754, 2.760, 2.770 also issued under 5 U.S.C. 557. Section 2.790 also issued under sec. 103, 68 Stat. 936, as amended (42 U.S.C. 2133) and 5 U.S.C. 552. Sections 2.800 and 2.808 also issued under 5 U.S.C. 553. Section 2.809 also issued under 5 U.S.C. 553 and sec. 29, Pub. L. 85–256, 71 Stat. 579, as amended (42 U.S.C. 2039). Subpart K also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Appendix A also issued under sec. 6, Pub. L. 91–580, 84 Stat. 1437 (42 U.S.C. 2135). Appendix A also issued under sec. 10, Pub. L. 99–240, 99 Stat. 1842 (42 U.S.C. 2021b *et seq.*).

2. Section 2.764 is revised to read as follows:

§ 2.764 Issuance or amendment of construction permit, construction authorization, or operating license following an initial decision.

(a) Pending review and final decision by the Commission, an initial decision resolving all issues before the presiding officer in favor of authorizing issuance or amendment of a construction permit (other than an initial decision regarding issuance of a power reactor construction permit), of a construction authorization, or of an operating license will be immediately effective upon issuance except—

(1) As provided in paragraphs (c) through (d) of this section;

(2) As provided in any order issued in accordance with § 2.788 that stays the effectiveness of an initial decision; or

(3) As otherwise provided by the Commission in special circumstances.

(b) The Director of Nuclear Reactor Regulation or the Director of Nuclear Material Safety and Safeguards, as appropriate, notwithstanding the filing or pendency of an appeal pursuant to § 2.762 or a petition for review pursuant to § 2.786, promptly shall issue a construction permit, a construction authorization, or an operating license, or amendments thereto, following an initial decision resolving all issues before the presiding officer in favor of the licensing action (other than an initial decision regarding issuance of a power reactor construction permit) upon making the appropriate licensing findings, except—

(1) As provided in paragraphs (c) and (e) of this section;

(2) As provided in any order issued in accordance with § 2.788 that stays the effectiveness of an initial decision; or

(3) As otherwise provided by the Commission in special circumstances.

(c) An initial decision resolving all issues before the presiding officer in favor of authorizing the issuance of an initial license for the construction and operation of an independent spent fuel storage installation (ISFSI) under 10 CFR Part 72 of this chapter may not become effective until review by the Commission has been completed. The Director of Nuclear Material Safety and Safeguards may not issue an initial license for the construction and operation of an independent spent fuel storage installation (ISFSI) under 10 CFR Part 72 of this chapter until expressly authorized to do so by the Commission.

(d) An initial decision resolving all issues before the presiding officer in favor of authorizing the issuance of a construction authorization or license under Part 60 of this chapter (relating to disposal of high-level radioactive wastes in geologic repositories), of a license under Part 61 of this chapter (relating to land disposal of radioactive waste), or of any amendment to such an authorization or a license that authorizes actions that may significantly affect the health and safety of the public, becomes effective only upon order of the Commission. The Director of Nuclear Material Safety and Safeguards may not issue a construction authorization or a license under Part 60 of this chapter, a license under Part 61 of this chapter, or any amendment to such an authorization or a license that may significantly affect the health and safety of the public until expressly authorized to do so by the Commission.

(e)(1) Before the Director of Nuclear Reactor Regulation may issue a license for operation of a nuclear power reactor above five percent of rated power in accordance with paragraph (e)(2) of this section, the Commission, in the exercise of its supervisory authority over agency proceedings, shall undertake and complete a supervisory examination of those issues contested in the proceeding before the Licensing Board to consider whether there is any significant basis for doubting that the facility will be operated with adequate protection of the public health and safety, and whether the Commission should take action to suspend or to otherwise condition the effectiveness of a Licensing Board decision that resolves contested issues in a proceeding in favor of authorizing operation above five percent of rated power. This supervisory examination is not part of the adjudicatory proceeding and the parties to the proceeding have no right to file pleadings with the Commission with regard to this supervisory examination. The Commission shall notify the Director in writing when its supervisory examination conducted in accordance with this paragraph has been completed.

(2) Before the Director of Nuclear Reactor Regulation issues a license that authorizes operation above five percent of rated power, the Commission shall review those issues that have not been contested in the proceeding before the Licensing Board but about which the Director must make appropriate findings prior to the issuance of such a license. The Director shall issue a license for operation above five percent of rated power only after written notification from the Commission of its completion of its review under this paragraph and of its determination that it is appropriate for the Director to issue such a license. This Commission review of uncontested issues is not part of the adjudicatory proceeding and the parties to the proceeding have no right to file pleadings with the Commission concerning this review.

(3) So that the Commission can conduct its supervisory examination of contested issues under paragraph (e)(1) of this section and its review of uncontested issues under paragraph (e)(2) of this section in a timely manner, the Director of Nuclear Reactor Regulation shall keep the Commission informed of the date upon which the Director anticipates the facility will be ready for operation above five percent of rated power.

(4) No suspension of the effectiveness of a Licensing Board's initial decision or postponement of the Director's issuance of a license that results from a Commission supervisory examination of contested issues under paragraph (e)(1) of this section or a review of uncontested issues under paragraph (e)(2) of this section will be entered except in writing with a statement of the reasons. Such suspension or postponement will be limited to such period as is necessary for the Committee to resolve the matters at issue. If the supervisory examination results in a suspension of the effectiveness of the Licensing Board's initial decision under paragraph (e)(1) of this section, the Commission will take review of the decision *sua sponte* and further proceedings relative to the contested matters at issue will be in accordance with procedures for participation by the applicant, the NRC staff, or other parties to the Licensing Board proceeding

established by the Commission in its written statement of reasons. If a postponement results from a review under paragraph (e)(2) of this section, comments on the uncontested matters at issue may be filed by the applicant within ten (10) days of service of the Commission's written statement.

§ 2.765 [Removed]

3. Section 2.765 is removed.

Dated at Washington, DC, this 29th day of January, 1987.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 87-2268 Filed 2-3-87; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 225

[Regulation Y; Docket No. R-0595]

Bank Holding Companies and Change in Bank Control; Procedures Regarding Publication and Processing of Notices Filed Under the Change in Bank Control Act

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Reserve Board is proposing to amend Subpart E of its Regulation Y, section 225 of Title 12, Code of Federal Regulations, to implement certain amendments to the Change in Bank Control Act ("CBCA") made by section 1360 of the Anti-Drug Abuse Act of 1986, Pub. L. 99-570. Under this proposal, notificants under the CBCA would be required to publish, in a newspaper of general circulation in communities where the bank or bank holding company to be acquired is located, an announcement of the proposed acquisition no later than 10 calendar days after the notice has been accepted by the appropriate Federal Reserve Bank. The proposed regulation provides an exception to the publication requirement where disclosure would threaten the safety or soundness of the bank to be acquired. In addtion, publication may be delayed by the Board for good cause shown.

The proposed regulation also authorizes the Board to extend the period of time it has to consider a CBCA notice for up to two additional periods of 45 days each.

Finally, as required by the Anti-Drug Abuse Act, the proposed regulation states that the Board shall conduct an investigation of the competence, experience, integrity, and financial ability of each proposed acquiror and shall make an independent determination of the accuracy and completeness of the informaton submitted. A written report of the investigation will be prepared which will become part of the record.

DATE: Comments must be received by March 6, 1987.

ADDRESS: All comments, which should refer to Docket No. R-0595, should be mailed to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551, or delivered to Room B-2223, 20th and Constitution Avenue NW., Washington DC, between 8:45 a.m. and 5:15 p.m. weekdays. Comments may be inspected in Room B-1122 between 8:45 a.m. and 5:15 p.m. weekdays.

FOR FURTHER INFORMATION CONTACT: J. Virgil Mattingly, Deputy General Counsel (202/452-3430), Scott G Alvarez, Senior Counsel (202/452-3583), Legal Division; or Sidney Sussan, Assistant Director (202/452-2638), Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, Washington, DC 20551. For the hearing impaired *only*, Telecommunications Service for the Deaf, Earnestine Hill or Dorothea Thompson (202/452-3544).

SUPPLEMENTARY INFORMATION:

Background

Under the CBCA, persons acting either individually or in concert to acquire control of any insured state member bank or bank holding company must provide the Board with 60 days prior written notice describing the proposed acquisition and containing certain information concerning the financial resources and background of the notificant. The transaction may proceed at the end of the 60-day period, unless the board disapproves the transaction or extends the notice period. An acquisition may proceed prior to the expiration of the 60-day review period if the Board issues a written statement of its intent not to disapprove the transaction.

On October 27, 1986, the President signed into law the Anti-Drug Abuse Act of 1986, Pub. L. 99-570. Section 1360 of this Act (hereinafter the "1986 Amendment") makes several amendments to the CBCA that necessitate a revision in the Board's implementing regulations.

Publication and Solicitation of Comments

Prior to the 1986 Amendment, the CBCA did not require notice to, or solicitation of comments from, the public in connection with a notice filed under the CBCA. The Board's regulation provided that the Board or the appropriate Reserve Bank could solicit information or views from any person, including any bank or bank holding company involved in the notice, and any appropriate state, federal or foreign governmental authority. (See 12 CFR 225.43(d)).

The 1986 Amendment provides that the appropriate Federal agency shall publish the name of the insured bank or bank holding company proposed to be acquired and the name of each person identified as a person by whom or for whom such acquisition is to be made, and solicit public comments on the proposed acquisition, in particular from persons in the geographic area where the bank to be acquired is located. Publication is not required if the agency determines in writing that such disclosure or solicitation would seriously threaten the safety or soundness of the bank or holding company to be acquired.

Regulations promulgated by both the Federal Deposit Insurance Corporation (12 CFR 303.4(b)) and the Office of the Comptroller of the Currency (12 CFR 5.50(h)) provide for the public disclosure and solicitation of comments by requiring the notificant to publish a disclosure statement in a newspaper serving the community where the head office of the bank to be acquired is located.

The Board is proposing to amend its regulation in a similar manner to require the person or persons seeking to acquire a bank or bank holding company to publish an announcement of the proposed acquisition in a newspaper of general circulation in the community in which the head office of the state member bank or bank holding company to be acquired is located and, in the case of a bank holding company, in each community in which the head office of a bank subsidiary of the holding company is located.

The newspaper announcement must contain the name of each proposed acquirer, the percentage of shares to be acquired, the name of each bank or bank holding company to be acquired, and, in the case of a bank holding company, the names of each of its subsidiary banks. The announcement must also state that any person wishing to comment on the proposed acquisition may do so by submitting written comments to the appropriate Reserve Bank within 20 calendar days of publication or such shorter period of time as the Board may prescribe in a particular case.

As proposed, the announcement may be published no earlier than 10 calendar days before the CBCA notice if filed with the appropriate Reserve Bank and no later than 10 calendar days after the notice has been accepted by the Reserve Bank.

In addition to requiring newspaper publication by the notificant, the Board proposes to publish notice of filings made under the CBCA in the **Federal Register**, including the names of persons who propose to acquire control of a bank or bank holding company, the amount of shares to be acquired, and the names of all banks to be acquired. The Board proposes that the **Federal Register** notice permit a minimum period of 15 calendar days for public comment, unless the Board determines that the public requires shortening or waiving this comment period. The **Federal Register** notice will be published upon submission to the Reserve Bank of the CBCA notice.

The Board may dispense with public notice if it determines in writing that such publication and solicitation of comment would seriously threaten the safety or soundness of the bank or bank holding company to be acquired. Finally, the proposed regulation will provide that the publication requirement does not give any person standing to intervene in proceedings on the CBCA notice or to appeal or otherwise contest the Board's action regarding a notice.

Tender Offers

The Board notes that the FDIC and the OCC regulations provide that publications of a filing under the CBCA may be delayed for up to 34 days after the filing in the case of a proposed tender offer that requires notice under the CBCA and is simultaneously subject to the requirements of the Williams Act (15 U.S.C. 78m and 78n).[1]

The Board's proposed rule would permit the Board, in its discretion, to postpone, but not eliminate, the publication requirement under the CBCA for such period as the Board deems appropriate where an acquiring party requests such delay and confidential treatment of a CBCA notice.

Extension of Time For Disapproving Transactions

Prior to the 1986 Amendment, the CBCA authorized the appropriate federal agency to extend for up to 30 days the statutory period in which a proposed acquisition could be disapproved. The 1986 Amendment provides that, in addition to this 30-day extension, the appropriate agency may authorize two additional extensions of not more than 45 days each. In order to utilize this authority, the agency must determine that: (i) An acquiring party has not furnished all the information required under section 7(j)(6) of the CBCA (12 U.S.C. 1817(j)(6)); (ii) material information submitted is substantially inaccurate; (iii) an investigation of an acquiring party has not been completed because of inadequate cooperation or delay by the acquiring party; or (iv) additional time is needed to investigate and determine that no acquiring party has a record of failing to comply with the currency transaction reporting requirements of the Bank Secrecy Act, subchapter II of chapter 53 of title 31, United States Code.

The Board is proposing to amend § 225.43(c) of its regulations to reflect this change in the CBCA. If the Board acts under this authority to extend the time for disapproval beyond the initial 30-day extension, the proposed regulation requires the Board to notify the acquiring party of the reasons for such extension, including a statement of any information that is determined by the Board to be incomplete, inadequate, or inaccurate.

Investigation and Report

The 1986 Amendment requires the appropriate agency to conduct an investigation of the competence, experience, integrity, and financial ability of each person named in a notice of a proposed acquisition as a person by or for whom such acquisition is to be made, and to make an independent determination of the accuracy and completeness of the information required by the CBCA to be submitted to the agency. The agency is then required to prepare a written report of such investigation, which is to become part of the record. The Board is proposing to amend § 225.43(d) of its regulation to reflect this change in the law.

Interim Applicability

Because the amendments to the CBCA made by the Anti-Drug Abuse Act of 1986 are already effective, the Board will follow the procedures set out in the proposed regulation pending final action on the regulation.

Regulatory Flexibility Act

This proposal to provide for publication of notices filed under the CBCA implements specific statutory requirements recently imposed by the Anti-Drug Abuse Act of 1986. The CBCA generally requires persons seeking to acquire control of a bank or bank holding company to provide prior written notice to the appropriate federal banking agency, but imposes no requirements on the target bank or bank holding company itself. The proposal to publish notice of a proposed acquistion subject to the CBCA would likewise not impose any regulatory burden on banks or bank holding companies of any size that are the targets of a proposed change in control. The proposal would have the benefit, however, of providing such banks or bank holding companies notice of a proposed change of control and permitting an opportunity for such banks, bank holding companies, and other interested persons to provide comment and information regarding the proposal to the Board. Thus, the proposal is not expected to have a significant economic impact on a substantial number of small business entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Paperwork Reduction Act

The proposal would require persons proposing to acquire a bank or bank holding company in a transaction subject to the CBCA to publish notice of the proposed transaction in a newspaper of general circulation in communities served by the target bank or bank holding company and to provide the Board with verification of such publication. No additional reporting requirements or modification to existing reporting requirements are proposed.

List of Subjects in 12 CFR Part 225

Banks, banking, Federal Reserve System, Holding companies, Reporting and recordkeeping requirements.

For the reasons set out in this notice, and pursuant to the Board's authority under section 13 of the Change in Bank Control Act (12 U.S.C. 1817(j)(13)), the Board proposes to amend 12 CFR Part 225 as follows:

PART 225—[AMENDED]

1. The authority citation for Part 225 continues to read as follows:

Authority: 12 U.S.C. 1817(j)(13), 1818, 1843(c)(8), 1844(b), 3106, 3108, 3907, and 3909.

[1] The tender offer regulations applicable to bank holding companies and to state member banks, 17 CFR 240.14(d) and 12 CFR 206.8, require that an offer remain open for at least 20 business days from the date the tender offer is first published, sent or given to security holders. Shares tendered or deposited pursuant to the offer may be withdrawn by a depositing shareholder at any time within the first 15 business days of the offering. (17 CFR 240.14(d)(7); 12 CFR 206.8(g)). Under the CBCA, a bidder may not purchase shares deposited in response to a tender offer in amounts exceeding the CBCA limits until the expiration of the review period unless notified by the Board at an earlier time that the acquisition may commence.

2. The Board proposes to revise §225.43(a) to read as follows:

§ 225.43 Procedures for filing, processing, publishing, and acting on notices.

(a) (1) *Filing notice.* A notice required under this subpart shall be filed with the appropriate Reserve Bank and shall contain the information required by paragraph 6 of the Change in Bank Control Act (12 U.S.C. 1817(j)(6)), or prescribed in the designated Board form. With respect to personal financial statements required by paragraph 6(B) of the Change in Bank Control Act, an individual may include a statement of assets and liabilities as of a date within 90 days of filing the notice, a brief income summary, and a description of any subsequent material changes, subject to the authority of the Reserve Bank or the Board to require additional information.

(2) *Acceptance of notice.* The 60-day notice period specified in § 225.41 of this subpart shall commence on the date all required information is received by the appropriate Reserve Bank or the Board. The Reserve Bank shall notify the person or persons submitting a notice under this subpart of the date all such required information is received and the notice is accepted for processing.

(3) *Publication.* (i) *Newspaper announcement.* A person(s) filing a notice under this subpart shall publish, in a form prescribed by the Board, an announcement soliciting public comment on the proposed acquisition. The announcement shall be published in a newspaper of general circulation in the community in which the head office of the state member bank to be acquired is located or, in the case of a proposed acquisition of a bank holding company, in the community in which its head office is located and in the community in which the head office of each of its subsidiary banks is located. The announcement shall be published no earlier than 10 calendar days prior to the filing of the notice with the appropriate Reserve Bank and no later than 10 calendar days after acceptance of the notice by the Reserve Bank. A copy of the announcement and the publisher's affidavit of publication shall be provided to the appropriate Reserve Bank.

(ii) *Contents of newspaper announcement.* The newspaper announcement shall state:

(A) The name of each person identified in the notice as a proposed acquiror of the bank or bank holding company and the percentage of shares proposed to be acquired;

(B) The name of the bank or bank holding company to be acquired, including, in the case of a bank holding company, the name of each of its subsidiary banks; and

(C) A statement that interested persons may submit comments on the notice to the Board of the appropriate Reserve Bank for a period of 20 days or such shorter period as may be provided pursuant to paragraph (a)(3)(v) of this section.

(iii) *Federal Register announcement.* The Board will, upon the filing of a notice under this subpart, publish announcement in the **Federal Register** of receipt of the notice. The **Federal Register** announcement will contain the information required under paragraphs (a)(3)(ii)(A) and (B) of this section and a statement that interested persons may submit comments on the proposed acquisition for a period of 15 days or such shorter period as may be provided pursuant to paragraph (a)(3)(v) of this section. The Board may waive publication in the **Federal Register** if the board determines that such action is appropriate.

(iv) *Delay of publication.* The Board may permit delay in the publication required under this paragraph if the Board determines, for good cause shown, that it is in the public interest to grant such a delay. Requests for delay of publication may be submitted to the appropriate Federal Reserve Bank.

(v) *Shortening or waiving notice.* In circumstances requiring prompt action, the Board may shorten the public comment period required under this paragraph. The Board may also waive the newspaper publication and solicitation of public comment requirements of this paragraph, or it may act on a notice before the expiration of a public comment period, if it certifies in writing that such disclosure of the notice or solicitation of public comment would seriously threaten the safety or soundness of the bank or bank holding company to be acquired.

(4) *Consideration of public comments.* In acting upon a notice filed under this subpart, the Board shall consider all public comments received in writing within the period specified in the newspaper or **Federal Register** announcement. At the Board's option, comments received after this period may, but need not, be considered.

(5) *Standing.* No person (other than the acquiring person) who submits comments or information on a notice filed under this subpart shall thereby become a party to the proceeding or acquire any standing or right to participate in the Board's consideration of the notice or to appeal or otherwise contest the notice or the Board's action regarding the notice.

* * * * *

3. The Board proposes to revise § 225.43(c)(2) to read as follows:

§ 225.43 Procedures for filing, processing, publishing, and acting on notices.

* * * * *

(c) * * *

(2) *Extensions of time period.* (i) The Board may extend the 60-day period in paragraph (c)(1) of this section for an additional 30 days by notifying the acquiring person(s).

(ii) The Board may further extend the period during which it may disapprove a notice for two additional periods of not more than 45 days each if the Board determines that:

(A) Any acquiring person has not furnished all the information required under paragraph (a) of this section;

(B) Any material information submitted is substantially inaccurate;

(C) It is unable to complete the investigation of an acquiring person because of inadequate cooperation or delay by that person; or

(D) Additional time is needed to investigate and determine that no acquiring person has a record of failing to comply with the requirements of the Bank Secrecy Act, subchapter II of Chapter 53 of Title 31, United States Code.

(iii) If the Board extends the time period under this paragraph, it shall notify the acquiring person(s) of the reasons therefor and shall include a statement of the information, if any, deemed incomplete or inaccurate.

* * * * *

4. The Board proposes to revise § 225.43(d) to read as follows:

§ 225.43 Procedures for filing, processing, publishing, and acting on notices.

* * * * *

(d) *Investigation and report.* (1) After receiving a notice under this subpart, the Board or the appropriate Reserve Bank shall conduct an investigation of the competence, experience, integrity, and financial ability of each person by and for whom an acquisition is to be made. The Board shall also make an independent determination of the accuracy and completeness of any information required to be contained in a notice under paragraph (a) of this section. In investigating any notice accepted under this subpart, the Board or Reserve Bank may solicit information or views from any person, including any bank or bank holding company involved in the notice, and any appropriate state,

federal, or foreign governmental authority.

(2) The Board or the appropriate Reserve Bank shall prepare a written report of its investigation, which shall contain, at a minimum, a summary of the results of the investigation.

* * * * *

Board of Governors of the Federal Reserve System, January 28, 1987.

William W. Wiles,

Secretary of the Board.

[FR Doc. 87-2067 Filed 2-3-87; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 523

[No. 87-111]

Membership in Federal Home Loan Banks

Dated: January 29, 1987.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Federal Home Loan Bank Board ("Board") is proposing to amend its Federal Home Loan Bank System Regulations to provide a method for determining appropriate Federal Home Loan Bank ("Bank") district membership for all institutions eligible to become Bank members. Under the amendment, an institution could be a member only in the Bank district in which it maintained its principal office, normally as shown in its charter, unless the Principal Supervisory Agent were to determine that membership was inconsistent with the actual location of control over the institution's records or operations. The amendment would eliminate an option that allows an institution to become a member of a Bank outside the district in which its home office is located by naming a state in which it does substantial business as its principal place of business in accordance with the provisions of 28 U.S.C. 1332(c). Institutions that have taken advantage of the current option could choose to be grandfathered, but would not be immune from future application of a procedure for the mandatory transfer of membership established in the proposal.

DATE: Comments must be received on or before April 6, 1987.

ADDRESS: Send comments to Director, Information Services Section, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, DC 20552.

FOR FURTHER INFORMATION CONTACT: Jonathan Curtis, Program Analysis Development Division, Office of the District Banks, at (202) 377-6709; or Richard L. Little, Associate General Counsel, Corporate and Securities Division, Office of General Counsel, at (202) 377-6447, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION: In relevant part, section 4(b) of the Federal Home Loan Bank Act ("Bank Act") provides: "An institution eligible to become a member . . . under this section may become a member only of, or secure advances from, the Federal Home Loan Bank of the district in which is located the institution's principal place of business . . . ." 12 U.S.C. 1424(b) (1982). Although an institution's location determines the Bank district in which membership would be appropriate, the operative term, "principal place of business," is not defined in the Bank Act.

For many years, the lack of statutory clarity had little significance. An institution was regarded as having its principal place of business in the jurisdiction in which it maintained offices. Since most institutions were limited to establishing offices in just one state, membership in only one Bank was normally available. In 1981, however, in response to a continuing need to resolve numerous severe supervisory cases, the Board instituted a policy of approving transactions that resulted in organizations with deposit-taking facilities in more than one state and, often, in more than one Bank district. The structures produced have come to include free-standing interstate savings institutions, interstate subsidiaries of unitary savings and loan holding companies, single-and multi-state subsidiaries of multiple savings and loan holding companies, and thrift institutions that are themselves holding company parents of multi-state organizations.

Late in 1982, primarily as a way of accommodating the business needs of the new class of interstate organizations, the Board added § 523.3-2 to the Regulations for the Federal Home Loan Bank System ("Bank System Regulations") (Board Res. No. 82-790, 47 FR 56314 (Dec. 12, 1982)). Section 523.3-2(b) permits an institution that does substantial business in more than one state to "designate as its principal place of business a state in which it could be deemed to have its principal place of business under the provisions of 28 U.S.C. 1332(c)." 12 CFR 523.3-2(b) (1986). The statutory reference is to a provision under which "a corporation shall be deemed a citizen of any State by which it has been incorporated and of any State where it has its principal place of business . . ." for purposes of determining jurisdiction of a Federal district court based on diversity of citizenship. 28 U.S.C. 1332(c) (1982). According to Board Res. No. 82-790, cases interpreting 28 U.S.C. 1332(c) provided "an acceptable standard and settled rule of law" for an institution that did substantial business in more than one state to determine its principal place of business and, as a result, choose a Bank district in many cases.

Contrary to fears expressed by some commenters in 1982, experience with § 523.3-2 of the Bank System Regulations has not revealed any serious abuses involving "Bank shopping" that can be traced to the choice of membership rule. Nevertheless, the Board now believes, on the basis of its experience, that the 1982 amendment possessed certain shortcomings from the standpoint of effective supervision of multi-state organizations. A measure that extends maximum business flexibility does not necessarily confer corresponding administrative benefits. Rather, the Board has become concerned by reports from its supervisory staff that the current system may impede, in some instances, its ability to obtain a complete picture of the operations of multi-state organizations. Books and records necessary for proper examination of individual institutions that are supposed to be run as independent entities may be maintained outside the districts of the Banks in which they are members. Managerial control also may be exercised at a distance. Under such circumstances, supervisory staffs at individual Banks find it extremely difficult, time-consuming, and costly to gather needed information and identify responsible management.

These problems, moreover, are not confined to institutions with an interstate presence. Some institutions located in single states actually are operated as branches of a larger, multi-state network, especially when the parents are themselves thrift institutions. In such cases, books, records, and managerial functions are also removed from the supervisory scrutiny of the Banks in which these institutions nominally are members.

In light of the unanticipated adverse effects that have arisen in the wake of the 1982 amendment, the Board is proposing to install a different method for determining an institution's principal place of business and its appropriate district Bank. According to the basic

rule established in the proposal, an institution's principal place of business would be the state in which its "principal office," as defined in 12 CFR 561.7, was located, that is, the institution's home office, established as such in conformity with the laws under which the insured institution is organized. Normally, the site would be specified in its charter. Institutions doing substantial business in more than one state would no longer enjoy the option of choosing their principal places of business unless they formally relocated their home offices.

The basic rule would prevail unless the Principal Supervisory Agent ("PSA") at the Bank in which the institution was a member were to designate a different state as its principal place of business based on any one of four factors indicating that control over its records or operations was lodged in the other state. In the event of a designation that would result in a principal place of business in another Bank district, the PSA would transmit a written notification of intent to order transfer of membership. If, within 90 days of the date of the notice, the institution did not take action to correct the conditions supporting the designation or explain why the designation was unjustified, the PSA could order transfer of membership to the appropriate Bank. No transfer would be effective until the PSAs of the Bank districts involved reached agreement on a method of orderly transfer. Absent an agreement, the Board could set the terms of the transfer.

Institutions whose memberships would not comply with the home office rule of the proposal because of a designation of a principal place of business made under current regulations could choose to be grandfathered but would not be immune from future application of the mandatory transfer process. Only institutions that have received specific Board approval to become members of adjoining Bank districts under section 4(b) of the Bank Act (12 U.S.C. 1424(b) (1982)) would be exempt. Transfers would be effective for all purposes including directoral representation under section 7(c) of the Bank Act (*Id.* Section 1427(c)) and § 522.23 of the Bank System Regulations (12 CFR 522.23 (1986)). They would not constitute withdrawals or removals from membership under section 6 of the Bank Act (12 U.S.C. 1426 (1982 & Supp. I 1983)) or § 523.30 and § 523.31 of the Bank System Regulations (12 CFR 523.30, 523.31 (1986)).

Coverage of the proposed amendments would not necessarily be limited to institutions maintaining offices in more than one jurisdiction. Even an institution with offices in a single state could be subject to mandatory transfer to a different Bank district if, in effect, it were being run as a branch operation of a multi-state organization based outside the institution's home office district.

Finally, the Board believes that, from the standpoint of conserving scarce administrative resources, adoption of the proposed amendments would be preferable to initiation of individual cease-and-desist proceedings to enforce compliance with various regulatory requirements. Problems readily susceptible to resolution at the local level could generally be handled without involvement of Washington staff. The object of the proposal is to ensure that the site where control of an institution is exercised and its records are maintained coincides with its principal place of business for Bank membership purposes. Achieving such a goal would greatly aid effective examination and supervision. The Board hopes that when institutions become aware of how seriously the shortcomings associated with supervision of multi-state organizations are viewed, many current difficulties may be resolved without resort to the mandatory Bank membership transfers that the proposed amendments contemplate.

Initial Regulatory Flexibility Analysis

Pursuant to section 3 of the Regulatory Flexibility Act, 5 U.S.C. 603, the Board is providing the following initial regulatory flexibility analysis:

1. *Reasons, objectives, and legal bases underlying the proposed rules.* These elements have been discussed elsewhere in the **SUPPLEMENTARY INFORMATION** regarding the proposal.

2. *Small entities to which the proposed rule would apply.* The Small Business Administration defines a small financial institution as "a commercial bank or savings and loan association, the assets of which, for the preceding fiscal year, do not exceed $100 million." 13 CFR 121.13(a). Therefore, small entities to which the proposed rule would apply would be any of the 1,742 insured institutions, with assets totaling $100 million or less as of December 31, 1985, that are affiliated with organizations maintaining depository offices in more than one Bank district.

3. *Impact of the proposed rule on small entities.* The rule would impose no new recordkeeping or reporting requirements on any insured institution. The Board believes that the proposed rule would not have a significant economic impact on small institutions.

4. *Overlapping or conflicting federal rules.* Other than a rule relating to directoral representation in 12 CFR 522.23, which would be incorporated in the proposed procedures, the Board has no rules prescribing the location of a member institution's principal place of business other than that contained in 12 CFR 523.3–2 which would be amended by the proposed regulation.

5. *Alternatives to the proposed rule.* There are no alternatives, other than commencement of individual enforcement actions, that would achieve the Board's objectives.

The Board is providing a 60-day comment period for this rule. Comment is invited on all aspects of the proposal, including the appropriateness and effect of the proposed changes, and any additional or alternative measures that would serve the goals of the Board as outlined in the proposal.

List of Subjects in 12 CFR Part 523

Federal home loan banks, Flood insurance, Mortgage, and Reporting and recordkeeping requirements.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend Part 523, Subchapter B, Chapter V, Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

PART 523—MEMBERS OF BANKS

1. The authority citation for Part 523 is revised to read as follows:

Authority: Sec. 5, 47 Stat. 727, as amended (12 U.S.C. 1425); Sec. 5A, 47 Stat. 727, as added by Sec. 1, 64 Stat. 256, as amended (12 U.S.C. 1425a); Sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1437); Sec. 2, 48 Stat. 128, as amended (12 U.S.C. 1462); Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Secs. 401–403, 405–407, 48 Stat. 1255–1257, 1259–1260, as amended (12 U.S.C. 1724–1726, 1728–1730); Sec. 408, 82 Stat. 5, as amended (12 U.S.C. 1730a); Sec. 503, 88 Stat. 1521, as amended (15 U.S.C. 1601 *note*); Sec. 202(b), 87 Stat. 982, as amended (42 U.S.C. 4106(b)); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1947 Supp., 1943–48 Comp., p. 1071.

2. Section § 523.3–2 is amended by revising the heading of the section, by revising paragraph (b), and adding new paragraphs (c) through (f) to read as follows:

§ 523.3–2 Membership at principal place of business, designation, transfer of membership.

* * * * *

(b) *Principal place of business.* Except as designated in accordance with paragraph (c) of this section, the principal place of business of an

institution is the state in which the institution maintains its "principal office," as defined in § 561.7 of this chapter.

(c) *Designation by Principal Supervisory Agent.* The rule contained in paragraph (b) of this section notwithstanding, the "Principal Supervisory Agent," as defined in § 541.18 of this chapter, at a Bank in which an institution is a member, has discretion to designate a different principal place of business if—

(1) Any books or records deemed necessary by the Principal Supervisory Agent for proper examination and supervision;

(2) Regular places of employment of a substantial number of officers with policy-making functions or their equivalents;

(3) Principal residences (other than those located in Metropolitan Statistical Areas) of a substantial number of officers with policy-making functions or their equivalents; or

(4) A substantial number of meetings of the board of directors, constituent committees, or their equivalents

are maintained, held, or located in a state other than the state in which the institution maintains its principal office.

(d) *Transfer of membership by Principal Supervisory Agent.* If, as a result of a designation made pursuant to paragraph (b) of this section, an institution's principal place of business is deemed to be a state outside the Bank district in which the institution is a member, the Principal Supervisory Agent responsible for the designation shall transmit to the institution a written notice of intent to order transfer of membership. The notice shall include the designated principal place of business, the basis for the designation and the Bank district to which membership will be transferred. If, in the judgment of the Principal Supervisory Agent, within 90 days of the date of the notice the institution has not acted in good faith to eliminate the basis for the designation or adequately explained why the designation was unjustified, the Principal Supervisory Agent has the discretion to order transfer of the institution's membership as set forth in the notice. No order shall take effect until the Principal Supervisory Agents of the Bank districts involved reach agreement on a method of an orderly transfer. In the event that the Principal Supervisory Agents fail to agree, the Board shall determine the conditions under which the transfer shall take place.

(e) *Non-conforming memberships.* Except for an institution that has received Board approval to be a member of a Bank district adjoining the district in which its principal place of business is located under section 4(b) of the Act, an institution that is not a member in a Bank district in which its principal office is located on [the effective date of these amendments] may choose to remain a member in its district but, in the event of a designation made pursuant to paragraph (b) of this section, could be subject to transfer to another district in the manner prescribed by paragraph (c) of this section.

(f) *Effect of transfer.* A transfer of membership authorized by this section shall be effective for all purposes including directoral representation under section 7(c) of the Act and § 522.23 of this subchapter, but shall not be treated as a withdrawal or removal from membership within the scope of section 6 of the Act or § 523.30 and § 523.31 of this subchapter.

§§ 523.3–3, 523.10, 523.11, 523.12, and 523.29 [Amended]

3. Sections 523.3–3, 523.10, 523.11, 523.12, and 523.29 are amended by removing the authority citations located at the end of the sections.

By the Federal Home Loan Bank Board.

Nadine Y. Washington,

Acting Secretary.

[FR Doc. 87–2183 Filed 2–3–87; 8:45 am]

BILLING CODE 6720–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[A–5–FRL–3151–1]

Approval and Promulgation of Implementation Plans Designation of Areas for Air Quality Planning Purposes; Indiana

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

ACTION: Proposed rulemaking.

SUMMARY: On March 12, 1982 (47 FR 10813), and May 13, 1982 (47 FR 20583), USEPA conditionally approved Indiana's sulfur dioxide (SO_2) State Implementation Plan (SIP) for most areas of the State, including attainment and nonattainment (Part D) areas. In this rulemaking, USEPA took no action on one of three compliance methods contained in Indiana's current SO_2 regulation (325 IAC 7–1), the sulfur content in fuel averaging method which is based on 30-day averaging.

On May 11, 1984, the U.S. Court of Appeals for the Seventh Circuit set aside USEPA's approval of the SO_2 emission limits in Indiana's revised plan, because USEPA did not rulemake on the 30-day averaging compliance method contained in 325 IAC 7–1. See *Indiana & Michigan Electric Company (IMEC)* v. *USEPA*, 733 F.2d 489. Based on this decision and another recent decision discussed below, there are no federally enforceable SO_2 emission limits regulating existing sources in Indiana, and Indiana thus no longer has a conditionally approvable Part D SO_2 plan.

Because the Court set aside USEPA's rulemaking on the emission limits in 325 IAC 7–1, USEPA is reproposing rulemaking on these same limits, as well as other limits submitted by the State, today. USEPA cannot approve the Indiana SO_2 plan under the Clean Air Act (CAA) because the compliance methodology submitted by Indiana is not consistent with the demonstration of attainment of the short-term 3-hour and 24-hour SO_2 National Ambient Air Quality Standards (NAAQS). USEPA, therefore, is proposing to disapprove the Indiana SO_2 plan. It is also listing other deficiencies in the plan as they relate to specific geographical areas/facilities in Indiana and is proposing specific disapproval actions on Indiana's requests relating to these areas/facilities, including certain redesignation requests. If before USEPA proceeds to final rulemaking to disapprove the Indiana SO_2 plan the State submits a revised regulation which contains an independently enforceable short-term compliance methodology which assures compliance with the short-term SO_2 NAAQS, USEPA could approve the State's SO_2 plan for the 77 counties listed in this notice without further reproposal.

If USEPA ultimately disapproves Indiana's plan, USEPA will simultaneously issue a notice of SIP deficiency to Indiana under section 110(a)(2)(H). The State will then have 60 days under section 110(c) to submit a schedule for a revised plan which assures attainment and maintenance of the SO_2 NAAQS. Failure to submit such a schedule or submit a revised plan in keeping with this schedule may result in the imposition of local and State air program funding restrictions under section 176(b).

Finally, as stated above, there is no longer an approved SO_2 SIP in Indiana. USEPA is soliciting comments as to whether the construction ban under section 110(a)(2)(I) went into effect in Indiana's SO_2 nonattainment areas on May 11, 1984, when the Court issued its order, or if it goes into effect if and when USEPA disapproves Indiana's SO_2 Plan.

Note.—The section 110(a)(2)(1) ban has never been lifted in the nonattainment area in Wayne County and currently remains in effect.

DATE: Comments on these revisions/redesignations and on the proposed USEPA actions must be received by May 5, 1987.

ADDRESSES: Copies of the SIP revision are available at the following addresses for review: (It is recommended that you telephone Steven D. Griffin, at (312) 353–3849, before visiting the Region V Office.)

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

Indiana Department of Environmental Management, Office of Air Management, 105 South Meridian Street, P.O. Box 6015, Indianapolis, Indiana 46206–6015

Comments on this proposed rule should be addressed to: (Please submit an original and three copies, if possible.)

Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AR–26), U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604

FOR FURTHER INFORMATION CONTACT: Steven D. Griffin, (312) 353–3849.

SUPPLEMENTARY INFORMATION: Under section 107 of the CAA, USEPA has designated certain areas in each State which did not attain the NAAQS for SO_2[1]. For Indiana, USEPA designated certain areas in Lake, LaPorte, Marion, Vigo, and Wayne Counties as primary SO_2 nonattainment areas. Dearborn, Gibson, Jefferson, Porter, and Warrick Counties were designated as unclassifiable, and the remaining counties were designated attainment. See 40 CFR 81.315, 43 FR 8962 (March 3, 1978), and 43 FR 45993 (October 5, 1978). Part D of the CAA requires States to revise their SIPs to provide for attaining the SO_2 NAAQS as expeditiously as practicable. The requirements for an approvable SIP are described in a "General Preamble" for Part D rulemakings published at 44 FR 20372 (April 4, 1979). 44 FR 38583 (July 2, 1979), 44 FR 50371 (August 28, 1979). 44 FR 53761 (September 17, 1979), and 44 FR 67182 (November 23, 1979).

[1] The primary SO_2 NAAQS is violated when, in a calendar year, either: (1) the annual arithmetic mean value of SO_2 concentration exceeds 80 micrograms per cubic meter of air (80 ug/m^3 (the annual primary standard), or (2) the maximum 24-hour concentration of SO_2 at any site exceeds 365 ug/m^3 more than once (the 24-hour primary standard). The secondary SO_2 NAAQS is violated when the maximum 3-hour concentration at any site exceeds 1,300 ug/m^3 more than once

Indiana SO_2 SIP History

In 1972, Indiana submitted and USEPA approved a revised SO_2 regulation (1972 APC 13) for Indiana. This regulation imposed a 1.2 pounds per million BTU (lbs/MMBTU) emission limit on almost all electrical power plants in Indiana, with emission limits between 1.2 and 6.0 lbs/MMBTU for many other sources. Compliance was required by 1975.

In 1974, Indiana submitted a revised SO_2 regulation (1974 APC 13) which basically only required 1.2 to 6.0 lbs/MMBTU emission limits for existing sources in four counties: Dearborn, Lake, Marion, and Warrick. No continuous emission limits were required in the other counties. Compliance was required by 1975 in Lake County and by 1978 in the other three. USEPA approved this regulation in 1976 for all counties except Jefferson, LaPorte, Porter, Vigo, and Warrick Counties. For these five counties, the 1972 APC 13 remained in effect.

On July 26, 1979, Indiana submitted a revised SO_2 regulation (1979 APC 13, later recodified and resubmitted on October 6, 1980, as 325 IAC 7–1). This regulation had site-specific emission limitations for certain sources in the nonattainment counties of Lake, LaPorte, Marion, and Vigo Counties, and a 6.0 lbs/MMBTU emission limit cap for all other sources. It provided three possible compliance methods: stack testing, 30-day sulfur-in-fuel averaging, and other methods as determined by the Board. Compliance was required by no later than 1982.

On March 12, 1982, USEPA conditionally approved this regulation for Lake, LaPorte, and Marion Counties and fully approved it for all but seven of the remaining counties (Dearborn, Floyd, Jefferson, Porter, Vigo, Warrick, and Wayne Counties), where the SIP remained the earlier 1972 or 1974 APC 13.[2] It disapproved the compliance schedule within the regulation for all sources for which emission limits within the regulation were either equal to or a relaxation of the previous SO_2 SIP. USEPA approved the stack test compliance method, took no action on the 30-day averaging compliance method while USEPA further studied the issue of sulfur variability in fuels, and required all other Board-approved compliance methods to be submitted as SIP revisions.

Finally, as a condition to its approval, USEPA required certain modeling/strategy deficiencies to be corrected in Lake, LaPorte, and Marion Counties. On May 13, 1982, USEPA took similar action which fully approved, with the above exceptions, 325 IAC 7–1 for Vigo County. On March 13, 1984 (49 FR 9422), USEPA approved site-specific SO_2 emission limitation for Sisters of Providence Convent in St. Mary-of-the-Woods (Vigo County), Indiana. On March 23, 1984 (49 FR 11086), USEPA approved a site-specific SO_2 emission limit for the Indiana & Michigan Electric Company (IMEC) Breed Generating Station in Sullivan County.

Court Decisions Affecting the Indiana SO_2 SIP

In 1975, an Indiana trial court ruled both 1972 APC 13 and 1974 APC 13 invalid for State purposes, because Indiana had not followed proper State rulemaking procedures in their adoption. In 1979, an Indiana appellate court upheld this ruling. See *Indiana Environmental Management Board* v. *Indiana-Kentucky Electric Corporation (IKEC)*, 393 N.E.2d 213 (Ind. App. 1979). USEPA still believed, however, that these regulations were effective for Federal purposes, although it did stipulate as a part of litigation settlement that it would not enforce the regulations against several major sources in Indiana. See, among others, *Public Service Company of Indiana, Inc. (PSI)* v. *USEPA*, Nos. 76–1920, 76–1940 (7th Cir. 1979).

The Sierra Club tried to enforce both 1972 APC 13 and 1974 APC 13 in Federal District Court. On appeal from a decision adverse to the Sierra Club, the Seventh Circuit Court of Appeals held on August 30, 1983, in *Sierra Club* v. *IKEC*, 716 F.2d 1145 (7th Cir. 1983), that because these rules were improperly adopted at the State level, they were not enforceable by a Federal court. At the time of this decision, USEPA believed that these regulations were federally applicable in only Dearborn, Floyd, Jefferson, Porter, Warrick, and Wayne Counties. On March 26, 1984 (49 FR 11197), USEPA issued a notice of SIP deficiency for three of these counties (Porter, Warrick, and Wayne) and noted that USEPA currently had alternative plans before it for the remaining three counties.

In another lawsuit, IMEC and Indianapolis Power & Light Company (IPL) petitioned the U.S. Court of Appeals for the Seventh Circuit to review under section 307 of the CAA

[2] USEPA had earlier disapproved 325 IAC 7–1 for Jefferson County on January 27, 1981 (46 FR 8473). On March 12, 1982, USEPA disapproved 325 IAC 7–1 for Dearborn, Porter, Warrick, and Wayne Counties, and took no action on Floyd and Vigo Counties.

USEPA's March 12, 1982, partial conditional approval of 1980 325 IAC 7–1.

This action was based on, among other issues, USEPA's taking no action on 30-day averaging. On May 11, 1984, the Seventh Circuit found that the 30-day averaging compliance method is an integral portion of the rule and that "taking no action" under those circumstances is not an action available to USEPA under the CAA. See *IMEC* v. *USEPA*, 733 F.2d 489. Based on this, the Court set aside as much of USEPA's conditional approval action on 325 IAC 7–1 as pertains to the "sulfur dioxide ceiling in Indiana's revised plan."

The same logic which the Court used in *IMEC* v. *USEPA* could be applicable to all of Indiana's SO_2 sources which have 30-day averaging as one available compliance method. Therefore, USEPA today is reproposing rulemaking on (1) all emission limits contained in 325 IAC 7–1 and (2) any other pending and approved emission limits contained in operating permits which the State based on the compliance methods in 325 IAC 7–1.

30-Day Averaging Compliance Method

As stated earlier, Section 3 of 325 IAC 7–1 allows SO_2 emissions (compliance) from sources to be determined by any of three possible methods. These are:

1. By the stack test procedures set forth in 40 CFR Part 60, Appendix A, Method 6 (revised as of August 18, 1977).
2. By specifying the average sulfur content of the fuel used (30-day average), or
3. By any other procedures approved by the Indiana Air Pollution Control Board (Board).

The regulation is thus worded such that if a source is in compliance using any of the three methods, it is in compliance with the regulation.

In USEPA's March 12, 1982, rulemaking on 325 IAC 7–1, USEPA (1) approved the stack test method, (2) took no action on the 30-day averaging method, and (3) approved the third option, because 325 IAC 7–1 requires any such method approved by the Board to be submitted as a revision to the SIP. The method would not become a part of the SIP until approved by USEPA. USEPA took no action on the 30-day averaging method because it was then reviewing the matter of sulfur variability in coal. As a part of this review, it investigated methods that use longer averaging times than 3 and 24 hours and at the same time ensure the protection of the current SO_2 NAAQS. See 45 FR 9994 (February 14, 1980) and the "Review of the National Ambient Air Quality Standards for Sulfur Oxides," EPA 450/5–82–007, November 1982. USEPA, therefore, believed that it was appropriate to take no action on 30-day averaging while it was investigating the possible future use of a 30-day averaging compliance method. As a result, USEPA made the stack test method the only approved method for determining compliance with 325 IAC 7–1, because no alternative method had been submitted under Option 3. USEPA, therefore, was able to approve the emission limits in this regulation based on the stack testing compliance method.

In response to the *IMEC* v. *USEPA* Seventh Circuit decision, USEPA is today proposing action on Indiana's statewide SO_2 rule (325 IAC 7–1), including the 30-day averaging compliance test method, on subsequential State submittals of site-specific emission limits, and on the Indiana Plan as a whole. USEPA is proposing to determine that this plan containing a 30-day averaging provision is not approvable. The plan (depending upon the source/area) is not approvable for two major reasons. For source/area specific plans, the computer dispersion models Indiana used to develop these strategies are based on a maximum emission level (never to be exceeded) for each source; this assumption is consistent with use of stack testing as a compliance method, but the State did not make a demonstration that emission levels developed with these methods when averaged over 30-days will adequately protect the 3-hour and 24-hour NAAQS. For areas where a 6.0 lbs/MMBTU emission limit applies to all sources, Indiana did not justify that the emission limit, when averaged over 30-days, will assure the attainment and maintenance of the SO_2 NAAQS.

Deterministic Nature of the Short-Term SO_2 NAAQS and Present Modeling Techniques

USEPA typically relies upon air quality dispersion models to determine whether an SO_2 emission limit will protect the SO_2 NAAQS. USEPA has specified the use of certain models and procedures for performing attainment demonstrations (see "Guideline on Air Quality Models," April- 1978: "Regional Workshops on Air Quality Modeling: A Summary Report," April 1981; and "Guideline on Air Quality Models (Revised)," July 1986). To address the short-term NAAQS, these modeling analyses require input of a *constant* emission and operating rate (never to be exceeded) and of hourly sequential meteorological data in order to calculate individual hourly concentrations. These concentrations are then arithmetically averaged to produce 3-hour and 24-hour concentrations. The highest, second-highest 3-hour and 24-hour concentrations in any year, over a multi-year data base, are then used (along with the highest annual average concentration) as the design concentrations for developing emission limitations. Because of the inherent variability of the sulfur content in coal,[3] short-term emissions (e.g., hourly, daily) from burning coal from a given coal source will vary. Averaging daily sulfur content values together to form a 30-day average results in some daily values exceeding the average. If a 30-day average emission level is then input to the model, then the attainment demonstration may not be representative of maximum ambient impacts which may occur on days (or hours) when the actual emission rate exceeds the 30-day average. Consequently, multiple exceedances of the short-term SO_2 NAAQS during a given year may occur if an emission limit determined by a modeling analysis which assumes a constant hourly emission limit is actually enforced on a 30-day average emission rate basis.

Indiana used deterministic types of models to develop emission limits for its SO_2 strategies, but incorporated a 30-day averaging compliance method which is not compatible with its demonstrations. For this reason, USEPA is proposing to disapprove the Indiana SO_2 SIP strategy where computer dispersion modeling was used to develop emission limits. Additionally, for these and all other sources, USEPA is proposing to disapprove the Indiana SO_2 plan because the compliance methodology submitted by the State is not consistent with the short-term SO_2 NAAQS.

Overview of Today's Actions

As stated above, USEPA is proposing to disapprove the entire Indiana SO_2 plan because the compliance methodology submitted by the State is not consistent with the 3-hour and 24-hour SO_2 NAAQS. Certain portions of the plan are also being proposed for disapproval based on other deficiencies enumerated in today's notice and USEPA's technical support document, which is available at the addresses listed in the front of this notice. Finally, USEPA is proposing to disapprove all requested SO_2 redesignations from nonattainment or unclassifiable to attainment in Indiana because the State's underlying SO_2 plan is not approvable. An overview of the actions in today's notice are in the following table:

[3] See "A Statistical Study of Coal Sulfur Variability and Related Factors," Draft 1979; "Summary Information on Variability of Sulfur Dioxide Emissions from Coal-Fired Boilers," Draft 1979; and "Preliminary Evaluation of Sulfur Variability in Low Sulfur Coals from Selected Mines," 1977.

County	Action(s)	Reasons for disapproval
Adams	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Allen	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Bartholomew	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Benton	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Blackford	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Boone	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Brown	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Carroll	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Cass	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Clark	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Clay	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Clinton	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Crawford	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Daviess	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Dearborn	Section 110 SIP Site-Spec. Redes.	3-Hour and 24-Hour Comp. Methodology, Possible Tall Stack Issue.
Decatur	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Dekalb	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Delaware	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Dubois	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Elkhart	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Fayette	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Floyd	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology, Plan for Secondary Std.
Fountain	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Franklin	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Fulton	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Gibson	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Grant	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Greene	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Hamilton	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Hancock	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Harrison	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Hendricks	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Henry	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Howard	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Huntington	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Jackson	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Jasper	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Jay	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Jefferson	Section 110 SIP Site-Spec. Redes.	3-Hour and 24-Hour Comp. Methodology.
Jennings	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Johnson	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Knox	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Kosciusko	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Lagrange	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Lake	Part D SIP Site-Spec. Redes.	3-Hour and 24-Hour Comp. Methodology, Demo. of Attain. Not Approvable.
LaPorte	Part D SIP Site-Spec. Redes.	3-Hour and 24-Hour Comp. Methodology, Demo. of Attain. Not Approvable.
Lawrence	Section 110 SIP	3-Hour and 24-Hour
Madison	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Marion	Part D SIP Site-Spec. Redes.	3-Hour and 24-Hour Comp. Methodology, Possible Tall Stack Issue.
Marshall	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Martin	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Miami	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Monroe	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Montgomery	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Morgan	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Newton	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Noble	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Ohio	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Orange	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Owen	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Parke	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Perry	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Pike	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Porter	Section 110 SIP Site-Spec.	3-Hour and 24-Hour Comp. Methodology, Demo. of Attain. Not Approvable.
Posey	Section 110 SIP Site-Spec.	3-Hour and 24-Hour Comp. Methodology, Inadequate Demo. of Attain. Submitted.
Pulaski	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Putnam	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Randolph	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Ripley	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Rush	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
St. Joseph	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Scott	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Shelby	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Spencer	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Starke	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Steuben	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Sullivan	Section 110 SIP Site-Spec.	3-Hour and 24-Hour Comp. Methodology.
Switzerland	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Tippecanoe	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Tipton	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Union	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Vanderburgh	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Vermillion	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Vigo	Part D SIP Site-Spec.	3-Hour and 24-Hour Comp. Methodology, Revised Demo. of Attain. Not Submitted, Possible Tall Stack Issue.
Wabash	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Warren	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Warrick	Section 110 SIP Site-Spec.	3-Hour and 24-Hour Comp. Methodology, Deficient Demo. of Attain., Submit. of Add. Emission Limits and Info. Req.

County	Action(s)	Reasons for disapproval
Washington	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Wayne	Part D SIP	3-Hour and 24-Hour Comp. Methodology.
Wells	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
White	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.
Whitley	Section 110 SIP	3-Hour and 24-Hour Comp. Methodology.

Explanation of expressions in table:
Section 110 SIP: A plan for an attainment or unclassifiable area, which is being acted upon under section 110 of the CAA.
Part D SIP: A plan for a nonattainment area, which is being acted upon both under section 110 and Part D of the CAA.
Site-Spec.: A plan which contains site-specific emission limits, which were developed for a specific source/area.
Redes: A request by the State to redesignate an area under section 107 of the CAA.
3-Hour and 24-Hour Comp. Methodology: USEPA is proposing to disapprove a plan, because the State submitted a compliance methodology which is not consistent with the 3-hour and 24-hour short-term SO_2 NAAQS.
Demo. of Attain. Not Approvable: USEPA is proposing to disapprove a plan, because the demonstration of attainment which the State submitted contains deficiencies and, therefore, the plan is not approvable.
Possible Tall Stack Issue: One or more sources within the plan have changed their stack configuration since 1970. These changes must be properly credited within the plan in keeping with USEPA's July 8, 1985, promulgation of its regulations for implementing section 123 of the CAA (50 FR 27892). The State needs to determine if emissions from these sources were correctly credited.
Deficient Demo. of Attain.; Submit. of Add. Emission Limits and Info. Req.: USEPA is proposing to disapprove a plan, because the demonstration of attainment which the State submitted is deficient in that additional information and emission limits are required. Therefore, the current plan is not approvable.
Plan for Secondary Std.: Plan does not provide for attainment of the secondary SO_2 NAAQS.

Comments and Deficiencies Concerning Area-Specific SO_2 Plans

Indiana's SO_2 regulation, 325 IAC 7–1, consists of (1) point-specific emission limits for certain sources in Lake, LaPorte, Marion, and Vigo Counties and (2) a general 6.0 lbs /MMBTU emission limit for all other sources throughout the State. The regulation also provides that if the State has adopted or does adopt other emission limits through its operating/construction permit procedures, these limits automatically supersede for State purposes those limits contained in 325 IAC 7–1.

Other than for new sources, area-specific/source-specific SO_2 limits have been submitted to USEPA for 11 counties in Indiana. These counties are: Dearborn, Jefferson, Lake, LaPorte, Marion, Porter, Posey, Sullivan, Vigo, Warrick, and (draft limits) Wayne. In addition, the State needs to ultimately determine if such limits are required in the remaining counties; particularly in Floyd, Gibson, Morgan, and Vermillion Counties. Each of these 15 counties and the plan for that county are addressed separately below.[4]

Dearborn County

Dearborn County is designated unclassifiable for the SO_2 NAAQS. On March 12, 1982, USEPA disapproved the general 6.0 lbs/MMBTU emission limit in 325 IAC 7–1, which was applicable to all sources in this county. On November 16, 1983, Indiana submitted a revised plan for this county which includes (1) a modeled attainment demonstration and (2) site-specific emission limits for three sources (IMEC's Tanners Creek Generating Station, Joseph E. Seagram and Sons, Inc., and Scheneley Distillers, Inc.) [5] and the general 6.0 lbs/MMBTU limit for all other sources. The State also requested on April 19, 1982, that the county be redesignated to attainment for SO_2.

USEPA is proposing to disapprove both Indiana's redesignation request and SO_2 strategy because of the short-term compliance methodology issue. Additionally, the attainment demonstration is based on taking credit for certain changes in the stack height/configuration at Tanners Creek. Specifically, the three stacks serving Boilers 1, 2 and 3 were merged to a single taller stack. The Dearborn County plan must be reviewed further to determine if the modeling of this stack configuration complies with USEPA's recent promulgation of its regulations implementating the stack height requirements of section 123 of the CAA (50 FR 27892, July 8, 1985). If it does not, this too would be a reason why the plan would have to be disapproved.

Floyd County

Floyd County was designated attainment for SO_2. On March 27, 1980 (45 FR 20437), USEPA proposed to approve the then current Indiana SO_2 regulation, 1979 APC 13, for Floyd County.

During this same time frame, Jefferson County, Kentucky petitioned the Administrator under the interstate pollution abatement provisions of section 126(b) and (c) of the CAA to determine if the PSI Gallagher Station in Floyd County was impermissibly contributing to SO_2 pollution levels in Jefferson County. On February 16, 1982 (47 FR 6624), the Administrator determined that the Gallagher Station was not in violation of section 126.[6]

In collecting data in response to Jefferson County's petition, USEPA had a computer dispersion modeling analysis performed for the area. This analysis predicted that when the Gallagher Station is emitting at the allowable limit of 6.0 lbs/MMBTU provided in 325 IAC 7–1, the primary SO_2 standards are protected in Indiana. However, the modeling also predicted that violations of the secondary NAAQS could occur in Indiana if Gallagher emits at a rate greater than 4.7 lbs/MMBTU.

Because of this, on May 26, 1982 (47 FR 22976), USEPA reproposed action on Floyd County. USEPA proposed to approve the 6.0 lbs/MMBTU emission limit to protect the primary standards in Floyd County, to disapprove it as protecting the secondary standard, and to take no action at that time on the 30-day average compliance method. Today, USEPA is reproposing to disapprove the complete Floyd County strategy because of the short-term compliance methodology issue.

However, if the strategy contained a methodology which ensured compliance with the short-term SO_2 NAAQS, USEPA could proceed with rulemaking

[4] As mentioned earlier, USEPA is proposing to disapprove the entire Indiana plan because it contains a compliance methodology which is not consistent with the short-term 3-hour and 24-hour SO_2 NAAQS. To prevent repetition, this issue will not be addressed at length in any of the following county-specific sections, but will simply be referenced as the "short-term compliance methodology issue." Nevertheless, USEPA is proposing to disapprove the plan for each of these counties due to this issue.

[5] Emission limits in this plan are: Tanners Creek Units 1, 2 and 3 (at rated capacities)—1.2 lbs/MMBTU. Unit 4—8.3 lbs/MMBTU; Seagram Boiler 5—1.92 lbs/MMBTU and 30,000 tons of coal per year. Boiler 6—6.0 lbs/MMBTU; and Scheneley Boilers 1 and 9—0.55 lbs/MMBTU. Boiler 2—2.70 lbs/MMBTU when Boilers 1 and 9 are not operating and Boiler 2 is operating at 48 MMBTU/hr or less, and Boiler 2—0.55 lbs/MMBTU when Boiler 2 is operating at over 48 MMBTU/hr. (Although not addressed in the permit, presumably Indiana meant Boiler 2 to be limited to 0.55 lbs/MMBTU if it was operating at less than 48 MMBTU/hr and Boiler 1 and/or 9 were operating.)

[6] This determination was appealed to the U. S. Court of Appeals for the Sixth Circuit. The Court upheld USEPA's determination. *See Air Pollution Control District of Jefferson County, Kentucky v. USEPA*, 739 F.2d 1071 (6th Cir. 1984).

on Floyd County as proposed on May 26, 1982. Comments were received on that proposal from the States of Indiana and New York; Jefferson County, Kentucky; and PSI, the owner of the Gallagher Power Plant. These comments and USEPA's complete responses to the comments are available at the locations listed in the front of this notice. Following is a summary of the comments and the appropriate USEPA's responses to that proposal.

The State of Indiana and PSI raised issues concerning the modeling, and informed USEPA of a recently established ambient monitor which has not recorded any excursions of the SO_2 standards. The State requested that USEPA approve the plan for the primary standard and conditionally approve it for the secondary standard until such time as Indiana further studies the area and develops, if necessary, a revised strategy for the area.

USEPA finds that the Floyd County area was modeled correctly and that there are presently insufficient monitoring data to be of use in development of a Floyd County SIP. As to conditionally approving the Floyd County SO_2 Plan with respect to the secondary SO_2 standard, USEPA's conditional approval policy does not apply in attainment areas.[7] Because Floyd County is designated attainment, the growth restrictions of section 110(a)(2)(I) do not apply there, and a conditional approval is not appropriate for the area. However, USEPA could have approved the area for the primary standards while not approving it for the secondary standard.

New York State questioned whether the 6.0 lbs/MMBTU emission limit would be a relaxation from the actual existing emissions for Gallagher and whether the interstate pollution requirements of section 110(a)(2)(E) were properly addressed for SO_2 emissions from Floyd County. More specifically it questioned whether the cumulative impact of SIP relaxations for midwest SO_2 sources must be addressed under section 110(a)(2)(E) before USEPA can act on the Floyd County SIP; whether the particulates (sulfates) formed from SO_2 emissions from Floyd County impermissibly, with respect to section 110(a)(2)(E), impact New York's total suspended particulate (TSP) nonattainment areas; and whether the currently available long-range transport computer dispersion models should be used to make these determinations.

[7] For more detail on USEPA's conditional approval policy see 44 FR 38583 (July 2, 1979) and 44 FR 67182 (November 23, 1979).

The Gallagher section 126 record shows that a 6.0 lbs/MMBTU emission limit is essentially a status quo limit. This conclusion is valid despite the source's 5.42 lbs/MMBTU 1980 annual averaged emission rate. A direct comparison of the two emission rates was inapposite because the 6.0 lbs/MMBTU limit is presumed to be based on the short-term average obtained from the stack test method contained in 40 CFR Part 60, while the 1980 actual emission rate was computed on an annual average basis. Due to the high variability of coal's sulfur content, the longer annual averaging time will always result in a lower average emission rate for a source than the maximum measured in a stack test. (See the "30-Day Averaging Compliance Method" section preceding.)

Regarding the Gallagher Station emission rate, the 1980 actual annual average emission rate of 5.42 lbs/MMBTU, if recomputed on a short-term basis, would yield an emission rate at least as high as the 6.0 lbs/MMBTU rate USEPA is rulemaking on today. Therefore, if USEPA were to approve this limit, it would not constitute a relaxation from actual emission levels. In relation to allowable levels, USEPA's approval would establish a continuously applicable Federal emission limit where none now exists.

With respect to New York's concern about the interstate impact under section 110(a)(2)(E), USEPA has addressed the impact of Gallagher's SO_2 emissions on the adjacent areas of Kentucky in the section 126 proceedings and has found no impermissible impact. (Kentucky is the only other state within 50 km of Floyd County.) USEPA has responded to New York's other general concerns about long-range transport, sulfate deposition, etc. in USEPA's response to the section 126 petitions of New York, and others. See 49 FR 48152 (December 10, 1984). The State of New York *et al.* petitioned the U.S. Court of Appeals for the District of Columbia to review this section 126 determination, but the Court has not yet reached a decision. See Causes 84–1592 and 85–1082.

Jefferson County, Kentucky asserted that because the secondary SO_2 standard is not protected, the SO_2 plan for Floyd County should be completely disapproved. It also noted that the plan did not specify a "reasonable time" by which the secondary standard would be attained and, therefore, felt that the plan is not approvable.

In today's action, USEPA is proposing to disapprove the entire SO_2 plan. However, the CAA does recognize the possibility that a plan may initially protect only the primary, health-related NAAQS while giving a State additional time to develop a plan to protect the secondary, welfare-related NAAQS. See, e.g., section 110(b). In the May 26, 1982, proposal (47 FR 22976), USEPA proposed to approve the 6.0 lbs/MMBTU emission limit because it protects the primary standard and because 1974 APC 13 did not contain any emission limits. USEPA proposed to disapprove the plan with respect to the secondary standard and, at the time of USEPA's final rulemaking, to notify the State under section 110(c) that the Floyd County SO_2 SIP is deficient in that the secondary standard is not protected.

This disapproval and the SIP revision/promulgation process initiated by section 110(c) would have assured that the deficiency would have been corrected within a reasonable time.

Gibson County

Gibson County is designated unclassifiable for SO_2. PSI operates a large power plant within the county known as the Gibson Station. 325 IAC 7–1 would normally limit all existing units (Units 1–4) at this facility to 6.0 lbs/MMBTU. However, in order to assure that the construction of Unit 5 did not jeopardize the NAAQS, Indiana also required more stringent emission limits for Units 1–4. These more stringent limits for Units 1–4 are contained in the Part C Prevention of Significant Deterioration (PSD) permit for Unit 5 and, therefore, are presently enforceable by USEPA.

In addition to the short-term compliance methodology issue, USEPA is proposing to disapprove the Gibson County plan because Indiana has not submitted documentation that these State and federally enforceable emission limits for Gibson Station are sufficient to assure the attainment and maintenance of the SO_2 NAAQS. In fact, air quality modeling provided by Indiana indicates that these emission limits will not protect the NAAQS. USEPA notified Indiana of this fact in a September 2, 1983, letter.

Jefferson County—Redesignation

USEPA initially designated Jefferson County as unclassifiable. On January 27, 1981 (46 FR 8588), USEPA proposed to redesignate Jefferson County to nonattainment for the secondary SO_2 NAAQS. The proposed redesignation was based on modeled violations of the secondary SO_2 NAAQS. This modeling was originally performed by a USEPA contractor to assist USEPA in evaluating a petition filed by Kentucky under

section 126 of the CAA concerning IKEC's Clifty Creek Generating Station, as discussed further below.[8]

However, on December 13, 1983, the U.S. Court of Appeals for the Seventh Circuit determined that USEPA could not redesignate an area to nonattainment after the date of the initial designations against the will of a State. See *Bethlehem Steel Corporation* v. *USEPA*, 726 F.2d 1303. Based on this decision, USEPA is withdrawing its January 27, 1981, proposal.

Using two stacks at 207m and the new associated parameters as input, IKEC modeled the facility and submitted the results to Indiana. (This was the proper modeling configuration under the February 8, 1982, regulations. On December 3, 1985, and April 3, 1986, the State submitted information related to the stack credits of Clifty Creek with respect to USEPA's stack height regulations. This information will be the subject of a separate rulemaking notice. On March 13, 1981, Indiana requested redesignation of Jefferson County to attainment for SO_2 and submitted the IKEC modeling as justification for this redesignation. This modeling predicts that violations of the NAAQS do not occur if Clifty Creek emits at a rate of 7.52 lbs/MMBTU[9] and sources in the remainder of the county emit at a rate of 6.0 lbs/MMBTU. Later in this notice, USEPA is proposing rulemaking to disapprove the 7.52 lbs/MMBTU emission limitation for Clifty Creek and the 6.0 lbs/MMBTU emission limit for all other sources in Jefferson County, Indiana.

[8] The above modeling was based on Clifty Creek's stack configuration at the time of the plant's construction in the 1950's, i.e., three stacks at 207 meters (m), and was consistent with USEPA's policy in January 1981 to implement section 123 of the CAA. As noted before, section 123 limits the credit that can be given to stack heights and dispersion enhancement techniques in the development of SIPs and the establishment of emission limits. Clifty Creek's stack configuration was changed in the middle of the 1970's to two 300m stacks.

On February 8, 1982 (47 FR 5869), USEPA promulgated its regulations to implement section 123. As then promulgated, they allowed modeling of Clifty Creek at the original stack height of 207m while using its present number of stacks (two) and the stack parameters associated with the newer stacks; i.e., exit gas temperature and velocity, stack diameter, etc. The February 8, 1982, regulations were challenged under section 307 of the CAA, and the U.S. Court of Appeals for the District of Columbia upheld certain portions of the regulations, remanded other portions to USEPA, and disapproved the remainder. See *Sierra Club* v. *USEPA*, 719 F.2d 436 (1983), *cert. denied*, 104 S. Ct. 3571 (July 2, 1984). In response to this Court ruling, USEPA recently promulgated revised regulations on July 8, 1985. The State's review of physical stack height credit and merged stack credit for Clifty Creek is the subject of a separate rulemaking notice.

[9] Historically, Clifty Creek's SO_2 emissions have ranged between 6.01 and 8.40 lbs/MMBTU, averaged on a monthly basis.

Based on the proposed disapproval of the Jefferson County SO_2 plan, USEPA is proposing to deny Indiana's request to redesignate Jefferson County from unclassified to attainment of the SO_2 NAAQS and to retain the present unclassified designation for this county.

Jefferson County—Emission Limits

After reviewing a Jefferson County modeling analysis with Clifty Creek being modeled with three 207m stacks, on January 27, 1981, USEPA disapproved the Indiana 6.0 lbs/MMBTU SO_2 plan for Jefferson County. USEPA also issued a section 110(a)(2)(H) notice of SIP deficiency (46 FR 8784, January 27, 1981).

The IAPCB adopted operating permits containing revised source-specific emission limits for Clifty Creek and on April 15, 1982, submitted them as revisions to the SO_2 SIP. These permits establish a 7.52 lbs/MMBTU SO_2 emission limitation for Units 1 through 6 at the Clifty Creek plant. The permits also set a maximum SO_2 emission rate of 269,900 lbs of SO_2 per 3 hours (equivalent to 7.52 lbs/MMBTU at maximum operating capacity). These emission limits replaced the State's 6.0 lbs/MMBTU limit for Clifty Creek contained in 325 IAC 7–1.

Based on the short-terms compliance methodology issue, USEPA is proposing to disapprove the 7.52 lbs/MMBTU limit for Clifty Creek and the 6.0 lbs/MMBTU limit in 325 IAC 7–1 for other sources in Jefferson County. USEPA is proposing to disapprove the 269,900 lbs of SO_2 per 3 hours limit because the State did not demonstrate with reduced load modeling that this limit protects the NAAQS at less than full load. For more information on the requirements for reduced load modeling, see the discussion of this subject in the "Lake County" section following.

Jefferson County—Section 126

Kentucky petitioned the Administrator under section 126 to determine if Clifty Creek was causing or substantially contributing to violations of the SO_2 NAAQS in Kentucky (44 FR 29495, May 21, 1979). USEPA held a hearing on Kentucky's petition on June 19, 1979. USEPA anticipates proposing in the **Federal Register** its determination on Kentucky's petition after it fully acts on a plan for Jefferson County. Even so, USEPA will review and revise its action on Clifty Creek if its final determination on Kentucky's section 126 petition conflicts with its action on the Jefferson County plan.

New York, Pennsylvania and Maine also petitioned USEPA under section 126. These States petitioned USEPA to consider the aggregate effect of SO_2 emissions from several sources, including Clifty Creek, on the particulate levels within their States. As stated before, USEPA made a final determination on this petition in the December 10, 1984, **Federal Register** (49 FR 48152), and the reader is referred to this determination for responses to the issues raised in this petition.

Lake County

The northern portion of Lake County is designated nonattainment. On March 12, 1982 (47 FR 10813), USEPA conditionally approved the Indiana SO_2 Part D SIP for Lake County. On September 7, 1982 (47 FR 39167), USEPA amended one of the conditions in its approval. The Lake County conditions are that the State must:

1. Demonstrate that the 24-hour SO_2 standard is constraining or provide 3-hour and annual attainment analyses,
2. Justify appropriate SO_2 background levels for *all* averaging periods and use these in the analyses,
3. Include a complete emission inventory (with process sources) in the attainment analyses,
4. Design a receptor network which provides adequate resolution and use this network in the analyses, and
5. Address the Northern Indiana Public Service Corporation (NIPSCO) Mitchell Generating Station stack height in the revised analysis.

Furthermore, if in satisfying these conditions Indiana found that revisions to the original emission limitations were necessary, then Indiana committed to submit these revisions to USEPA (as changes to the SIP).

In response to these conditions, on March 21, 1984, the State of Indiana submitted a revised SO_2 control strategy for Lake County (325 IAC 7–1–8.1, Appendix A, Lake County Sulfur Dioxide Limitations), along with technical support (i.e., a new modeling analysis). On October 15, 1984, the State of Indiana submitted revisions to 325 IAC 7–1–8.1 (Lake County SO_2 Limitations) to USEPA for parallel processing for SIP revision purposes. The October 15, 1984, revisions, which are only for the United States Steel (USS) Gary Works, result in a net reduction of 415.2 lbs/hr from the overall plan. Although no modeling was provided to support these revised emission limits, the State noted in a September 17, 1984, letter that modeling was performed for 15 days from the full year analysis performed for the Lake County SO_2 SIP. Because this 15-day "mini-analysis" for the revised USS limits is built upon the overall county-wide SIP analysis, the approvability of

the October 15, 1984, changes to Indiana's plan modeled in the mini-analysis must be based not only on the mini-analysis itself but also on the approvability of the underlying overall Lake County SO_2 plan which is discussed below.

Lake County—1984 Analyses

USEPA has compared the emission limits in Indiana's 1984 submittals relative to those which USEPA conditionally approved. One significant change is that, in addition to those emission limits expressed as lbs/hour, the plan includes emission limits expressed as lbs/MMBTU and lbs/ton. However, these lbs/MMBTU and lbs/ton limits are only applicable at rated capacity. It is not clear what the applicable emission limits would be at less than rated capacity, other than the overall lbs/hour limits. Other significant changes/deficiencies are discussed in the technical support document. Because the proposed regulations are substantially different from the regulations which were conditionally approved in 1982 by USEPA, the outstanding 1982 conditional approval issues are essentially irrelevant to the 1984 plans and the 1984 proposed regulations must stand on their own; i.e., a complete attainment demonstration is necessary to support the proposed regulations.

Based on the available data, USEPA has determined that the proposed regulations are not approvable. This is due both to the short-term compliance methodology issue and to deficiencies in the attainment demonstration. General and source-specific deficiencies and comments are summarized below.

1. Reduced Load Analysis—The proposed regulations contain a fuel quality (lbs/MMBTU or lbs/ton) emission limitation that is applicable only at rated capacity. At lower operating/production rates (as well as at rated capacity), the lbs/hr limit applies. This would enable a given source to emit as much SO_2 at full load as at, for example, 50 percent load. However, as load decreases, plume rise also decreases. Thus, a source operating at partial load (but at full, allowed emissions) will cause higher peak ambient pollutant levels than the same source operating at full load.

The modeling submitted by the State, however, only considered full load operation. No analysis has been provided to ensure that the standards will be protected at reduced load under the lbs/hr limits. Therefore, the analyses/rules submitted do not assure attainment and maintenance under all load conditions.

2. Plume Rise Enhancement—The 3-hour and 24-hour attainment demonstrations took credit for enhanced plume rise, resulting from the merging of nearby plumes; i.e., the individual exhaust gas buoyancy and momentum combine to increase plume rise. This modification to the model used, RAM, effectively produces a non-reference model.

USEPA procedures and techniques for the determining the acceptability of a nonguideline model are discussed in the "Regional Workshops on Air Quality Modeling: A Summary Report", April 1981, and "Guideline on Air Quality Models (Revised)", July 1986. No such support has been provided for the non-guideline model used in Lake County. Therefore, the results of the short-term modeling must be disregarded.

3. Interstate Impacts—section 110(a)(2)(E) requires that SIPs must prohibit stationary sources in one State from preventing attainment and maintenance of the NAAQS in any other State, and that source emissions may not interfere with measures in any other State's Part C PSD plans. Section 110(a)(2)(E) also requires that SIPs must insure compliance with section 126 (interstate pollution abatement). No interstate impact analysis for either Illinois or Michigan (the two States close enough to be within the modeling range of the current guideline models) has been provided for the Lake County SO_2 SIP.

4. Receptor Network—The receptor network used in the modeling was deficient in that (1) it failed to include areas on plant property where the general public is not prevented from entry, (2) an inappropriate model for determining hot spot locations was used in some locations, and (3) the modeling did not include sufficient receptors around American Brick in Munster. It should be noted that the modeling contained no receptors over Lake Michigan.

5. Annual Analysis—There are several technical problems with this analysis which are discussed in USEPA's technical support document.

6. Common Emission Limits—Several facilities have a common emission limitation. USEPA has reviewed the acceptability of collective limits for these sources and has grouped them within the technical support document into three categories:

(1) Those needing further support,

(2) Those needing no further support, and

(3) Those needing more information to determine the need for further support.

The plan contains certain sources which USEPA has determined fall within categories 1 and 3. Therefore, the plan is not approvable for these sources.

7. Meteorological Data Base/Modeling Issues—Only one full year of meteorological (MET) data (1964 Midway surface/Peoria upper air) was used in the 1984 modeling. USEPA modeling guidelines specify the use of five years of representative MET data, whenever available.

At the time of the development of the original Lake County Part D SIP, USEPA agreed to accept a Lake County SO_2 plan based on only one year of MET data. However, in view of the length of time since this agreement, the availability of five years of MET data, and the fact that the proposed regulations constitute essentially a new SIP (i.e., substantially different from the conditionally approved 1982 SIP), continued acceptance of one year of MET data is questionable. USEPA is proposing to disapprove the Lake County plan for other reasons. However, any new plan must be based on the most recent 5 years of MET data.

In addition to the above modeling deficiencies, other comments/deficiencies concerning the Lake County modeling, including site-specific elements within the plan, are included in the technical support document, and USEPA is soliciting comment on these issues as well.

As stated before, USEPA proposes to disapprove the Lake County SO_2 plan, including the U.S. Steel source-specific portion. This disapproval is due to the numerous modeling and technical deficiencies with the plan and the short-term compliance methodology issue.

Lake County Redesignation

On July 1, 1985, and July 11, 1985, Indiana requested that USEPA redesignate to attainment the area in Lake County currently designated as a primary SO_2 nonattainment area. This request was based on (1) monitored data showing no monitored violations of the SO_2 standards and (2) the SO_2 attainment strategy, including modeling, conditionally approved by USEPA in 1982.

USEPA is proposing to disapprove this redesignation request because it does not conform to USEPA's redesignation policy for SO_2 nonattainment areas (April 21, 1983, memorandum from Sheldon Meyers, Director, Office of Air Quality Planning and Standards, and December 23, 1983, memorandum from G.T. Helms, Chief, Control Programs Operation Branch). USEPA recognizes that the Lake County monitored data for the last two calendar years do not show violations of the NAAQS. (One

exceedance of the 24-hour standard was measured in 1984.) However, to redesignate an area to attainment for SO_2, USEPA's policy also requires an approvable attainment demonstration and certification of compliance with USEPA fully-approved regulations.

In the case of Lake County, there is no USEPA-approved control strategy. USEPA did conditionally approve the Lake County SO_2 plan on March 12, 1982. However, the March 12, 1982, **Federal Register** notice cited numerous deficiencies with this original modeling analysis which precludes it from being considered a completely approvable analysis. Additionally, USEPA's approval was set aside on May 11, 1984. See "Court Decisions Affecting the Indiana SO_2 SIP" section of today's notice. Furthermore, USEPA today is proposing to disapprove Indiana's October 15, 1984, modeled attainment demonstration. Thus, the October 15, 1984, strategy too would not be a basis for redesignation. Because Indiana neither has a fully-approved SIP nor an approvable attainment demonstration in Lake County, USEPA is proposing to disapprove Indiana's Lake County redesignation request.

LaPorte County

The northwest portion of LaPorte County is designated primary nonattainment for SO_2 and the remainder is designated attainment. On June 26, 1979, Indiana submitted an SO_2 strategy for LaPorte County which consisted of emission limits for the Indiana State Prison [10] and the general 6.0 lbs/MMBTU limit contained in Indiana's SO_2 regulation, 325 IAC Article 7, for all other sources. On March 12, 1982, USEPA approved this strategy on the condition that Indiana correct certain modeling deficiencies. The U.S. Court of Appeals for the Seventh Circuit, on May 11, 1984, vacated USEPA's conditional approval of this plan.

Instead of responding directly to the conditions, Indiana chose to redesign the entire strategy for the county. On June 6, 1983, Indiana submitted a revised strategy for LaPorte County. This strategy consisted of a 6.0 lbs/MMBTU emission limit for most sources in the county, except for the Indiana State Prison and the NIPSCO power plant in Michigan City. On June 14, 1983, Indiana requested USEPA to consider the revised NIPSCO limits, with the technical support supplied, as satisfying the conditions of USEPA's March 12, 1982, approval of the LaPorte County SIP. It also requested that USEPA redesignate LaPorte County attainment for the SO_2 NAAQS. Additional modeling was submitted on September 26, 1983.

LaPorte County Redesignation

The modeling demonstrated that the NAAQS would be attained and maintained throughout most of the county, but predicted 24-hour violations of the NAAQS in a swath north-northeast of the NIPSCO plant, starting over Lake Michigan and continuing over the Michigan City Yacht Basin. The maximum second-high SO_2 level predicted for a 24-hour period is 497 $\mu g/m^3$, which occurs over Lake Michigan. The highest second-high concentration over the yacht basin is 442 $\mu g/m^3$, and over land near the bank of the yacht basin it is 432 $\mu g/m^3$.[11] These concentrations are dominated by the NIPSCO plant and would be greater if a background concentration would be included. Nevertheless, these impacts alone are above the the 24-hour SO_2 NAAQS of 365 $\mu g/m^3$, not to be exceeded more than once per year; i.e, maximum second-high of 365 $\mu g/m^3$.

USEPA has analyzed these data in relation to the CAA's requirement to assure that the SO_2 ambient air quality standards are protected. "Ambient Air" is defined at 40 CFR 50.1(e) as that portion of the atmosphere, external to buildings, to which the general public has access. USEPA has determined that the modeled violations near the bank, over the yacht basin, and over Lake Michigan are sufficient to make the State's control strategy disapprovable. Because Indiana's strategy does not assure attainment of the NAAQS in these areas and because of the short-term compliance methodology issue, USEPA is proposing to disapprove the State's request to redesignate to attainment that portion of LaPorte County currently designated as nonattainment. In addition to the above overriding reasons for proposing to disapprove the request, the State also did not provide assurances that all sources in LaPorte County were in compliance with the LaPorte County strategy which the State had submitted.

LaPorte County Strategy

Indiana's revised LaPorte County Strategy is based on site-specific emission limits for two sources (the Indiana State Prison and NIPSCO's Michigan City Power Plant) and the general 6.0 lbs/MMBTU limit contained in Indiana's SO_2 regulation, 325 IAC Article 7, for all other sources. Indiana submitted modeling for the two significant sources in LaPorte County that are regulated by the general 6.0 lbs/MMBTU limit (Allis Chalmers Corporation and the Westville Correctional Center). This modeling predicted that the NAAQS are attained in the vicinity of these sources with a 6.0 lbs/MMBTU limit. Therefore, the 6.0 lbs/MMBTU emission limit would be approvable for all LaPorte County sources, except for NIPSCO and the Indiana State Prison, assuming compliance with this limit were determined by a stack-test or other short-term compliance method.

As for the exceptions, the emission limits for the Indiana State Prison were conditionally approved by USEPA on March 12, 1982, but were invalidated by the May 11, 1984, Seventh Circuit decision. See *IMEC v. USEPA*. On June 6, 1983, Indiana submitted a strategy limiting this facility to 5.12 lbs/MMBTU. This limit is based on merging three 21m stacks into one 30.5m stack. Credit for merged stacks is allowed by USEPA's July 8, 1985, stack height rule based on the 5.12 lbs/MMBTU limit because the plantwide allowable emissions would be less than 5,000 tons/year. The Indiana State Prison limit is not approvable because of the short-term compliance methodology issue.

On June 6, 1983, Indiana submitted revised limits for Units 4, 5, and 6 at NIPSCO's Michigan City Power Plant.[12] These call for different emission limits with different compliance time frames, depending upon the number of these boilers operating at any given time. When only one of these boilers is in operation, it must meet a 5.3 lbs/MMBTU emission limit. Compliance may be determined by any of the compliance methodologies provided in 325 Article 7. When two of the three

[10] Emissions from the Indiana State Prison were limited to 4.44 lbs/MMBTU if it used its then existing three 21 meter stacks or 5.12 lbs/MMBTU if a new single 30.5 meter stack was constructed. It is USEPA's understanding that the new stack was constructed, and the source at this time must meet Indiana's 5.12 lbs/MMBTU emission limit. This emission limit is discussed further in this proposal.

[11] The predicted values of 497 $\mu g/m^3$, 442 $\mu g/m^3$, and 432 $\mu g/m^3$ do not include any background emissions, i.e., emissions from sources either too small to model or too far away to be significant. If such background emissions would be added to these values, the predicted SO_2 concentrations would be even higher.

[12] Indiana did not submit a revised emission limit for Unit 12. The 6.0 lbs/ MMBTU emission limit contained in 325 IAC 7-1 for this unit is disapprovable, because the modeling which accompanied Indiana's submission assumes that Unit 12 is limited to 5.3 lbs/MMBTU. USEPA understands, however, that Indiana has issued an operating permit limiting this source to a 5.3 lbs/MMBTU limit (compliance to be determined by the methods included in Article 7), and this emission limit is in effect for State purposes. These deficiencies could be rectified by submitting the 5.3 lbs/MMBTU emission limit as a revision to the SIP.

Units 4, 5, and 6 boilers are in operation, each is limited to 5.9 lbs/MMBTU, as averaged on a daily basis.[13] When all three of these boilers are in operation, each is limited to 4.1 lbs/MMBTU, also averaged on a daily basis.

USEPA has analyzed the data submitted and finds it cannot approve the LaPorte County plan primarily because, as discussed above, it does not protect the NAAQS near and over the Michigan City Yacht Basin and over Lake Michigan, and certain emission limits are not supported by a methodology which ensures compliance with the short-term SO_2 NAAQS. Therefore, USEPA is proposing to disapprove the emission limits for all sources in LaPorte County, to disapprove the LaPorte County attainment demonstration, and disapprove the redesignation of LaPorte County.

Marion County Redesignation

All of Marion County, except for a small portion in Franklin and Washington Townships, is designated as a primary nonattainment area for SO_2. On April 16, 1982, the Indiana Air Pollution Control Board (IAPCB) submitted a request to redesignate the designated primary nonattainment area to attainment for SO_2. The request was supported by all available monitor data and by air quality modeling for the major SO_2 sources in the eastern and northern portions of the county. In letters dated July 16, 1982, and September 1, 1982, USEPA notified the State that insufficient data were presently available to support the entire redesignation request, particularly for the central and southwestern portions of the Indianapolis area.

On November 3, 1982, the IAPCB submitted a modified request to redesignate five of the nine townships (Pike, Washington, Lawrence, Warren, and Franklin) in Marion County to attainment for SO_2 (without withdrawing its initial request for full county attainment). The submittal contained technical support materials prepared by the City of Indianapolis Air Pollution Control Division (dated October 25, 1982) which includes the relevant interagency correspondence and air quality computer dispersion modeling results for the eight major SO_2 sources located in these five townships.

On March 3, 1983, and August 17, 1983, in support of the redesignation request, the IAPCB submitted revised emission limits for the following eight SO_2 sources as revisions to Indiana's SO_2 SIP: Amtrak, Chrysler Corporation (Shadeland Avenue Plant), Ford Motor Company, Fort Benjamin Harrison, International Harvester Company, Rock Island Refining Corporation, Western Electric Company, Inc., and Refined Metals. These SO_2 emission limits are consistent with the City of Indianapolis' SO_2 Regulation, IV–4, but are more stringent than Indiana's SO_2 limits of 6.0 lbs/MMBTU. On March 28, 1983, the City of Indianapolis submitted a supplemental modeling run to support the redesignation/SIP revision for the five townships.

USEPA reviewed the monitor data submitted for Marion County and found that it did not show any violations of the SO_2 NAAQS in the last 8 quarters. (Included were data from the two monitors in Washington Township and the one in Pike Township.) However, because USEPA recognizes that a small number of ambient monitors are usually not representative of the air quality for the entire area if an area is dominated by point sources, USEPA also requires modeling analysis of SO_2 areas being redesignated.

USEPA reviewed the modeling analysis for the five townships: i.e., Franklin, Lawrence, Pike, Warren, and Washington, and found that it is consistent with USEPA modeling guidance and satisfies USEPA's criteria for redesignation of SO_2 nonattainment areas to attainment (April 21, 1983, memorandum from Sheldon Meyers). The analysis included all major SO_2 sources in these townships at their proposed SO_2 emission limits. In a June 14, 1983, letter, the City of Indianapolis stated that the eight SO_2 sources are currently in compliance with their operating permit limits. Based on the State's request, the ambient data, the modeling data, and the City's statement concerning the sources' compliance, on November 16, 1983 (48 FR 52095), USEPA proposed to redesignate Franklin, Lawrence, Pike, Warren, and Washington Townships from primary nonattainment to attainment for the SO_2 NAAQS but to disapprove the requested redesignation for the other four townships, Center, Decatur, Perry, and Wayne.

Other than general comments from the State and City supporting the redesignation, no comments were received in response to this proposal. Nevertheless, due solely now to the 30-day average compliance method issue which is applicable to these sources because of the State's submittal of the limits, USEPA finds it must now repropose to disappove the redesignation for the five townships, and is doing so.

The State did not originally provide a comparable modeling analysis for the remaining four townships; i.e., Center, Decatur, Perry, and Wayne. These townships contain the larger utility and industrial SO_2 sources in the county. On March 28, 1984, Indiana submitted revised emission limits for sources in these four townships and modeling to support these limits. However, the following three issues concerning this redesignation request remain: (1) The emission limits in these townships are impacted by the short-term compliance methodology issue, (2) sources within the townships are not required to come into compliance with the more stringent emission limits required by the modeling until future dates and, thereby, may now be emitting at levels which cause violations of the SO_2 NAAQS, and (3) the modeled attainment demonstration assumes credit for dispersion techniques which must be reviewed with respect to USEPA's July 8, 1985, final rules for implementing the stack height requirements of section 123. If the section 123 review reveals a deficiency, then this too would be a reason why the request must be disapproved. Based on these reasons, USEPA is proposing to disapprove the redesignation of Center, Decatur, Perry, and Wayne Townships.

Marion County SO_2 Strategy

As stated earlier, in 1974 Indiana adopted a revised statewide SO_2 regulation, APC 13. Indianapolis adopted for county purposes regulation IV–4, which contained emission limits comparable to 1974 APC 13. Both the State regulation, when combined with the attainment status regulation APC 22, and the Indianapolis regulation limited emissions from sources in Marion County to between 6.0 and 1.2 lbs/MMBTU, depending upon the size and characteristics of the source.

Although Indiana in 1979 adopted a revised statewide SO_2 regulation which superseded for State purposes all previous SO_2 regulations in Indiana, the City of Indianapolis did not adopt a comparable regulation and retained the more stringent emission limits of their rule IV–4. USEPA conditionally approved with certain exceptions just Indiana's revised SO_2 regulation for Marion County on March 12, 1982. At no

[13] "Daily" is not defined by the State, and the State did not submit a compliance methodology for daily limits. USEPA assumes, for the purpose of this rulemaking, that "daily" means a 24-hour period from midnight of one day until midnight of the next and that the stack test compliance methodology in Article 7 would apply to "daily" limits. USEPA is soliciting comments during the public comment period associated with this notice on this interpretation of the term "daily".

time has USEPA adopted into the SIP rule IV–4.

As stated earlier, on November 3, 1982, the State submitted a request to redesignate five townships in Marion County to attainment for SO_2. The submittal contained technical support materials prepared by the City of Indianapolis Air Pollution Control Division (dated October 25, 1982) which included air quality computer dispersion modeling results for the eight major SO_2 sources located in these five townships. This modeling predicted attainment of the NAAQS in these five townships, but was based on the more stringent emission limitation contained in Indianapolis' IV–4. USEPA informed the State that in order to have an approvable redesignation request based on this modeling, the State would have to adopt these more stringent emission limitations and submit them to USEPA as a revision to the SIP.

Therefore, the State did adopt these emission limitations and, on March 3, 1983, and August 17, 1983, submitted as revisions to Indiana's SO_2 SIP these emission limits for the eight SO_2 sources. The sources are Amtrak, Chrysler Corporation (Shadeland Avenue), Ford Motor Company, Fort Benjamin Harrison, International Harvester Company, Rock Island Refining Corporation, Western Electric Company, Inc., and Refined Metals. The operating permits establish SO_2 emission limits for these sources which are consistent with the City of Indianapolis' SO_2 Regulation, IV–4, but which are more stringent than those contained in 325 IAC Article 7.

On November 16, 1983 (48 FR 52095), USEPA proposed to approve the emission limits for these eight sources and to approve the SO_2 plan for the five townships, Franklin, Lawrence, Pike, Warren, and Washington. During the 60-day public comment period, USEPA received comments from the City and the State. They noted that one of the emission limits for Chrysler Corporation was incorrect and submitted a revised emission limit for this source.

USEPA has reviewed the emission limitations, including the correction, and has found that, but for the compliance methodology which is not consistent with the short-term SO_2 NAAQS, the SO_2 NAAQS would be attained and maintained at these limits. Nevertheless, in light of *IMEC* v. *USEPA* and based on the short-term compliance methodology deficiency, USEPA today is proposing to disapprove the emission limits for the eight sources as a portion of the Part D SIP in Marion County and is proposing to disapprove the plan as a whole for Franklin, Lawrence, Pike, Warren, and Washington Townships.

On March 21, 1984, March 28, 1984, and April 6, 1984, Indiana submitted a revised plan for the remaining four townships, Center, Decatur, Perry, and Wayne. This plan consisted of a computer dispersion modeled demonstration of attainment and revised, source-specific emission limits for Allison Gas Turbine Operations—a division of General Motors Corporation (plants 5 and 8); Bridgeport Brass Company—a division of National Distillers Chemical Corporation; Central Soya; Central State Hospital; Citizens Gas and Coke Utility; Detroit Diesel Allison—a division of General Motors Corporation; Glass Containers Corporation; G.M. Truck and Bus Group—a division of General Motors Corporation; Indiana Girls School; Indianapolis Power and Light Company (IPL—Perry K, Perry W, and Stout); The Indianapolis Rubber Company; Indianapolis Sludge Incinerator; National Starch and Chemical Corporation; P.T. Components, Incorporated (Bearing and Chain); Quemetco—RSR Corporation; RCA; Reilly Tar and Chemical Corporation; Stokely Van Camp, Incorporated; Union Carbide Corporation; and Wishard Memorial Hospital. USEPA is proposing to disapprove the emission limits for the above sources and the plan for Center, Decatur, Perry, and Wayne Townships because of the short-term compliance methodology issue and other deficiencies previously discussed in this notice.

In addition, the modeled attainment demonstration is based on revised stack parameters for National Starch and IPL—Stout. National Starch proposes to combine several stacks into one stack. Credit for the enhanced plume rise resulting from this combination of stacks was assumed in the attainment demonstration. Under USEPA's July 8, 1985, rulemaking on implementing section 123 of the CAA, a demonstration of equivalence is required to justify credit for this stack combination.

IPL raised its stack on Stout Units 50 and 60 by 12 feet and added a nozzle which increases stack exit velocity. USEPA's July 8, 1985, stack height rulemaking does not allow automatic credit for the increase in the physical height of a stack greater than 213 feet.

Morgan County

Morgan County contains a large SO_2 source, IPL Pritchard Generating Station. The State's SO_2 regulation limits this source to the general limit of 6.0 lbs/MMBTU, but the State has not provided a demonstration that this limit will protect the SO_2 NAAQS. On September 2, 1983, USEPA notified the State that air quality modeling indicates the potential for SO_2 NAAQS violations at the 6.0 lbs/MMBTU limit, but the State has not yet submitted modeling justifying this limit. USEPA today is proposing to disapprove the plan for Morgan County because the State has not demonstrated that a 6.0 lbs/MMBTU emission limit, with or without 30-day averaging, will protect the standards there.

Porter County

Porter County is designated unclassifiable for SO_2. On March 12, 1982, USEPA disapproved Indiana's SO_2 rule, 325 IAC 7–1, for Porter County because the State did not demonstrate that the SO_2 NAAQS were assured by the 6.0 lbs/MMBTU emission limit in this regulation. On March 1, 1984, Indiana submitted revised limits for Bethlehem Steel and Midwest Steel. The other sources in the county remained limited by 325 IAC 7–1. USEPA has reviewed this submittal and has found it deficient because the attainment demonstration did not address building downwash and the emission inventory needs further documentation. These deficiencies are addressed in more detail in USEPA's technical support document. USEPA is proposing to disapprove the Porter County plan because of the short-term compliance methodology issue and because, considering the deficiencies in the modeling, the State has not assured that the SO_2 NAAQS will be attained and maintained with the emission limits in its plan.

Posey County

Posey County is designated attainment. On March 12, 1982, USEPA approved 325 IAC 7–1 for this county, which imposed a 6.0 lbs/MMBTU emission limit on sources there. On November 1, 1983, Indiana submitted as an alternative emission control plan (bubble) revised limits for the Indiana Farm Bureau Co-op Refinery which would establish a 14 lbs/MMBTU limit for the FCC preheater and a 5 lbs/MMBTU limit for three gas/oil fired boilers.[14] This bubble was based on the

[14] An alternative emission control plan or "bubble" is a method by which a source may exchange one set of emission limits for another set, assumably because the second set is less expensive to meet. USEPA's policy on criteria for determining the approvability of individual bubbles is found in its final Emission Trading Policy Statement (51 FR 43814, December 4, 1986). A fundamental requirement under the policy is that the bubble must satisfy certain specified air quality analysis tests designed to ensure ambient equivalence. The

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general emission limit in 325 IAC 7–1 of 6.0 lbs/MMBTU.

USEPA is proposing to disapprove this bubble because the ambient equivalence demonstration submitted is unacceptable and because the submittal failed to address PSD increment consumption. Also, USEPA is proposing to disapprove the overall SO_2 plan for Posey County because the plan contains a compliance methodology which is not consistent with the short-term SO_2 NAAQS.

Sullivan County

Sullivan County is designated attainment for SO_2, and the plan for this county was approved within USEPA's general approval of 325 IAC 7–1 on March 12, 1982. Indiana adopted an operating permit for IMEC's Breed Generating Station in Sullivan County that contained a 9.57 lbs/MMBTU SO_2 emission limit and initially submitted it to USEPA on February 26, 1981. In response to deficiencies noted by USEPA, the permit was resubmitted on June 22, 1982, with additional data. The Indiana plan for Sullivan County then consisted of a 9.57 lbs/MMBTU emission limit for Breed Generating Station and the general 6.0 lbs/MMBTU emission limit in 325 IAC 7–1 for all other sources in the county. USEPA approved this plan on March 23, 1984 (49 FR 11086), but took no action on the 30-day averaging compliance method. The logic contained in the Seventh Circuit Court of Appeals decision of May 11, 1984, invalidates the plan. See the "Court Decisions Affecting the Indiana SO_2 SIP" section of this notice.

Today, USEPA is proposing to disapprove the Sullivan County plan, including the 9.57 lbs/MMBTU emission limit for Breed, because of the short-term compliance methodology issue.

Vermillion County

Vermillion County is designated attainment for SO_2. Sources in this county, such as the PSI Cayuga Generating Station, were regulated by the general limit of 6.0 lbs/MMBTU in 325 IAC 7–1, which was approved on March 12, 1982. However, the State has never provided a demonstration that this limit will protect the SO_2 NAAQS. On September 2, 1983, USEPA notified the State that air quality modeling indicates violations of the SO_2 NAAQS. USEPA today is proposing to disapprove the plan for Vermillion County because the State has not justified that a 6.0 lbs/MMBTU emission limit, with or without 30-day averaging, will protect the standards there.

Vigo County

USEPA approved the Vigo County plan on May 13, 1982, and a site-specific revision for Sisters of Providence Convent on March 13, 1984, but the logic of the *IMEC* v. *USEPA* decision applies to this plan. Additionally, Indiana submitted on March 21, 1984, changes to the plan which affected six companies. These changes are discussed in detail in USEPA's technical support document. Today, USEPA is proposing to disapprove the Vigo County plan because of the short-term compliance methodology issue and because the State did not demonstrate that the . March 21, 1984, revised plan still protects the SO_2 NAAQS in Vigo County. Also, the State is reviewing the stack height credit assumed for two sources in the previous modeling analysis. This review will be the subject of a separate rulemaking notice.

Warrick County

On March 5, 1985, Indiana submitted a revised strategy for Warrick County. The strategy consists of the immediate imposition of the general 6.0 lbs/MMBTU emission limit in 325 IAC 7–1 for all sources in the county and, in order to protect the secondary 1300 $\mu g/m^3$ standard, a 5.48 lbs/MMBTU emission limit required as of December 31, 1989, on boilers at the two power stations (Warrick Station and Culley Station) [15] in the county. Compliance for the two stations is to be determined by a 30-day rolling weighted average.

There are several deficiencies in the plan. First, the modeling assumes that emissions are limited on certain ALCOA aluminum reduction sources in the county which were not included in the submission. Second, ALCOA has not submitted evidence that it has fenced off areas (about 30 square kilometers) on its property where modeling predicts violations of the SO_2 NAAQS.[16] Finally, other minor modeling deficiencies remain, which are discussed in the technical support document. USEPA is proposing to disapprove the plan for Warrick County for these reasons and because of the short-term compliance methodology issue.

Wayne County

Wayne County is designated nonattainment for SO_2. On May 12, 1982, USEPA disapproved 325 IAC 7–1 for this county because the State did not justify that the general 6.0 lbs/MMBTU emission limit in this regulation would protect the SO_2 NAAQS. On March 26, 1984, USEPA issued a notice of SIP deficiency for Wayne County. On April 11, 1984, Indiana notified Richmond Power and Light in Wayne County that emission limits between 1.3 and 0.6 lbs/MMBTU were appropriate at that source's present stack configuration. Richmond Power and Light Company notified the State that it wished to develop a revised SIP for Wayne County based on replacing its current two stacks, which are approximately 30 feet higher than the 120-foot boiler building, with one new, higher stack. The proper physical stack height and plume rise credits for Richmond Power and Light must be consistent with USEPA's July 8, 1985, final stack height regulations.

Notwithstanding the above agreement, the only State fully-adopted plan for Wayne County that USEPA currently has before it is 325 IAC 7–1.[17] USEPA is proposing to disapprove this regulation again for Wayne County because the State has not shown that its general 6.0 lbs/MMBTU emission limit in this regulation, with or without 30-day averaging, will protect the SO_2 NAAQS in Wayne County.

Other Counties

In addition to the above counties where either the State has submitted a SIP revision to USEPA or USEPA has informed the State of a SIP inadequacy, there are 77 other counties in Indiana where 325 IAC 7–1 applies. As mentioned earlier, USEPA is proposing to disapprove 325 IAC 7–1 for these counties because the State has submitted a compliance methodology which is not consistent with the short-term 3-hour and 24-hour SO_2 NAAQS.

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baseline for emission trades in SO_2 attainment areas is generally actual emissions, but allowable emissions may be used under certain cases.

For the purposes of determining the approvability of the revised limits for Farm Bureau Coop, any differences between the requirements of the December 4, 1986, Emission Trading Policy and previous policies on emission trading are irrelevant.

[15] Each of the seven boilers at these Stations is owned either jointly or independently by Southern Indiana Gas and Electric Company and/or ALCOA Generating Company.

[16] The SO_2 NAAQS by definition must be protected in the "ambient air". Ambient air is defined at 40 CFR 50.1(e) as that portion of the atmosphere, external to buildings, to which the general public has access. Thus private property which is excluded from public access by fence or other effective physical barrier is not ambient air, and the requirement for attaining and maintaining the NAAQS do not apply there.

[17] On September 29, 1986, Indiana submitted a draft revised plan for Wayne County for parallel processing. Indiana has not yet adopted this strategy under State rulemaking procedures, and the applicable State approved plan for Wayne County is still that contained in 325 IAC 7–1. USEPA will propose rulemaking on the revised Wayne County plan (or subsequent Wayne County SO_2 submittals) in a future **Federal Register** notice.

As discussed above, the inclusion of the 30-day averaging provision in the SIP revision that was the subject of USEPA's March 12, 1982, notice is the reason that USEPA is proposing disapproval of that revision in today's notice. Deletion of the 30-day averaging provision by the State or equivalent changes as described below would allow USEPA to consider reinstating the various approvals expressed in the March 12, 1982, notice, except for the 15 counties specifically addressed above.

In *IMEC* v. *EPA*, the Seventh Circuit invalidated USEPA's conditional and final approvals of SO_2 emission limits contained in Indiana's submittal of October 6, 1980, because USEPA had decided not to act regarding the 30-day averaging provision. The Seventh Circuit dismissed all other challenges to the March 12, 1982, order in *IMEC*, as well as additional challenges to the March 12th order raised by petitioners in *State of New York* v. *Gorsuch* (7th Cir. No. 82–1717). The sole reason for the Seventh Circuit's setting aside of USEPA's approval of the SIP submittal of October 6, 1980, was the failure to act on one of three compliance methods in the submittal. If the State of Indiana withdraws 30-day averaging from its plan or makes equivalent changes as described below, USEPA's objections to that plan would be eliminated, and the previous approvals could be reinstated in the 77 counties referenced above, where still applicable. If the State withdraws its present regulation and provides a revised regulation which contains an independently enforceable short-term compliance method which assures compliance with the short-term SO_2 NAAQS, USEPA could without reproposal reinstate the 6.0 lbs/MMBTU emission limit in the 77 counties referenced above. The State could revise the regulation either (1) to remove the possible 30-day averaging compliance method or (2) to make a violation determined by the stack test compliance method independently enforceable; i.e., not refutable by compliance determined by another method such as 30-day averaging fuel analysis.

Notice of SIP Deficiency

Because of the State's and USEPA's previous actions on the Indiana SO_2 plan and the two Seventh Circuit Court of Appeals decisions concerning these actions, Indiana currently does not have an approved SO_2 SIP. Therefore, the SIP is substantially inadequate to assure attainment of the SO_2 NAAQS and a notice of SIP deficiency under section 110(a)(2)(H) is appropriate. However, because USEPA currently has before it a plan for the entire State, it intends to wait until it takes final rulemaking action on the SO_2 plan currently before it. If USEPA disapproves this plan, it will simultaneously issue to Indiana a notice of SIP deficiency under section 110(a)(2)(H). Upon the date of the section 110(a)(2)(H) notice, Indiana will have 60 days in which to submit a schedule for submittal of a complete, approvable SO_2 plan for the entire State. That schedule must not extend beyond one year from the date of the section 110(a)(2)(H) notice. If either of these dates is not met, USEPA will proceed with a Federal promulgation of a SO_2 plan for Indiana under section 110(c) of the Clean Air Act. See USEPA's post-82 SIP policy, entitled Compliance with the Statutory Provisions of Part D of the Clean Air Act (November 2, 1983, 48 FR 50685), and the January 27, 1984, Guidance Document for the Correction of Part D SIPs for Nonattainment Areas.

Sanctions

The CAA provides various sanctions where there is not an approved SO_2 plan for nonattainment areas. See sections 110(a)(2)(I), 176(b), and 316; the November 2, 1983, post-82 SIP policy, entitled Compliance with the Statutory Provisions of Part D of the Clean Air Act; and the January 27, 1984, Guidance Document for the Correction of Part D SIPs for Nonattainment Areas. At this time, USEPA is not proposing any action in relation to the sewage treatment grant sanctions of section 316.

State and Local Air Pollution Control Grants

Section 176(b) provides that the Administrator shall not make grants under the CAA to State or general purpose local governments where he finds that these entities are not implementing any requirement of an approved section 110 plan, including any requirement for a revised implementation plan (under Part D). In Indiana, if USEPA notifies the State under section 110(a)(2)(H) that the SO_2 SIP is substantially deficient and the State does not respond in a timely manner with an approvable schedule and SO_2 plan for both attainment and nonattainment areas, then USEPA will propose at that time in the **Federal Register** its intention to withhold the appropriate section 105 grant funds from the State.

Section 110(a)(2)(I) Growth Restrictions

Section 110(a)(2)(I) provides that after June 30, 1979, no major stationary source shall be constructed or modified in any (primary) nonattainment area if that source would cause or contribute to concentrations of that pollutant and the area in question does not have an approved Part D plan. In the case of Indiana, primary SO_2 nonattainment areas exist in Lake, LaPorte, Marion, Vigo, and Wayne Counties. In 1982, USEPA approved or conditionally approved Part D plans for the nonattainment areas in Lake, LaPorte, Marion, and Vigo Counties and, thereby, lifted the section 110(a)(2)(I) growth restrictions from these counties. USEPA has never approved a Part D SO_2 plan for Wayne County, and the section 110(a)(2)(1) growth restrictions have been in place in that county since July 1979.

However, as stated in the "Court Decisions Affecting the Indiana SO_2 SIP" section of today's notice, on May 11, 1984, the Seventh Circuit Court of Appeals set aside so much of USEPA's March 12, 1982, approval as pertained to emission ceilings, because USEPA took no action on the 30-day averaging compliance provision in Indiana's SO_2 rule, 325 IAC 7–1. See *IMEC* v. *USEPA*, 733 F.2d 489. The Court, thereby, also set aside one of the bases for USEPA's approval of the Indiana Part D plan.

Under these circumstances, Indiana no longer has an approvable SO_2 SIP, and the section 110(a)(2)(I) growth restrictions should be applicable. However, it is not clear if the reimposition of the growth restrictions in the nonattainment areas of Lake, LaPorte, Marion, and Vigo Counties is automatic (effective as of the May 11, 1984, date of the Seventh Circuit Court decision) or if it is effective on the date that USEPA disapproves the SO_2 plan. USEPA is specifically soliciting comments upon this issue. Based on these comments and the CAA, USEPA will make a decision on this issue at the time of the final rulemaking on Indiana's SO_2 plan. Parties planning to construct facilities in the primary SO_2 nonattainment areas in Lake, LaPorte, Marion, and Vigo Counties should be aware of the possibility that SO_2 growth sanctions may be in place in these areas at this time.

Finally, in addition to today's notice, interested parties are directed to USEPA's technical support document, with attachments. The attachments contain technical comments on area-specific plans. Several of these comments were written prior to and will not reflect the May 11, 1984, Seventh Circuit Court decision. USEPA is soliciting comments both on today's proposal and on the technical information contained in the technical support document.

Under 5 U.S.C. section 605(b), the Agency must assess the impact of

proposed or final rules on small entities. As discussed earlier, a moratorium on the construction and modification of major stationary sources of SO_2 may go into effect or may already be in effect in the designated nonattainment portions of Lake, LaPorte, Marion, and Vigo Counties. USEPA does not have sufficient information to determine the impacts a moratorium may have on small entities because it is difficult to obtain reliable information on future plans for business growth. However, because USEPA cannot be certain of the potential impact on small entities, the Agency invites comments on this issue.

Even if this moratorium were to have a significant impact on a substantial number of small entities, the Agency could not modify the action. Under the CAA, the imposition of a construction moratorium is automatic and mandatory whenever the Agency determines that a plan for a nonattainment area fails to meet the requirements of Part D of the CAA.

Under Executive Order 12291, this action is not "Major". It has been submitted to the Office of Management and Budget (OMB) for review.

Authority: 42 U.S.C. 7401–7642.

Dated: January 22, 1987.

Frank M. Covington,

Acting Regional Administrator.

[FR Doc. 87–2213 Filed 2–3–87; 8:45 am]

BILLING CODE 6560–50–M

Notices

Federal Register
Vol. 52, No. 23
Wednesday, February 4, 1987

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

January 30, 1987.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96–511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404–W Admin. Bldg., Washington, DC 20250, (202) 447–2118.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attn: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Desk Officer of your intent as early as possible.

Extension

- Forest Service
  Technical Data-Electronic Type Land Use
  FS 2700–10
  On occasion
  Individuals or households; State or local governments; Farms; Businesses or other for-profit; Federal agencies or employees; Non-profit institutions; Small businesses or organizations; 100 responses; 25 hours; not applicable under 3504(h)
  Ruben M. Williams (703) 235–2412

Revision

- Food Nutrition Service
  State Plan and Operating Guidelines, Forms and Waivers
  FNS–366A, –366B
  Annually
  State or local governments; 106 responses; 2,828 hours; not applicable under 3504(h)
  Paul Jones (703) 756–3396

Donald E. Hulcher,

Acting Departmental Clearance Officer.

[FR Doc. 87–2256–Filed 2–3–87; 8:45 am]

BILLING CODE 3410-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

[C-201-003]

Ceramic Tile From Mexico; Amendment to Final Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of amendment to final results of countervailing duty administrative review.

EFFECTIVE DATE: February 4, 1987.

FOR FURTHER INFORMATION CONTACT: Cynthia Gozigian or Paul McGarr, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–2786.

Amendment

On December 5, 1986, the Department of Commerce published the final results of its countervailing duty administrative review on ceramic tile from Mexico (51 FR 43944). The review covered the period July 1, 1983 through June 30, 1984.

Subsequent to publication of the final results, we discovered that two companies, Teofilo Cavarrubias Villarreal and Reynol Martinez Chapa, had been inadvertently omitted from the list of zero-rate firms included in the final results. Consequently, we are amending the final results to include these two companies.

The Department will instruct the Customs Service to liquidate, without regard to countervailing duties, shipments of ceramic tile from these two firms exported on or after July 1, 1983 and on or before June 30, 1984. Further, the Department will instruct the Customs Service to waive cash deposits of estimated countervailing duties, as provided by section 751(a)(1) of the Tariff Act, on shipments of ceramic tile from these two companies entered, or withdrawn from warehouse, for consumption on or after December 5, 1986. This deposit waiver shall remain in effect until publication of the final results of the next administrative review.

Dated: January 28, 1987.

Joseph A. Spetrini,

Acting Deputy Assistant Secretary, Import Administration.

[FR Doc. 87–2234 Filed 2–3–87; 8:45 am]

BILLING CODE 3510-DS-M

Biotechnology Technical Advisory Committee; Partially Closed Meeting

A meeting of the Biotechnology Technical Advisory Committee will be held February 27, 1987, 9:30 a.m. in the Herbert C. Hoover Building, Room B–841, 14th Street and Constitution Avenue, NW., Washington, D.C. The Committee advises the Office of Technology and Policy Analysis, Export Administration, with respect to technical questions that affect the level of export controls applicable to biotechnology and related equipment or technology.

Agenda:

1. Welcoming remarks by the Chairman.
2. Introduction of members and quests.
3. Presentation of papers or comments by the public.
4. Action items and plans for next meeting.

5. Recommendations for new members.

6. Nomination and election of new Chairman.

7. Discussion of controls applicable to biotechnology.

Executive Session:

8. Discussions of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control and strategic criteria related thereto.

The General Session will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 19, 1985, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, telephone: (202) 377–4217. For further information or copies of the minutes, contact Betty Anne Ferrell, (202) 377–2583.

Dated: January 28, 1987.

Margaret A. Cornejo,

Director, Technical Support Staff, Office of Technology & Policy Analysis.

[FR Doc. 87–2239 Filed 2–3–87; 8:45 am]

BILLING CODE 3510-25-M

Electronic Instrumentation Technical Advisory Committee; Partially Closed Meeting

A meeting of the Electronic Instrumentation Technical Advisory Committee will be held February 24, and 25, 1987. The meeting will convene on both days at 9:30 a.m. in Room 3407, Herbert C. Hoover Building, 14th & Constitution Avenue, NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions which affect the level of export controls applicable to electronics and related equipment and technology.

General Session:

1. Opening remarks by the Chairman.

2. Presentation of papers or comments by the public.

3. Continuation of discussion concerning the export controls on ECCN 1521A (broad band amplifiers).

4. Public comments on foreign availability of nd:YAG lasers for manual systems—CCL 1522A.

5. Public comments are also invited on the following entries on the Commodity Control list (CCL):

CCL 1522A—Lasers and Laser Systems
CCL 1529A—Electronic Test Equipment—particularly Subitem b(5) and Subitem (f)
CCL 1531A—Frequency Synthesizers
CCL 1541A—Cathode Ray Tubes
CCL 1568A—Electromechanical Equipment
CCL 1572A—Recording and Reproducing Equipment

Comments should consider the need for revision (strengthening, relaxation or decontrol) of the current regulations based on technological trends, foreign availability and national security. The Committee is also intersted in proposals for revision to the People's Republic of China guidelines and G-COM regulations relating to these CCL numbers.

Executive Session

6. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting and can be directed to: Technical Support Staff, Office of Technology & Policy Analysis, Room 4073, 14th Street & Constitution Avenue, NW., Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1986, pursuant to section 10(d) of the Government in the Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce. Telephone: 202–377–4217. For further information or copies of the minutes contact Betty A. Ferrell, 202/377–2583.

Dated: January 29, 1987.

Margaret A. Cornejo,

Director, Technical Support Staff, Office of Technology & Policy Analysis.

[FR Doc. 87–2237 Filed 2–3–87; 8:45 am]

BILLING CODE 3510-DT-M

Semiconductor Technical Advisory Committee; Closed Meeting

SUMMARY: The Semiconductor Technical Advisory Committee was initially established on January 3, 1973, and rechartered on January 10, 1986, in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

Time and Place: February 18, 1987, 9:30 a.m., Herbert C. Hoover Building, Room 6029, 14th Street and Constitution Avenue, NW., Washington, DC.

The Committee will meet only in Executive Session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 6, 1984, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meeting and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, telephone: 202–377–4217. For further information or copies of the minutes contact Ruth Fitts on 202/377–4959.

Dated: January 29, 1987.

Margaret A. Cornejo,

Director, Technical Support Staff, Office of Technology & Policy Analysis.

[FR Doc. 87-2236 Filed 2-3-87; 8:45 am]

BILLING CODE 3510-25-M

Transportation and Related Equipment Technical Advisory Committee; Partially Closed Meeting

A meeting of the Transportation and Related Equipment Technical Advisory Committee will be held February 26, 1987, 9:30 a.m., Herbert C. Hoover Building, Room 6029, 14th Street and Constitution Avenue, NW., Washington, D.C.

The Committee advises the Office of Technology and Policy Analysis with respect to technical questions which affect the level of export controls applicable to transportation and related equipment or technology.

Agenda:

1. Opening remarks by the Chairman.
2. Charter Renewal.
3. Technical Advisory Committee Membership.
4. 1986 Annual Report and Plan Implementation.
5. 1987 Plan.
6. Presentation of papers or comments by the public.
7. New Business.

Executive Session:

8. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The general session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 30, 1986, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Telephone: (202) 377-4217. For further information or copies of the minutes call 202-377-2583.

Dated: January 29, 1987

Margaret A. Cornejo,

Director, Technical Support Staff, Office of Technology and Policy Analysis.

[FR Doc. 87-2238 Filed 2-3-87; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Pacific Fishery Management Council; Public Meetings

Agency: National Marine Fisheries Service, NOAA, Commerce.

The Pacific Fishery Management Council's Salmon Plan Development Team (SPDT) will convene a public meeting, February 16-20, 1987, at the Council's office, (address below). On February 16 the Team will convene at 1 p.m. to draft the 1987 stock status report for presentation in March 1987 to the Council.

At 10 a.m. on February 19 the Council's Salmon Advisory Subpanel (SAS) and members of the Council's Scientific and Statistical Committee will join the SPDT for a preliminary review of the 1987 stock abundance projections. This preliminary review is provided to assist SAS members in developing salmon management proposals to submit to the Council for 1987. The joint public meeting will convene in room 330 of the Metro Center. Written and oral statements pertaining to the salmon abundance projections will be accepted at appropriate times during the public meetings. For further information contact Joseph C. Greenley, Executive Director, Pacific Fishery Management Council, Metro Center, 2000 SW. First Avenue, Suite 420, Portland OR 97201; telephone: (503) 221-6352.

Dated: January 28, 1987.

Richard B. Roe,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 87-2215 Filed 2-3-87; 8:45 am]

BILLING CODE 3510-22-M

Western Pacific Fishery Management Council; Public Meeting

Agency: National Marine Fisheries Service, NOAA, Commerce.

The Western Pacific Fishery Management Council's Crustacean Plan Monitoring Team will convene a public meeting, February 6, 1987, at 1 p.m., at the Western Pacific Council's Conference Room 1605 (address below), to discuss results of lobster trap escape gap research; review recently completed work on marketing Hawaii lobster; recommend a minimum size for slipper lobster which can be harvested; discuss the status of the lobster stocks in the Northwestern Hawaiian Islands; report on the status of Amendment IV to the Spiny Lobster Fishery Management Plan, as well as to discuss other Team business.

For further information contact Kitty Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop Street, Room 1405, Honolulu, HI 96813; telephone: (808) 523-1368.

Dated: January 28, 1987.

Richard B. Roe,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 87-2216 Filed 2-3-87; 8:45 am]

BILLING CODE 3510-22-M

[Modification No. 1 to Permit No. 322; (P267)]

Marine Mammals; Permit Modification: Dr. Paul Gleeson

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), § 220.24 of the regulations on endangered species permits (50 CFR Parts 217-222), Scientific Research Permit No. 322 issued to Dr. Paul Gleeson, U.S. Department of the Interior, National Park Service, Alaska Regional Office, 2525 Gambell Street, Anchorage, Alaska 99503-2892 on March 24, 1981 (46 FR 19513) is modified as follows:

Section B.4 is replaced by:

4. The authority to export and reimport this material shall extend through December 31, 1991. The terms and conditions of this Permit shall remain in effect as long as the material hereunder is maintained under the authority and responsibility of the Permit Holder.

The effective date of this modification is December 31, 1986.

As required by the Endangered Species Act of 1973 issuance of this modification is based on a finding that such modification (1) was applied for in good faith, (2) will not operate to the disadvantage of the endangered species which is the subject of the modification, and (3) will be consistent with the purposes and policies set forth in

section 2 of the Endangered Species Act of 1973. This modification was issued in accordance with, and is subject to Parts 220–222 of Title 50 CFR of the National Marine Fisheries Service regulations governing endangered species permits (39 FR 41367), November 27, 1974.

Documents submitted in connection with the above Permit and modification are available for review in the following offices:

Office of Protected Species and Habitat Conservation, National Marine Fisheries Service, 1825 Connecticut Avenue, NW., Rm. 805, Washington, DC;

Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way, NE., BIN C15700, Seattle, Washington 98115; and

Director, Alaska Region, National Marine Fisheries Service, 709 West 9th Street, Federal Building, Juneau, Alaska 99802.

Dated: January 27, 1987.

Nancy Foster,

Director, Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 87–2217 Filed 2–3–87; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Increasing Import Limits for Certain Man-Made Fiber Textile Products Produced or Manufactured in Indonesia

January 29, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 31, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 29, 1987. For further information contact Pamela Smith, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of this limit, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377–3715.

Background

The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 25, 1985 and October 3, 1985, as amended, between the Governments of the United States and Indonesia provides, among other things, for designated percentage increases in certain categories (swing). An increase for swing is being applied to the import restraint limit for man-made fiber textile products in Category 639, produced or manufactured in Indonesia and exported during the agreement year which began on July 1, 1985 and extended through June 30, 1986. The limit for the 1986–87 agreement year (July 1, 1986—June 30, 1987) is also being increased by application of swing. As a result of swing, imports exported in 1985–86, amounting to 27,300 dozen, charged to the 1986–87 restraint limit will be deducted and charged to the 1985–86 restraint limit.

In the letter below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to adjust the restraint limits for Category 639 as indicated. The Commissioner is also directed to deduct 27,300 dozen from the restraint limit established for 1986–87 and to charge this same amount to the 1985–86 limit.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

January 29, 1987

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directives issued to you on October 31, 1985 and June 25, 1986 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool, and man-made fiber textile products, produced or manufactured in Indonesia and exported during the 1985–86 and 1986–87 agreement years.

Effective on January 29, 1987, the directives of October 31, 1985 and June 25, 1986 are hereby further amended to adjust the previously established restraint limits for Category 639 under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 25 and October 3, 1985, as amended:[1]

Adjusted 12-mo limit [1] (7/1/85–6/30/86)	Adjusted 12-mo limit [2] (7/1/86–6/30/87)
417,300 dozen.....	442,338 dozen.

[1] The limit has not been adjusted to reflect any imports exported after June 30, 1985.
[2] The limit has not been adjusted to reflect any imports exported after June 30, 1986.

Also effective on January 29, 1987, you are directed to charge 27,300 dozen to the 1985–86 restraint limit. This same amount is to be deducted from the charges made to the restraint limit which began on July 1, 1986 and extends through June 30, 1987.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87–2232 Filed 2–3–87; 8:45 am]

BILLING CODE 3510-DR-M

Request for Public Comment on Bilateral Textile Consultations With the Government of Panama Concerning Category 645/646

January 30, 1987.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, DC (202) 377–4212. For information on the quota status of this limit, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377–3715. For information on categories on which consultations have been requested call (202) 377–3740.

Background

On November 26, 1986, the Government of the United States, under Article 3 of the Arrangement Regarding International Trade in Textiles, done at Geneva on December 20, 1973, and as extended by Protocols on December 8, 1977, December 22, 1981 and July 31, 1986, requested the Government of Panama to enter into consultations concerning exports to the United States of man-made fiber sweaters in Category

[1] The agreement provides, in part, that: (1) Specific limits may be increased by designated percentages for swing, carryover and carryforward; and (2) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement.

645/646, produced or manufactured in Panama.

The purpose of this notice is to advise the public that, if no solution is agreed upon in consultations with the Government of Panama, the Committee for the Implementation of Textile Agreements may later establish a limit for the entry and withdrawal from warehouse for consumption of man-made fiber textile products in Category 645/646, produced or manufactured in Panama and exported to the United States during the twelve-month period which began on November 26, 1986 and extends through November 25, 1987 at a level of 72,137 dozen.

A summary market statement concerning this category follows this notice.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

Anyone wishing to comment or provide data or information regarding the treatment of Category 645/646 under Article 3 of the Multifiber Arrangement, or on any other aspect thereof, or to comment on domestic production or availability of textile products included in the category, is invited to submit such comments or information in ten copies to Mr. Ronald I. Levin, Acting Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230. Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce 14th and Constitution Avenue NW., Washington, DC, and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Panama—Market Statement

Category 645/646—Man-Made Fiber Sweaters

November 1986.

Summary and Conclusions

U.S. imports of Category 645/646 from Panama were 82,634 dozen during the year ending September 1986 six times the 13,639 dozen imported a year earlier. During the first nine months of 1986, imports from Panama were 82,501 dozen, 25 times the amount imported during the same period of 1985 and 24 times the amount imported during calendar year 1985.

The U.S. market for Category 645/646 has been disrupted by imports. The sharp and substantial increase of imports from Panama has contributed to this disruption.

U.S. Production and Market Share

U.S. Production of man-made fiber sweaters declined 18 percent from 7,235 thousand dozen in 1983 to 5,947 thousand dozen in 1985. The U.S. Producers' share of this market declined from 40 percent in 1983 to 33 percent in 1985.

U.S. Imports and Import Penetration

U.S imports of Category 645/646 grew from 10,775 thousand dozen in 1983 to 12, 167 thousand dozen in 1985, a 13 percent increase. Imports reached 12,403 thousand dozen during the year ending September 1986, 6 percent above the previous years level. The ratio of imports to domestic production increased from 149 percent in 1983 to 205 percent in 1985.

Duty Paid Value and U.S. Producer Price

Approximately 93 percent of Category 645/646 imports from Panama during the first nine months of 1986 entered under TSUSA number 384.8073—women's and girls' man-made fiber knit sweaters, not ornamented. These sweaters entered the U.S. at landed duty paid values below the U.S. producer price for comparable sweaters.

[FR Doc. 87-2233 Filed 2-3-87; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Department of the Navy

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Naval Research advisory Committee Panel on Laser Eye Protection will meet on February 12 and 13, 1987 at the Pentagon, Washington, DC. The meeting will commence at 9:00 AM and terminate at 5:00 PM on February 12; and commence at 8:00 AM and terminate at 4:00 PM on February 13, 1987. All sessions of the meeting will be closed to the public.

The purpose of the meeting is to review the current Navy and DOD R&D laser eye protection programs. The agenda will include technical discussions addressing the current and projected threat, cockpit compatabilty, operational requirements and organizational responsibilities. These discussions will contain classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this matter contact: Commander T.C. Fritz, U.S. Navy, Office of the Chief of Naval Research (Code 00NR), 800 North Quincy Street, Arlington, VA 22217-5000, Telephone number (202) 696-4870.

This notice is being published late because of administrative problems caused by inclement weather.

Dated: January 30, 1987.

Harold L. Stoller, Jr.,

Commander, JAGC, U.S. Navy Federal Register Liaison Officer.

[FR Doc. 87-2226 Filed 2-3-87; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CI87-183-000]

Apollo Oil Co.; Application for Abandonment With Pregranted Abandonment for Sales Under Small Producer Certificate

January 30, 1987.

Take notice that on December 16, 1986, as supplemented on January 15, 1987, Apollo Oil Company (Apollo), P.O. Box 1737, Hobbs, New Mexico 88240, filed an application under Section 7(b) of the Natural Gas Act and § 2.77 of the Commission's rules.

Apollo requests that the Commission issue an order granting Apollo (1) authority to abandon sales to Phillips 66 Natural Gas Company (Phillips 66) of certain gas which is subject to NGA jurisdiction from the State "E" Tract 17, Well #5, Lovington Queen Field, Lea County, New Mexico, and (2) blanket pregranted abandonment authorization for a limited-term of three years for any future sales of such gas under its small producer certificate issued in Docket No. CS75-41. Apollo states that it is subject to substantially reduced takes without payment, the volumes involved are approximately 300 Mcf per day, the last effective rate was 68¢ per Mcf, Apollo is in danger of losing its lease, and the contract is due to expire July 14, 1988.

The circumstances presented in the application meet the criteria for consideration on an expedited basis, pursuant to Section 2.77 of the Commission's rules as promulgated by Order No. 436 and 436-A, issued October 9, and December 12, 1985, respectively, in Docket No. RM85-1-000, all as more fully described in the application which is on file with the Commission and open to public inspection.

Accordingly, any person desiring to be heard or to make any protest with reference to said application should on or before 15 days after the date of publication of this notice in the **Federal Register**, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding herein must file a petition to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Apollo to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-2251 Filed 2-3-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP87-34-000]

Northwest Alaskan Pipeline Co; Tariff Changes

January 30, 1987.

Take notice that on January 27, 1987, Northwest Alaskan Pipeline Company (Northwest Alaskan) tendered fo filing the following revisions to its FERC Gas Tariff Original Volume No. 2.

Rate schedule	Tariff sheet No.
X-3	Second Revised Sheet No. 300
	Second Revised Sheet No. 301
	Original Sheet Nos. 30800-308ZZ
	Original Sheet Nos. 308AAA-308FFF
	Second Revised Sheet No. 322
	First Revised Sheet No. 350
	Original Sheet Nos. 358HH-358ZZ
	Original Sheet No. 358AAA
	First Revised Sheet No. 386A

Northwest Alaskan proposed that these revisions be effective as of February 25, 1987.

Northwest Alaskan states that the proposed tariff revisions implement a settlement of a dispute among Northwest Alaskan, its supplier Pan-Alberta Gas Ltd. ("Pan Alberta") and its purchaser United Gas Pipe Line Company ("United") regarding take-and-pay provisions of Northwest Alaskan's agreement with Pan-Alberta and corresponding provisions of Northwest Alaskan's agreement with United. The settlement between the three parties, among other things, provides for a release by Pan-Alberta of its take-and-pay claims for contract years 1985, 1986 and the portion of 1987 up to the effective date of the settlement, and provides for reductions for a two year period following the effective date in the minimum take levels and in the purchase prices under Northwest Alaskan's contract with Pan-Alberta. The settlement provides a corresponding take-and-pay claim release by Northwest Alaskan and reductions in the minimum take levels and purchase prices under Northwest Alaskan's nearly identical Gas Purchase Agreement with United.

Northwest Alaskan states by virtue of Pan-Alberta's agreeing to release its take-and-pay claims and to reduce contractual minimum volumes and purchase prices, Pan-Alberta will be foregoing substantial claims for damages and will incur a significant reduction in revenue. Accordingly, United has agreed in the settlement amendments to make cash payments directly to Pan-Alberta for the account of Northwest Alaskan or to Northwest Alaskan who will in turn pay them to Pan-Alberta, in the total amount of $50 million (U.S). As an intergral part of the settlement, United has entered has entered into a Marketing and Transportation Agreement with Pan-Alberta which could potentially result in an additional benefit to Pan-Alberta of $15 million (U.S.) per year for each of the two years following the effective date of the settlement amendments (see tariff sheets numbered 308CCC through 308FFF).

Northwest Alaskan has requested that the Commission, approve the tariff revisions, find that the entire settlement is just and reasonable and deemed to be prudent and find that Northwest Alaskan may flow through to United any payments made by Northwest Alaskan to Pan-Alberta pursuant to the settlement amendments. A determination with respect to the treatment of such amounts in United's rates is not sought in this proceeding.

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 or 385.214). All such motions or protests should be filed on or before February 6, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-2250 Filed 2-3-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-94-007

Sea Robin Pipeline Co.; Compliance Tariff Filing

January 30 1987.

Take notice that on January 28, 1987, Sea Robin Pipline Company (Sea Robin) tendered for filing the following tariff sheets as part of its FERC Gas Tariff, Original Volume No. 1, in compliance with the Commission's letter orders dated November 3, 1986 and January 15, 1987:

Revised Substitute Original Sheet No. 4-A2—effective September 26, 1986

Substitute First Revised Sheet No. 4-A2—effective January 1, 1987.

Sea Robin requests waiver of the Commission's regulations so that the sheets may become effective as noted. Copies of this filing were served on Sea Robin's jurisdictional customers and parties in Docket No. RP86-94.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC. 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before February 6, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-2249 Filed 2-3-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2249-000]

Thomas R. Williams; Notice of Application

January 28, 1987.

Take notice that on September 18, 1986, Thomas R. Williams, pursuant to section 305 (b) of the Federal Power Act, tendered for filing an Application for Authority to hold the following interlocking positions:

Director, Georgia Power Company, Public Utility

Director, National Service Industries, Inc., Supplying Electrical Equipment.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rule 211 or 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 11, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this motion are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-2246 Filed 2-3-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER87-226-000 et al.]

Electric Rate and Corporate Regulation Filings; Central Illinois Public Service Co. et al.

January 28, 1987.

Take notice that the following filings have been made with the Commission:

1. Central Illinois Public Service Company

[Docket No. ER87-226-000]

Take notice that on January 22, 1987, Central Illinois Public Service Company ("CIPS") tendered for filing Appendix D to the existing Interconnection Agreement between CIPS and Southern Illinois Power Cooperative ("SIPC").

CIPS requests an effective date of September 15, 1986 and therefore requests a waiver of the Commission's notice requirements.

Comment date: February 11, 1987, in accordance with Standard Paragraph E at the end of this notice.

2. Florida Power & Light Company

[Docket No. ER 87-222-000]

Take notice that Florida Power & Light Company (FPL), on January 15, 1987, tendered for filing: (1) a Contract for Interchange Service Between Florida Power & Light Company and the City of Homestead, Florida ("Contract"); and (2) Cost Support Schedules C, F, and G (together with Cost Support Schedule F Supplements) which support the daily capacity charges for sales under Service Schedule B (Short-Term Firm Interchange Service) of the Contract. The Contract has been executed by both parties.

FPL respectfully requests that the proposed Contract and Cost Support Schedules C, F, and G (together with Cost Support Schedule F Supplements) be made effective February 1, 1987 and therefore requests waiver of the Commission's notice requirements. According to FPL, a copy of this filing was served upon the City of Homestead, Florida and the Florida Public Service Commission.

Comment date: February 11, 1987, in accordance with Standard Paragraph E at the end of this notice.

3. Florida Power & Light Company

[Docket No. ER87-171-000]

Take notice, that, on January 20, 1987, Florida Power & Light Company (FPL) filed certain materials relating to the Stipulation and Agreement between FPL and the five Florida Cities filed on December 18, 1986, in the captioned proceeding.

Comment date: February 11, 1987, in accordance with Standard Paragraph E at the end of this notice.

4. Holyoke Water Power Company, Holyoke Power and Electric Company

[Docket No. ER84-574-004]

Take notice that on January 20, 1987, Holyoke Water Company (Holyoke) tendered for filing, in compliance with the Commission's Opinion No. 257, the following:

1. Amendment to each of three Mt. Tom power contracts, as filed in this docket, revised in accordance with the Initial Decision, as modified on reconsideration and clarified by Opinion No. 257. These are denominated Amendment No. 6 to each of the three contracts.

2. A copy of these three sets of amendments, underlined to indicate where revisions have been made in compliance with Opinion No. 257 as compared to the amendments originally filed in 1984.

3. A billing comparison reflecting the compliance level revenues versus the level of revenues prior to filing, including reflection of the amortization of the replacement reserve.

Comment date: February 11, 1987, in accordance with Standard Paragraph E at the end of this notice.

5. Idaho Power Company

[Docket No. ER87-220-000]

Take notice that on January 15, 1987, the Idaho Power Company tendered for filing in compliance with the Federal Energy Regulatory Commission's Order of October 7, 1978, a summary of sales made under the Company's 1st Revised FERC Electric Tariff, Volume, No. 1 (Supersedes Original Volume No. 1) during November 1986, along with cost justification for the rate charged. This filing includes the following supplements:

Utah Power & Light Company, Supplement No. 60

Sierra Pacific Power Company, Supplement No. 58

Washington Water Power Company, Supplement No. 44

Puget Sound Power & Light, Supplement No. 25

Portland General Electric Company, Supplement No. 50

Comment date: February 11, 1987, in accordance with Standard Paragraph E at the end of this notice.

6. Nevada Power Company

[Docket No. ER87-218-000]

Take notice that Nevada Power Company on January 14, 1987, tendered

for filing proposed changes in its FPC Electric Service Tariff, No. 1. The changes include the elimination of all references to C P National Corporation (CPN) and a change of power factor adjustment to 95%.

The changes are the result of the purchase of C P National in and around Laughlin and Searchlight, Nevada by Nevada Power Company authorized by FERC Docket No. EC 86-20-000 issued October 27, 1986. The City of Needles, California will be served directly under contract by Nevada Power Company.

Copies of the filing were served upon the City of Needles, California, the Public Service Commission of Nevada, the California Public Utilities Commission and the FERC San Francisco Office.

Comment date: February 11, 1987, in accordance with Standard Paragraph E at the end of this document.

7. Ohio Power Company

[Docket No. ER-87-221-000]

Take notice that the American Electric Power Service Corporation (AEP) on January 15, 1987 tendered for filing on behalf of its affiliate Ohio Power Company (Ohio Power) Supplemental Schedule V, dated as of Janaury 1, 1987, to service Schedule A—Transmission Service under Agreement, dated as of April 1, 1974 (1974 Agreement), between American Municipal Power Ohio, Inc. (AMP-Ohio) and Ohio Power, Ohio Power Rate Schedule FERC No. 74.

Supplemental Schedule V defines an Interconnection Point and a delivery Point that is required by Service Schedule A so that AMP-Ohio can avail itself of the Transmission Service provided for in Service Schedule A. This schedule has been proposed by AMP-Ohio to become effective January 1, 1987, therefore waiver of the Commission's notice requirements is requested.

Copies of this filing were served upon the Public Utilities Commission of Ohio and AMP-Ohio.

Comment date: February 11, 1987, in accordance with Standard Paragraph E at the end of this notice.

8. The United Illuminating Company

[Docket No. ER87-136-000]

Take notice that on January 20, 1987, The United Illuminating Company ("UI") tendered for filing its First Amendment to its initial Rate Schedule, Docket No. ER87-136-000, a Unit Sale Agreement (the "Agreement") between UI and UNITIL POWER Corporation ("UNITIL Power"). the Amendment provides additional information requested by the Commission.

UI renewed its request that the Commission waive its standard notice period and allow the Agreement to become effective on October 1, 1986.

UI states that a copy of this Amendment has been mailed to UNITIL Power, Bedford, New Hampshire.

UI further states that the filing is in accordance with Section 35 of the Commission's Regulations.

Comment date: February 11, 1987, in accordance with Standard paragraph E at the end of this notice.

Standard Paragraphs:

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary

[FR Doc. 87-2245 Filed 2-3-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI87-198-000]

Chace Oil Company, Inc.; Application for Limited-Term Abandonment With Pregranted Abandonment for Sales Under Small Producer Certificate

January 30, 1987.

The applicant listed herein has filed an application pursuant to section 7 of the Natural Gas Act for limited-term abandonment and pregranted abandonment to sell natural gas for resale in interstate commerce under its small producer certificate, as described herein.

The circumstances presented in the application meet the criteria for consideration on an expedited basis, pursuant to § 2.77 of the Commission's rules as promulgated by Order No. 436 and 436-A, issued October 9, and December 12, 1985, respectively, in Docket No. RM85-1-000, all as more fully described in the application which is on file with the Commission and open to public inspection.

Accordingly, any person desiring to be heard or to make any protest with reference to said application should on or before 15 days after the date of publication of this notice in the **Federal Register**, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI87-198-000, B, 12/23/86 [1].	Chace Oil Company, Inc., 313 Washington S.E., Albuquerque, New Mexico 87108.	El Paso Natural Gas Company, South Lindrith Gallup/Dakota Field, Sandoval and Rio Arriba Counties, New Mexico.	([2]).....	.....

[1] Additional information received January 20, 1987.

[2] Applicant, a small producer certificate holder in Docket No. CS73-209, requests an eighteen-month limited-term abandonment of its sale of gas to El Paso for various wells located in South Lindrith Gallup/Dakota Field, Sandoval and Rio Arriba Counties, New Mexico. In support of its application Applicant states the wells are shut in due to the market. The subject wells, their estimated deliverability and the NGPA category of the gas are as follows:

Name of well	Estimated daily deliverability (Mcf)	NGPA category
Jicarilla Apache, Lease No. 70-#3	5	108.
Jicarilla Apache, Lease No. 70-#4	2	108.
Jicarilla Apache, Lease No. 70-#2	3	104 (1973-1974).
Jicarilla Apache, Lease No. 71-#2	2	104 Post-1974.
Jicarilla Apache, Lease No. 47M-#1	5	108.
Jicarilla Apache, Lease No. 54-#2	3	104 Post-1974.
	20	

Applicant intends to sell this gas in an alternate market.
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. 87-2243 Filed 2-3-87; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CI87-167-000]

Graham Resources, Inc., et al.; Application for Limted-Term Abandonment With Pregranted Abandonment for Sales Under Small Producer Certificate

January 30, 1987.

Take notice that the Applicant listed herein has filed an application pursuant to section 7 of the Natural Gas Act for authorization to abandon service as described herein.

The circumstances presented in the application meet the criteria for consideration on an expedited basis, pursuant to § 2.77 of the Commission's rules as promulgated by Order No. 436 and 436-A, issued October 9, and December 12, 1985, respectively, in Docket No. RM85-1-000, all as more fully described in the application which is on file with the Commission and open to public inspection.

Accordingly, any person desiring to be heard or to make any protest with reference to said application should on or before 15 days after the date of publication of this notice in the **Federal Register**, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR sections 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 Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
CI87-167-000, B, Dec. 5, 1986 [1].	Graham Resources, Inc., et al., P.O. Box 3134, Covington, Louisiana 70434-3134 [2].	El Paso Natural Gas Company, Blanco Field, Rio Arriba and Sandoval Countries, New Mexico.	([3])	

[1] Additional material received December 18, 1986, January 16 and 21, 1987.
[2] The et al. parties are Graham Royalty, Ltd., Prudential Bache Energy Income Production Partnership II P-5, Prudential Bache Energy Income Production Partnership II P-6, Prudential Bache Energy Income Production Partnership II P-7, Prudential Bache Energy Income Production Partnership II P-8, Prudential Bache Energy Income Production Partnership II P-9, and Prudential Bache Energy Income Production Partnership II P-10.
[3] Applicant, a small producer certificate holder in Docket No. CS83-102-000, requests authorization for a limited-term abandonment of sales of NGPA section 108 stripper gas to El Paso for a period of up to two years and for pregranted abandonment for sales under its small producer certificate.

In support of its application Applicant states it is incurring substantially reduced takes without payment. Applicant has included with its application an unexecuted letter agreement dated November 17, 1986, which indicates El Paso has agreed to release the gas for a period coterminous with the limited-term abandonment authority. Current deliverability is 1,800 Mcf per day. Applicant proposes to seek an alternate market.

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. 87-2244 Filed 2-3-87; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. C171-596-000 et al.]

Tenneco Oil Co.; Applications for Limited-Term Abandonment and Blanket Limited-Term Certificate With Pregranted Abandonment

January 30, 1987.

Take notice that the Applicant listed herein has filed an application pursuant to section 7 of the Natural Gas Act for limited-term abandonment and for blanket limited-term certificate with pregranted abandonment to sell natural gas for resale in interstate commerce, as described herein.

The circumstances presented in the applications meet the criteria for consideration on an expedited basis, pursuant to § 2.77 of the Commission's rules as promulgated by Order No. 436 and 436-A, issued October 9, and December 12, 1985, respectively, in Docket No. RM85-1-000, all as more fully described in the applications which are no file with the Commission and open to public inspection.

Accordingly, any person desiring to be heard or to make any protest with reference to said applications should on or before 15 days after the date of

publication of this notice in the **Federal Register**, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.211 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding herein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.[3]	Pressure base
CI71-596-000, B, Dec. 4, 1986 [1].	Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001.	Trunkline Gas Company, South Timbalier Blocks 169 and 196, Offshore Louisiana.	([2])	.....
CI87-165-000, A, Dec. 4, 1986 [1].	.....do.....	Various Purchasers, South Timbalier Blocks 169 and 196, Offshore Louisiana.	([3])	.....

[1] Additional material received December 18, 1986, and January 13, 1987.

[2] Applicant requests authorization to abandon service to Trunkline for a limited term ending December 31, 1987. The gas involved is NGPA section 102(d) gas, which is in excess of Trunkline's requirements under Applicant's January 1, 1971, gas sales contract.

In support of its application Applicant states that due to cut-backs by the primary purchaser, shut-in deliverability by the primary purchaser has been a major problem for the blocks subject to this abandonment application. Applicant has previously implemented a spot sales program which commenced with spot sales of NGPA section 102(c) gas and which was later expanded, through the grant of abandonment and certificate authorization, to include NGPA section 102(d) gas. From time to time sales of the NGPA section 102(d) gas were made under Applicant's TENNEFLEX Program. After the TENNEFLEX Program expired, sales of the subject NGPA section 102(d) gas were made under Applicant's blanket sales and abandonment certificate issued in Docket No. CI85-633-000. Such sales are currently ongoing and Applicant's blanket sales and abandonment authority issued in Docket No. CI85-633-000 will expire March 31, 1987. Despite spot sales of the subject NGPA section 102(d) gas, pipeline takes from the OCS have steadily declined. Applicant has been exposed to substantially reduced takes by Trunkline without payment for any volumes not purchased, even though Trunkline's contract take obligation is 80% of deliverability. During 1986, Trunkline has not purchased any NGPA section 102(d) gas from the subject acreage. Based on this trend, and the continuation of market conditions which precipitated such reduced takes, it appears that takes by Trunkline will continue to be at extremely low levels for an indefinite period. Consequently, the imminent threat of shut-in gas will be exacerbated by the expiration of spot sales authority for the section 102(d) gas. Accordingly, Applicant entered into a contract renegotiation with Trunkline wherein Trunkline obtained significant take-or-pay relief and credit in exchange for the temporary release of excess deliverability from the subject OCS blocks if appropriate Commission authorization is received. Applicant states that Trunkline will cooperate toward transportation of the released gas, subject to capacity limitations and necessary Commission authorization. The subject wells and their estimated daily deliverability are shown as follows:

Well name	Estimated deliverability (MMCF/D)
South Timbalier 196:	
A-1D	0.7
A-2D	0.2
A-5D	0.8
Subtotal	1.7
South Timbalier 169:	
#5	3.5
#6	8.6
A-6	4.4
Subtotal	16.5
Total	18.2

Applicant indicates its intent to sell the subject gas on the spot market.

[3] Applicant requests in Docket No. CI87-165-000 a blanket limited-term certificate with pregranted abandonment to be effective through December 31, 1987, to make spot sales in interstate commerce of gas which is subject to the limited-term abandonment in Docket No. CI71-596-000.

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. 87-2247 Filed 2-3-87 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP87-35-000]

Texas Gas Pipe Line Corp.; Rate filing

January 30, 1987.

Take notice that on January 28, 1987, Texas Gas Pipe Line Corporation (TGPL) filed proposed changes to its FERC Gas Tariff, Second Revised Volume 1. The proposed changes would effect a net reduction in the Base Tariff Rate. Accordingly, the total Base Tariff Rate would be reduced 59.89¢ from the existing 244.47¢ to 184.58¢. This reduction is accomplished primarily via the lowering of purchased gas costs. The reduction takes into account a total increase in non-gas costs of 17.28¢.

TGPL also proposes Revised Cover Sheets to both volumes of its Tariff and a Revised Sheet No. 23 to its Second Revised Volume No. 1; these proposed changes are administrative or clerical in nature. TGPL states that this filing arises

out of its duty to file a rate base tariff not later than every thirty-six (36) months. Copies of the filing were served upon TGPL's jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Comission's rules of practice and procedure. All such motions or protests should be filed on or before February 6, 1987. Protests will be considered by the Commission in determing the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-2252 Filed 2-3-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF87-221-000]

Pepperell Power Corp.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

January 30, 1987.

On January 12, 1987, Pepperell Power Corporation (Applicant), c/o Energy Management, Inc., of 200 Boylston Street, Chestnut Hill, Massachusetts, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in East Pepperell, Massachusetts. The facility will consist of one (1) combustion turbine generator, one (1) heat recovery steam generator, and one (1) extraction/condensing steam turbine generator. Thermal energy recovered from the facility will be utilized by James River Pepperell, Inc., in its papermaking process and space heating. The net electric power production capacity will be approximately 35,690 kilowatts. The primary energy source will be natural gas, with number 2 oil as an emergency back up fuel. Construction of the facility is expected to begin in August 1989.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC. 20426, in accordance with rules 211 and 214 of the Commission's rules of practice and procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. 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 petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-2248 Filed 2-3-87; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-50665 FRL-3148-4]

Issuance of Experimental Use Permits; American Cyanamid Co.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: By mail Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person or by telephone: Contact the product manager at the following address at the office location or telephone number cited in each experimental use permit.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

241-EUP-114. Extension. American Cyanamid Company, Agricultural Research Division, P.O. Box 400, Princeton, NJ 08540. This experimental use permit allows the use of 6,000 pounds of the herbicide imazapyr on forests to evaluate the control of broadleaf weeds and grasses. A total of 4,000 acres are involved; the program is authorized only in the States of Alabama, Arkansas, Delaware, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia. The experimental use permit is effective from January 1, 1987 to January 1, 1988. (Robert Taylor, PM 25, Rm. 245, CM#2, (703-557-1800))

100-EUP-88. Issuance. Ciba-Geigy Corporation. P.O. Box 18300, Greensboro, NC 27419. This experimental use permit allows the use of 330 pounds of the herbicide glufosinateammonium on soybeans to evaluate the control of various weeds. A total of 100 acres are involved; the program is authorized only in the States of Alabama, Arkansas, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Tennessee, and Virginia. The experimental use permit is effective from December 23, 1986 to February 15, 1988. A temporary tolerance for residues of the active ingredient in or on soybeans has been established. (Richard Mountfort, PM 23, Rm. 237, CM#2, (703-557-1830))

279-EUP-107. Extension. FMC Corporation, 2000 Market St., Philadelphia, PA 19103. This experimental use permit allows the use of 178.3 pounds of the insecticide cyclopropanecarboxylic acid, 3-(2-chloro-3,3-trifluoro-1- propenyl)-2,2-dimethyl-[1,1'biphenyl]-3-yl methyl ester on almonds, apples, cherries, grapes, peaches, pears, pecans, and walnuts to evaluate the control of various insect pests. A total of 203.5 acres are involved; the program is authorized in the States of Alabama, Arkansas, California, Colorado, Florida, Georgia, Idaho, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Texas, Virginia, Washington, West Virginia, and Wisconsin. The experimental use permit is effective from November 10, 1986 to November 10, 1987. (George LaRocca, PM 15, Rm. 204, CM#2, (703-557-2400))

50658-EUP-2. Issuance. Merck & Company, Inc., Hillsborough Road, Three Bridges, NJ 08887. This experimental use permit allows the use of 161.25 pounds of the miticide avermectin and its delta 8,9-geometric isomer on cotton to evaluate the control of spider mites. A total of 4,700 acres are involved; the program is authorized only in the States of Alabama, Arkansas, California, Florida, Georgia, Louisiana,

Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. The experimental use permit is effective from November 15, 1986 to November 15, 1987. A temporary tolerance for residues of the active ingredient in or on cottonseed has been established. (George LaRocca, PM 15, Rm. 204, CM#2, (703–557–2400)).

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA office, so that the appropriate file may be made available for inspection purposes from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

Authority: 7 U.S.C. 136c.

Dated: January 21, 1987.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 87–1966 Filed 2–3–87; 8:45 am]

BILLING CODE 6560–50–M

[OPP–36137; FRL–3149–1]

Pesticide Registration Standards; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of registration standards.

SUMMARY: This notice announces the availability of Registration Standard documents for certain pesticides. EPA is making available a document for each of the pesticides describing the Agency's regulatory conclusions and positions on the continued registrability for those pesticides whose reviews have been completed or the draft Registration Standard for those whose review has not yet been completed. Completed Registration Standards are available from the National Technical Information Service (NTIS).

ADDRESSES: Published Registration Standards may be purchased from the NTIS at the following address: National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, (703–487–4650).

Orders may be placed by telephone to the NTIS order desk and charged against a deposit account or American Express, VISA, or MasterCard, or sent by mail with check, money order, or account number.

FOR FURTHER INFORMATION CONTACT: Concerning NTIS availability, by mail: Nancy Hemming, Registration Support and Emergency Response Branch, Registration Division (TS–767C), Office of Pesticide Programs Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number, Rm. 718–B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703–557–8193).

Concerning the public docket, or to request indices to the public docket or draft Registration Standards, by mail contact Frances S. Mann, Information Services Branch, Program Management and Support Division (TS–757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703–557–2805).

SUPPLEMENTARY INFORMATION: The Environmental Protection Agency conducts a systematic review of pesticides to determine whether they continue to meet the criteria for registration under section 3(c)(5) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). That review culminates in the issuance of a Registration Standard, a document describing the Agency's regulatory conclusions and positions on the continued registrability of the pesticide. Final or draft Registration Standards for the pesticides listed in this notice are available.

For each published Registration Standard desired, the order should specify the title of the document, the corresponding NTIS order number, and whether hard copy or microfiche is desired. The NTIS order number is the same for hard copy and microfiche, but the price differs. All microfiche copies are $6.50 each; the price for hard copies differs according to the length of the document. To obtain the current hard-copy price, please contact NTIS before ordering. Registration Standards are available for the following pesticides:

Name	Number
Acephate	(*)
Alachlor	PB 86–179835/AS
Aldicarb	PB 84–207653
Aliette (Fosetyl-Al)	PB 84–206564
Aluminum phosphide	PB 82–137514
4-Aminopyridine (Avitrol)	PB 84–209907
Amitraz	(*)
Amitrole	PB 87–104766/AS
Ammonium sulfamate	PB 82–133570
Anilazine	PB 84–168301
Aspon	PB 84–206549
Atrazine	PB 84–149541/AL
Azinphos methyl (Guthion)	PB 87–111779/AS
Bacillus thuringiensis	(*)
Barium metaborate	PB 84–168376
Benomyl	(*)
Bentazon	PB 86–159653/AS
Bolstar (Sulprofos)	PB 82–133646
Boric acid	PB 87–101903/AS
Bromacil	PB 87–110276/AS
Brominated salicylanilides (3-5-Di-bromo)	PB 86–168150/AS
Butoxicarboxime (Plantpin)	PB 82–177585
Butylate	PB 85–147304/AS
Captan	PB 86–181674
Captafol	PB 87–104774/AS
Carbaryl	PB 84–232602
Carbofuran	PB 87–105516/AS
Carboxin	PB 82–132994
Chloramben	PB 82–134347
Chlordimeform HCl	(*)
Chlorobenzilate	PB 85–107605
Chloroneb	PB 81–123804
Chloropicrin	PB 86–182094/AS
Chlorothalonil	PB 85–247245/AS
Chlorpyrifos	PB 87–110284/AS
Chlorsulfuron (Glean)	PB 85–122505
Chromated arsenicals	PB 87–114088/AS
Copper chloride/nitrates	(*)
Copper Sulfate	PB 86–236767/AS
Cournaphos	PB 82–133570
Cryolite	PB 87–110300/AS
Cyanazine	PB 86–175098/AS
Cycloheximide	PB 84–211945
Cyhexatin	PB 86–173184/AS
Daminozide	PB 87–104782/AS
DCNA	PB 84–210178
Deet	PB 81–277722
Demeton	PB 86–168820/AS
Dialifor	PB 82–133638
Diallate	PB 85–144814/AS
Dicamba	PB 84–243492
Dichlone	PB 81–207383
Dicofol	PB 84–160084
Dicrotophos	PB 82–204383
Diflubenzuron (Dimilin)	PB 86–176500/AS
Dimethoate	PB 87–110318/AS
Dioxathion	PB 85–245033/AS
Dipropetryn	PB 86–171147/AS
Diquat dibromide	PB 87–105490/AS
Disulfoton	PB 86–178167/AS
Diuron	PB 84–210327
Endosulfan	PB 82–243999
EPTC	PB 87–109427/AS
Ethion	PB 86–177565
Ethoprop	PB 84–210194
Ethoxyquin	PB 82–131418
Fenaminosulf	PB 86–177573
Fensulfothion	PB 85–148963/AS
Fluchloralin	PB 86–176476/AS
Fluometuron	PB 87–109435/AS
Fonofos	BP 84–210186
Formetanate hydrochloride	PB 84–141456
Fumarin	PB 81–123812
Glyphosate	PB 87–103214/AS
Guthion (see AZINPHOS METHYL)	
Heliothis NPV	PB 85–134393
Hexazinone	PB 87–110292/AS
Hyamine 3500	PB 86–169406/AS
Isapropalin	PB 82–131293
Lindane	PB 86–175114/AS
Linuron	PB 85–149011/AS
Magnesium Phosphide	PB 82–195777
MCPA	PB 87–110326/AS
Metalaxyl	PB 82–172297
Methamidophos	PB 87–109419/AS
Methidathion	PB 87–109401/AS
Methomyl	PB 82–180738
Methoprene	PB 87–109443/AS
Methyl Bromide	PB 87–105508/AS
Metolachlor	PB 81–123280
Metolachlor (FRSTR)	(*)
Metribuzin	PB 87–105482/AS
Monocrotophos	PB 86–173895/AS
Monuron TCA	PB 84–166669
Naled	PB 84–158980
Naphthalene	PB 82–139437
Naphthaleneacetic acid	PB 82–131145
Naptalam	PB 86–173861/AS
Nitrapyrin	PB 86–176468/AS
Norflurazon	PB 86–135159/AS
OBPA	PB 82–172271
Oryzalin	(*)
Paraquat	(*)
Pendimethalin	PB 86–172814/AS
Perfluidone	PB 86–173879/AS
Phorate	PB 87–109383/AS
Phosalone	PB 82–131731
Phosmet	PB 87–116620/AS
Picloram	PB 86–173887/AS
Potassium bromide	PB 86–106978/AS
Potassium permanganate	PB 86–173135/AS
Pronamide	PB 87–103735/AS
Propachlor	PB 86–174182/AS

Name	Number
Simazine	PB 84-212349
Sodium and calcium hypochlorites	PB 87-103222/AS
Sodium omadine	PB 86-173929/AS
Sulfur	PB 86-102043/AS
Sulfuryl fluoride	PB 86-173937/AS
Telone	PB 87-111787/AS
Temephos	PB 82-140641
Terbacil	PB 85-120186
Terbufos	PB 84-210335
Terrazole	PB 81-126716
Thiophanate ethyl	PB 87-101283/AS
Thiophanate methyl	(*)
Thiram	PB 85-102705
TPTH (Triphenyltinhydroxide)	PB 85-248797
Trichlorfon	PB 85-149300/AS
Trifluralin	(*)
Trimethacarb (Landrin)	PB 86-169414/AS
Warfarin	PB 82-140716
6-12	PB 81-234098

*Draft document sent out for public comment. Copies of draft document available from Frances S. Mann, Information Services Branch, address above.

Additional notices will be published in the **Federal Register** as other Registration Standards become available through NTIS.

Dated: January 21, 1987.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 87-1965 Filed 2-3-87; 8:45 am]

BILLING CODE 6560-50-M

[OPP-180712; FRL-3151-2]

Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted a specific exemption for the control of various pests in Texas, and announces a crisis exemption initiated by the Texas Department of Agriculture. Also listed are 34 quarantine exemptions granted to the U.S. Department of Agriculture. The exemptions, issued during the month of November, are subject to application and timing restrictions and reporting requirements designed to protect the environment to the maximum extent possible. Information on these restrictions is available from the contact persons in EPA listed below.

DATES: See each specific, crisis, quarantine exemption for its effective date.

FOR FURTHER INFORMATION CONTACT: See each exemption for the name of the contact person. The following information applies to all contact people:

By mail: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460

Office location and telephone number: Room 716, CM#2, 1921 Jefferson Davis Highway, Arlington, VA (703-557-1806).

SUPPLEMENTARY INFORMATION: EPA has granted a specific exemption to the Texas Department of Agriculture for the use of permethrin on kale, turnip, mustard, and kohlrabi to control cabbage loopers; November 13, 1986 to March 31, 1987. Texas initiated a crisis exemption for this use. (Libby Pemberton)

A crisis exemption was initiated by the Texas Department of Agriculture on October 21, 1986, for the use of sodium chlorate on black-eyed peas as a harvest aid. The need for this program has ended. (Libby Pemberton)

The following quarantine exemptions were granted to the U.S. Department of Agriculture for the use of various chemicals on various non-food items to control pests around the country from November 20, 1986 to November 19, 1989. (Libby Pemberton)

1. A mixture of ethylene oxide and carbon dioxide on miscellaneous cargo, to control quarantinably important snails and slugs, in ship holds, under tarpaulins or in other temporary enclosures. EPA completed a rebuttable presumption against registration (RPAR) on this chemical; the final determination was published in the **Federal Register** of January 27, 1978 (43 FR 3801).

2. Hydrogen cyanide on cargo which is adversely affected when treated with methyl bromide, to control cotton insects, khapra beetles or snails, in ship holds, under tarpaulins, or in other temporary enclosures.

3. Methyl bromide on nonfood/nonfeed cargo, to control khapra beetles, woodboring insects, snails, and other quarantinable plant pests, in ship holds under tarpaulins or in other temporary enclosures.

4. Methyl bromide on machinery, plant, and nonplant materials to control golden nematodes, witchweed, cotton insects, and gypsy moths, under tarpaulins, in fields, within quarantined areas, as ports of entry.

5. Aluminum phosphide to fumigate stored nonfood products in ship holds under tarpaulins or in other temporary enclosures.

6. Formaldehyde as a plant pest treatment to fumigate rice straw and containers.

7. Formaldehyde as a plant pest treatment for bags and bagging, and rice hulls.

8. G-1707-Pyrethrum extract and synergist to control fruit flies and other soft-bodied insects in aircraft and cargo containers.

9. d-Phenothrin to control fruit flies and other soft-bodied insects in aircraft and cargo containers.

10. Malathion to control the infestation of quarantine insects on ship decks, bulkheads, pier areas, or other storage facilities.

11. Malathion-carbaryl dip to treat orchids and other plants found not tolerant to methyl bromide fumigation at inspection stations around the country.

12. Bordeaux mixture as a foliar spray on plants to reduce surface diseases at inspection stations and port areas around the country.

13. Sodium hypochlorite to treat propagative plant parts and plant materials at inspection stations.

14. Captan to treat seeds and other propagative plant parts for plant diseases at designated inspection stations. EPA completed a rebuttable presumption against registration (RPAR) on this chemical: the final determination was published in the **Federal Register** of June 21, 1985 (50 FR 25884).

15. Copper sulfate to treat some seeds and plant material at designated inspection stations.

16. Ferbam as a spray to control various plant diseases on propagative plant parts.

17. Zineb to treat certain plants or plant parts infested with diseases at designated inspection stations.

18. Propoxur for use in insect traps.

19. Dichlorvos (DDVP) for use in gypsy moth and khapra beetle traps.

20. Naled for use in fruit fly traps.

21. Ethyl acetate for use in black light traps.

22. Trifluralin on established lawns and turf to control witchweed.

23. Methyl bromide to kill witchweed seed in soil on fallow fields and small plots of land released from quarantine.

24. Sodium carbonate to be applied to surfaces potentially exposed to certain animal diseases in semen containers.

25. Sodium carbonate to be applied to aircraft surfaces potentially exposed to certain animal diseases.

26. Sodium hypochlorite to be applied to surfaces potentially exposed to certain animal diseases.

27. Sodium hydroxide to be applied to exposed surfaces, animal product containers, hay and straw.

28. Resmethrin aerosol may be applied to control fruit flies and other soft-bodied insects in aircraft and cargo containers when people are present.

29. Resmethrin may be applied as a micronized dust in aircraft containers or other temporary enclosures when the airplane crew, passengers, or animals are not present.

30. 8-Hydroxyquinoline sulfate-aqueous solution to treat plant diseases in citrus and other rutaceous seeds at inspection stations.

31. Nicotine sulfate to control aphids on a wide variety of propagative plant materials while in quarantine at inspection stations.

32. d-Phenothrin to control mealy bugs and aphids on a wide variety of propagative plants while in quarantine.

33. Cyhexatin to control spider mites on a variety of propagative plants while in quarantine.

34. Dienochlor to control spider mites on a variety of propagative plants while in quarantine.

Authority: 7 U.S.C. 136.

Dated: January 21, 1987.

Douglas D. Campt,

Director, Office of Pesticide Programs.

[FR Doc. 87-2214 Filed 2-3-87; 8:45 am]

BILLING CODE 6560-50-M

[A-4-FRL-3150-9]

North Carolina Sulfur Dioxide (SO_2) Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Informational notice.

SUMMARY: On December 7, 1982 (47 FR 54939), EPA approved for all but 24 sources a revision to the North Carolina regulation 15 NCAC 2D.0516 which relaxed the sulfur dioxide (SO_2) limit for fuel-burning sources from 1.6 pounds per million BTU heat input (lb/mBTU) to 2.3 lb/mBTU. Some of these sources are undergoing additional analysis in order for EPA to approve the relaxed limit. However, four sources will remain at the 1.6 lb/mBTU level and are required to do so by State permit. These four sources are Maiden Knitting (formerly Cannon Mills), Ecusta Corporation (formerly Olin Mills), Texasgulf and Travenol.

ADDRESSES: Copies of the material submitted by the State may be examined during normal business hours at the following locations:

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

Division of Environmental Management, North Carolina Department of Natural Resources and Community Development, 512 North Salisbury Street, Raleigh, North Carolina 27611.

FOR FURTHER INFORMATION CONTACT: Mr. Bob Peddicord, Air Programs Branch, U.S. EPA Region IV at the above address and telephone number FTS 257-2864 or commercial (404) 347-2864.

SUPPLEMENTARY INFORMATION: On December 7, 1982 (47 54939), EPA approved, for all but 24 sources in the State of North Carolina, a revision to State regulation 2D.0516 which relaxed the SO_2 limit for fuel-burning sources. The original version of 2D.0516 prescribed a stepdown in SO_2 emissions for all fuel-burning sources from 2.3 lb/mBTU heat input to 1.6 lb/mBTU by July 1, 1980. Air quality dispersion modeling submitted by the State in 1982 indicated that removal of the SO_2 stepdown requirement was approvable for all but 24 sources.

EPA indicated in the December 7, 1982, **Federal Registration** notice that if future modeling could show that the relaxed SO_2 limit of 2.3 lb/mBTU was adequate to protect the NAAQS, then the stepdown requirement could be eliminated for other sources as well.

Four of the 24 sources are now and will remain at the 1.6 lb SO_2/mBTU limit. The four sources either did not wish for a relaxed SO_2 limit or they predicted NAAQS violations with the new limit and decided not to apply for a source-specific SO_2 SIP revision.

The four sources remaining at the 1.6 lb/mBTU are:

(1) *Maiden Knitting* (formerly Cannon Mills) Construction/operation permit No. 3922123 issued on March 6, 1986, limits boilers to 1.6 lb/mBTU SO_2.

(2) *Ecusta Corporation* (formerly Olin Corporation) Operation Permit No. 3644R6 issued on March 28, 1986 limits boilers to 1.6 lbmBTU SO_2.

(3) *Texasgulf* Construction/operation permit No. 2871R6 issued on April 21, 1986, limits boiler to 1.6 lb/mBUT SO_2.

(4) *Travenol* Construction/operation permit No. 1915R6 issued on July 8, 1986, limits boiler to 1.6 lb/mBTU.

This notice serves to inform the public of the four North Carolina sources remaining at 1.6 lb/mBTU. Copies of the permits and correspondence are available at the EPA Region IV office. Contact Bob Peddicord at the aforementioned address.

Dated: January 15, 1987.

Jack E. Ravan,

Regional Administrator.

[FR Doc. 87-2210 Filed 2-3-87; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-400001; FRL-3101-6]

Statement of Policy and Guidance Regarding Petitions Under Section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice outlines EPA's policy concerning the petition provisions of section 313(e) of Title III of the Superfund Amendments and Reauthorization Act of 1986. This notice also informs petitioners where to send such petitions and provides additional guidance regarding format and appropriate support documentation that will best assist the Agency in making decisions on such petitions.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St., SW., Washington, DC 20460, (202) 554-1404.

SUPPLEMENTARY INFORMATION:

I. Background

The Superfund Amendments and Reauthorization Act of 1986 [Pub. L. 99-499] contains a free-standing Title III, which is itself titled, "The Emergency Planning and Community Right-To-Know Act of 1986." Section 313 of Title III requires owners and operators of certain facilities that manufacture, process, or otherwise use a specified list of toxic chemicals, in amounts exceeding statutory threshold quantities, to report annually their emissions of such chemicals to the environment. Section 313(c) of Title III sets forth an initial list of "Toxic Chemicals Covered" that is composed of 329 entries including several categories of chemicals. This initial list is set forth in Senate Environment and Public Works Committee Print No. 99-169 and is repeated in the following table:

List of Toxic Chemicals Subject to the Provisions of Section 313 of the Emergency Planning and Community Right to Know Act of 1986

Chemical Name	Cas No.
Acetaldehyde	75070
Acetamide	60355
Acetone	67641
Acetonitrile	75058
2-Acetylaminofluorene	53963
Acrolein	107028
Acrylamide	79061
Acrylic acid	79107
Acrylonitrile	107131
Aldrin	309002
Allyl chloride	107051
Aluminum (fume or dust)	7429905
Aluminum oxide	1344281
2-Aminoanthraquinone	117793
4-Aminoazobenzene	60093
4-Aminobiphenyl	92671
1-Amino-2-methylanthraquinone	82280
Ammonia	7664417
Ammonium nitrate (solution)	6484522
Ammonium sulfate (solution)	7783202
Aniline	62533
o-Anisidine	90040
p-Anisidine	104949
o-Anisidine hydrochloride	134292
Anthracene	120127
Antimony and compounds	7440360

Chemical Name	Cas No.
Arsenic and compounds	7440382
Asbestos (friable)	1332214
Auramine	492808
Barium and compounds	7440393
Benzal chloride	98873
Benzamide	55210
Benzene	71432
Benzidine	92875
Benzoic trichloride (Benzotrichloride)	98077
Benzoyl chloride	98884
Benzoyl peroxide	94360
Benzyl chloride	100447
Beryllium and compounds	7440417
Biphenyl	92524
Bis(2-chloroethyl) ether	111444
Bis(chloromethyl) ether	542881
Bis(2-chloro-1-methylethyl) ether	108601
Bis(2-ethylhexyl) adipate	103231
Bromoform (Tribromomethane)	75252
Bromomethane (Methyl bromide)	74839
1,3-Butadiene	106990
Butyl acrylate	141322
n-Butyl alcohol	71363
sec-Butyl alcohol	78922
tert-Butyl alcohol	75650
Butyl benzyl phthalate	85687
1,2-Butylene oxide	106887
Butyraldehyde	123728
C.I. Acid Blue 9, diammonium salt	2650182
C.I. Acid Blue 9, disodium salt	3844459
C.I. Acid Green 3	4680788
C.I. Basic Green 4	569642
C.I. Basic Red 1	989388
C.I. Disperse Yellow 3	2832408
C.I. Food Red 5	3761533
C.I. Food Red 15	81889
C.I. Solvent Orange 7	3118976
C.I. Solvent Yellow 3	97563
C.I. Solvent Yellow 14	842079
C.I. Vat Yellow 4	128665
Cadmium and compounds	7440439
Calcium cyanamide	156627
Captan	133062
Carbaryl	63252
Carbon disulfide	75150
Carbon tetrachloride	56235
Carbonyl sulfide	463581
Catechol	120809
Chloramben	133904
Chlordane	57749
Chlorinated fluorocarbon (Freon 113)	76131
Chlorine	7782505
Chlorine dioxide	10049044
Chloroacetic acid	79118
2-Chloroacetophenone	532274
Chlorobenzene	108907
Chlorobenzilate	510156
Chloroethane (Ethyl chloride)	75003
Chloroform	67663
Chloromethane (Methyl chloride)	74873
Chloromethyl methyl ether	107302
Chloroprene	126998
Chlorothalonil	1897456
Chromium and compounds	7440473
Cobalt and compounds	7440484
Copper and compounds	7440508
p-Cresidine	120718
Cresol (mixed isomers)	1319773
m-Cresol	108394
o-Cresol	95487
p-Cresol	106445
Cumene	98828
Cumene hydroperoxide	80159
Cupferron	135206
Cyanide compounds	57125
Cyclohexane	110827
2,4-D	94757
Decabromodiphenyl oxide	1163195
Diallate	2303164
2,4-Diaminoanisole	615054
2,4-Diaminoanisole sulfate	39156417
4,4'-Diaminodiphenyl ether	101804
Diaminotoluene (mixed isomers)	25376458
2,4-Diaminotoluene	95807
Diazomethane	334883
Dibenzofuran	132649
1,2-Dibromo-3-chloropropane (DBCP)	96128
1,2-Dibromoethane (Ethylene dibromide)	106934
Dibutyl phthalate	84742
Dichlorobenzene (mixed isomers)	25321226
1,2-Dichlorobenzene	95501
1,3-Dichlorobenzene	541731
1,4-Dichlorobenzene	106467
3,3'-Dichlorobenzidine	91941
Dichlorobromomethane	75274
1,2-Dichloroethane (Ethylene dichloride)	107062
1,2-Dichloroethylene	540590
Dichloromethane (Methylene chloride)	75092
2,4-Dichlorophenol	120832
1,2-Dichloropropane	78875
1,3-Dichloropropylene	542756
Dichlorvos	62737
Dicofol	115322
Diepoxybutane	1464535
Diethanolamine	111422
Di(2-ethylhexyl) phthalate (DEHP)	117817
Diethyl phthalate	84662
Diethyl sulfate	64675
3,3'-Dimethoxybenzidine	119904
4-Dimethylaminoazobenzene	60117
3,3'-Dimethylbenzidine (o-Tolidine)	119937
Dimethylcarbamyl chloride	79447
1,1-Dimethyl hydrazine	57147
2,4-Dimethylphenol	105679
Dimethyl phthalate	131113
Dimethyl sulfate	77781
4,6-Dinitro-o-cresol	534521
2,4-Dinitrophenol	51285
2,4-Dinitrotoluene	121142
2,6-Dinitrotoluene	606202
n-Dioctylphthalate	117840
1,4-Dioxane	123911
1,2-Diphenyl hydrazine (Hydrazobenzene)	122667
Direct Black 38	1937377
Direct Blue 6	2602462
Direct Brown 95	16071866
Epichlorohydrin	106898
2-Ethoxyethanol	110805
Ethyl acrylate	140885
Ethyl benzene	100414
Ethyl chloroformate	541413
Ethylene	74851
Ethylene glycol	107211
Ethyleneimine (Aziridine)	151564
Ethylene oxide	75218
Ethylene thiourea	96457
Fluometuron	2164172
Formaldehyde	50000
Heptachlor	76448
Hexachlorobenzene	118741
Hexachloro-1,3-butadiene	87683
Hexachlorocyclopentadiene	77474
Hexachloroethane	67721
Hexachloronaphthalene	1335871
Hexamethylphosphoramide	680319
Hydrazine	302012
Hydrazine sulfate	10034932
Hydrochloric acid	7647010
Hydrogen cyanide	74908
Hydrogen fluoride	7664393
Hydroquinone	123319
Isobutyraldehyde	78842
Isopropyl alcohol (mfg.-strong acid processes)	67730
4,4'-Isopropylidenediphenol	80057
Lead and compounds	7439921
Lindane	58899
Maleic anhydride	108316
Maneb	12427382
Manganese and compounds	7439965
Melamine	108781
Mercury and compounds	7439976
Methanol	67561
Methoxychlor	72435
2-Methoxyethanol	109864
Methyl acrylate	96333
Methyl tert-butyl ether	1634044
4,4'-Methylene bis(2-chloroaniline) (MOCA)	101144
4,4'-Methylene bis(N,N-dimethyl) benzenamine	101611
Methylene bis(phenylisocyanate) (MBI)	101688
Methylene bromide	74953
4,4'Methylene dianiline	101779
Methyl ethyl ketone	78933
Methyl hydrazine	60344
Methyl iodide	74884
Methyl isobutyl ketone	108101
Methyl isocyanate	624839
Methyl methacryiate	80626
Michler's ketone	90948
Molybdenum trioxide	1313275
Mustard gas	505602
Naphthalene	91203
alpha-Naphthylamine	134327
beta-Naphthylamine	91598
Nickel and compounds	7440020
Nitric acid	7697372
Nitrilotriacetic acid	139139
5-Nitro-o-anisidine	99592
Nitrobenzene	98953
4-Nitrobiphenyl	92933
Nitrofen	1836755
Nitrogen mustard	51752
Nitroglycerin	55630
2-Nitrophenol	88755
4-Nitrophenol	100027
2-Nitropropane	79469
p-Nitrosodiphenylamine	156105
N,N-Dimethylaniline	121697
N-Nitrosodi-n-butylamine	924163
N-Nitrosodiethylamine	55185
N-Nitrosodimethylamine	62759
N-Nitrosodiphenylamine	86306
N-Nitrosodi-n-propylamine	621647
N-Nitrosomethylvinylamine	4549400
N-Nitrosomorpholine	59892
N-Nitroso-N-ethylurea	759739
N-Nitroso-N-methylurea	684935
N-Nitrosonornicotine	16543558
N-Nitrosopiperidine	100754
Octachloronaphthalene	2234131
Osmium tetroxide	20816120
Parathion	56382
Pentachlorophenol (PCP)	87865
Peracetic acid	79210
Phenol	108952
p-Phenylenediamine	106503
2-Phenylphenol	90437
Phosgene	75445
Phosphoric acid	7664382
Phosphorus (yellow or white)	7723140
Phthalic anhydride	85449
Picric acid	88891
Polychlorinated biphenyls (PCBs)	1336363
Propane sultone	1120714
beta-Propiolactone	57578
Propionaldehyde	123386
Propoxur	114261
Propylene (Propene)	115071
Propyleneimine	75558
Propylene oxide	75569
Pyridine	110861
Quinoline	91225
Quinone	106514
Quintozene (Pentachloronitrobenzene)	82688
Saccharin (manufacturing)	81072
Safrole	94597
Selenium	7782492
Silver and compounds	7440224
Sodium hydroxide (solution)	1310732
Sodium sulfate (solution)	7757826
Styrene (monomer)	100425
Styrene oxide	96093
Sulfuric acid	7664939
Terephthalic acid	100210
1,1,2,2-Tetrachloroethane	79345
Tetrachloroethylene (Perchloroethylene)	127184
Tetrachlorvinphos	961115
Thallium and compounds	7440280
Thioacetamide	62555
4,4'-Thiodianiline	139651
Thiourea	62566
Thorium dioxide	1314201
Titanium dioxide	13463677
Titanium tetrachloride	7550450
Toluene	108883
Toluene-2,4-diisocyanate	584849
Toluene-2,6-diisocyanate	91087
o-Toluidine	95534
o-Toluidine hydrochloride	636215
Toxaphene	8001352
Triaziquone	68768
Trichlorfon	52686
1,2,4-Trichlorobenzene	120821
1,1,1-Trichloroethane (Methyl chloroform)	71556
1,1,2-Trichloroethane	79005
Trichloroethylene	79016
2,4,5-Trichlorophenol	95954
2,4,6-Trichlorophenol	88062
Trifluralin	1582098
1,2,4-Trimethyl benzene	95636
Tris(2,3-dibromopropyl) phosphate	126727
Urethane (Ethyl carbamate) (monomer)	51796
Vanadium (fume or dust)	7440622
Vinyl acetate	108054
Vinyl bromide	593602
Vinyl chloride (monomer)	75014
Vinylidene chloride	75354
Xylene (mixed isomers)	1330207
m-Xylene	108383
o-Xylene	95476
p-Xylene	106423
2,6-Xylidine	87627
Zinc (fume or dust) and compounds	7440666

Chemical Name	Cas No.
Zineb	12122677

EPA can by rule add chemicals to or delete chemicals from the emissions inventory list. Also, any member of the public can petition EPA to add chemicals to or delete chemicals from the list. Chemicals may be added or deleted according to the criteria in section 313(d) and the provisions in section 313(c).

Section 313(d)(2) states that a determination under this paragraph (that is, EPA's decision to add or delete a chemical) must be based on generally accepted scientific principles or laboratory tests, or appropriately designed and conducted epidemiological or other population studies, available to the Administrator.

Section 313(e) gives EPA 180 days to "initiate rulemaking" or publish a notice explaining why the petitioner's request is being denied. In the event of a petition from a State governor to add a chemical, if EPA fails to act within 180 days, EPA must publish a final rule adding the chemical to the list. Therefore, EPA is under specific time constraints to evaluate petitions and to develop and publish an appropriate response.

II. Early Consultation With the Agency and Other Authorities

Any person or organization considering development of a petition under section 313(e) of Title III is encouraged to consult with the Agency at an early point in that development process.

The Agency does plan to publish periodically the chemicals under review for addition to or deletion from the list. However, contact with the Agency—usually first at the regional level—will help to avoid considerable work for a chemical already under review.

Further, the petitioner also may want to consider whether it is appropriate to request the Agency to list a chemical for the purpose of requiring nationwide emissions reporting.

Persons should bear in mind that there are potentially a very large number of firms subject to the annual reporting requirements related to the list because the addition of a chemical to the list triggers reporting nationwide by certain manufacturers, processors, and users of that chemical. For example, a person may want information on a chemical that may be emitted from a local facility, but such chemical is not on the section 313 emissions inventory list. If persons have only this purpose in mind, they are encouraged to check with the EPA Regional office or appropriate state agencies for more information on the chemical, since there may be more direct ways to obtain the relevant data than to add the chemical to the section 313 list.

Also, under the emergency planning provisions of Title III, States are required to establish emergency response commissions and local emergency planning committees. Information relating to other toxic and hazardous chemicals will be reported to such groups by local facilities. Once the groups are established petitioners are encouraged to check to determine if the desired information on the chemical of concern has already been or will be collected by such State or local authorities.

Once established, the state emergency response commissions are urged to encourage citizens and organizations in their state to use them as a focal point prior to submitting the petition to EPA Headquarters. They are in a key position—if consulted early—to identify cases where several citizens and organizations are working on petitions for the same chemical. In addition, they may be able to supplement and enhance the petition with state information.

In recommending a chemical for addition to the list, the petitioner may want to consider the additional factor of exposure potential. For example, available data may indicate that a chemical may cause an adverse chronic effect in humans, based on ingestion. It is reasonable for the petitioner to consider how likely residents of any given community would be to ingest the chemical as a result of a nearby facility's emissions of that chemical. EPA or state agencies may have information related to the general industrial processes and potential for emissions, and thus the relative potential for human exposure to that chemical. Such information could give the petitioner insight into whether the chemical would be a prime candidate for annual, nationwide emissions reporting.

Again, persons may wish to direct general questions regarding chemicals to local, State or EPA Region authorities. Persons, organizations and states that are beginning to develop or are in the process of developing a specific petition under section 313 are encouraged to contact EPA regional offices or Headquarters. For EPA headquarters contact the address and telephone number provided under the heading of **FOR FURTHER INFORMATION CONTACT** above.

III. EPA's Review of Petitions

Section 313(e) requires EPA to give consideration to additions and deletions of the initial list of chemicals established by law. The recommended contents for a petition are being established here in the belief that the public interest is best served by well-developed and sound technical petitions facilitating Agency review in an efficient manner. EPA's review of petitions will be limited both by the information available and the relatively short period of time for review. Therefore, the Agency's individual decision will be largely based on the quality and quantity of information provided by the petitioner.

EPA plans to conduct its own limited information search on chemicals contained in a petition. This data search will be directed at public sources of human health and environmental data as well as EPA's own files of chemical information. The purpose of this search will be to verify information supplied by the petitioner. The "in-house" data search will be done to ensure that decisions made are consistent with other EPA decisions on the same chemical, to the extent that such decisions relate to the same basic criteria for human health and the environment. As discussed previously, EPA may in certain cases be able to assist a petitioner in developing a petition.

The criteria effects—cancer, for example—specified by the petitioner will be the focus of EPA's review of the chemical in question. EPA will not do a broad-based search for information on all criteria-related effects of the chemical. EPA's decision to initiate rulemaking to add or delete a chemical, or to deny the petitioner's request, will be based primarily on the evaluation of the chemical as it relates to the stated criteria effects.

IV. Petition Contents

A petitioner should provide the Agency with enough information concerning his or her request and as much credible scientific support documentation as can reasonably be developed to assist the Agency in reviewing the petition. The following elements illustrate the type of information that would assist the Agency in reviewing petitions.

A. Chemical Identification

The key element in chemical identification is to provide the Agency with an unambiguous name that defines the chemical in question. For this reason, EPA recommends that the

petitioner provide a systematic chemical name such as the one used by the Chemical Abstracts Service (CAS) in naming and indexing chemical substances during the 9th Collective Index Period. Where available, the petitioner should also provide the corresponding CAS Registry Number, which is a universal identifier for discrete chemical substances. Both the CA Index Name and the CAS Registry Number can be obtained by searching the volumes of *Chemical Abstracts* or *CA Index Guide*, which are available in university and large public libraries.

Those persons with computer telecommunications resources may obtain the required information by accessing such commercially available computer data bases as CAS ONLINE, CIS/SANSS, MEDLARS, DIALOG and other data bases that contain on-line chemical dictionaries. These data bases allow for searching by many routes including synonyms, name fragments, molecular formulas, and chemical structure.

As an alternative to CA Index Names, the petitioner may also identify the chemical in question by its International Union of Pure and Applied Chemistry (IUPAC) name. The IUPAC system of naming chemicals is perhaps the most frequently used nomenclature in chemistry text books. If both CA Index Names and IUPAC names are not available, the petitioner should attempt to provide the most systematic chemical name available.

Petitioners should avoid the use of a product trade name as the chemical identification. If a trade name is the only identification for the chemical that the petitioner has available prior to submitting the petition, then the petitioner should also attempt to provide the CAS Registry number associated with that chemical. For example, the section 313-mandated list contains the pesticide Aldrin. Aldrin is a product trade name, not a chemical-specific name. However, this list entry is accompanied by the specific CAS Registry Number that provides EPA, the industry, and the public with a reference to a more chemically specific identification. As supplementary information, EPA encourages petitioners to provide any known tradenames associated with the chemical of concern.

B. Specific Criteria Elements

For petitions requesting additions to the list, it would assist the Agency to know which of the section 313(d)(2) criteria elements the chemical in question meets. Identifying the relevant criteria allows EPA to focus the petition review process and gives the Agency some direction for focusing its own data development efforts within the limited time for the review. For deletions, the petitioner should state that the chemical meets none of the health and environmental effects criteria.

Section 313(d)(2) sets forth criteria as follows:

> A chemical may be added if the Administrator determines, in his judgment, that there is sufficient evidence to establish any one of the following:
>
> (A) The chemical is known to cause or can reasonably be anticipated to cause significant adverse acute human health effects at concentration levels that are reasonably likely to exist beyond facility site boundaries as a result of continuous, or frequently recurring, releases.
>
> (B) The chemical is known to cause or can reasonably be anticipated to cause in humans—
>
> (i) Cancer or teratogenic effects, or
>
> (ii) Serious or irreversible—
>
> (I) Reproductive dysfunction,
>
> (II) Neurological disorders,
>
> (III) Heritable genetic mutations, or
>
> (IV) Other chronic health effects.
>
> (C) The chemical is known to cause or can reasonably be anticipated to cause, because of—
>
> (i) Its toxicity
>
> (ii) Its toxicity and persistency in the environment or,
>
> (iii) Its toxicity and tendency to bioaccumulate in the environment, a significant adverse effect on the environment of sufficient seriousness, in the judgment of the Administrator, to warrant reporting under this section.

Any person may petition the Agency on the basis of the first two criteria, (A) and (B). A state governor may petition the Agency on the basis of all three criteria, (A), (B) or (C).

C. Rationale

The petitioner should explain why the chemical in question meets (or does not meet) the specified criteria elements. For example, a petitioner may claim that a chemical should be listed because it meets the first criteria element relating to adverse acute human health effects. The rationale should explain what adverse acute effects could be anticipated and why these effects are "significant." Further, it would assist the Agency if the petitioner stated why the concentration of the chemical beyond the facility site boundary would be likely to cause such adverse acute effects, and what that concentration is reasonably likely to be as a result of continuous or frequently recurring releases. The same type of rationale should be provided for each criterion listed by the petitioner.

D. Published Literature Citations

For information that appears in published literature sources, the petitioner should provide EPA with a citation to the specific documents that the petitioner believes support the requested action. Such information sources could include one or more of the following:

1. Textbooks on toxicology or other health sciences.

2. Reference books or reports relating to toxic effects of chemicals, published by government or private sources.

3. Regulatory documents or other official public notification documents, e.g., **Federal Register** notices relating to current regulation of the chemical, or other Federal, State or local government actions.

4. Specific scientific journal articles, preferably those articles that have undergone peer review.

5. Results of data base searches. Several comprehensive, computer-accessible data bases contain abstracts of health or environmental studies and/or provide citations to specific journal articles or other sources. If petitioners do not have specific access to such computer-based search services, they may want to start by contacting their local public library. The following list contains representative data bases and certain components of those data bases that can provide information on health and environmental effects of chemical substances:

DIALOG (a privately maintained database)
- BIOSIS
- EXERPTA MEDICA

MEDLARS (maintained by the National Library of Medicine)
- TOXLINE
- CANCERLINE
- HSDB Toxnet system

CIS (Chemical Information System—a privately maintained data base.)
- ENVIROFATE
- AQUIRE (Aquatic Information Retrieval)
- RTECS (Registry of Toxic Effects of Chemical Substances)
- GENETOX

CAS–ONLINE (mentioned above)
- CA–FILE

E. Unpublished Information

The petitioner may be aware of studies or documents that could support

the proposed action but that EPA would not have immediate knowledge of, or access to. In such cases of unpublished information, the petitioner should provide EPA with an actual copy of the document.

Examples of unpublished information include:

1. Company-sponsored studies.
2. University research papers/ dissertations.
3. Government-sponsored reports/ assessments, especially those done at the local and State level.

V. Recommended Format for a Petition

A. Summary of the Petition

The following information laid out early in the petition would greatly expedite the review process:

1. Name, address and telephone number of the petitioner, and a description of any organization that person represents, if applicable.
2. Actions requested, i.e., to add or delete. In the case of additions, which of the criteria in section 313(d)(2) the chemical or chemicals meet.
3. A tabular summary of the specific chemicals, with associated Chemical Abstracts Service (CAS) registry numbers, if more than one chemical is involved. Organizing this summary list in CAS number order would also assist the Agency in its basic review tasks.

B. Body of the Petition

The body of the petition itself should be chemical-specific. It would be most helpful if the body of the petition is structured so that each chemical and its CAS number are listed at the heading of a paragraph or page, depending upon the quantity of support data supplied. The associated information elements could be presented under the following subheadings:

1. The action requested, i.e., to add or to delete.
2. The specific criteria elements that the chemical meets.
3. The justification or rationale, including a statement explaining why the chemical meets or does not meet the stated criteria elements, and a listing or attachment of support documentation.

VI. Where To Send Petitions

A petition under section 313 of Title III should be sent to the following address to expedite its review.

ADDRESS: OTS Document Processing Center, Attn: Title III, Section 313(e) Petition, U.S. Environmental Protection Agency, Office of Toxic Substances (TS–790), 401 M St. SW., Washington, DC 20460.

VII. Paperwork Reduction Act

The information collection provisions in this notice will be submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* These provisions are not effective until OMB approves them and a notice to that effect is published in the **Federal Register.**

Dated: January 21, 1987.

Lee M. Thomas,

Administrator.

[FR Doc. 87–2187 Filed 2–3–87; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL HOME LOAN BANK BOARD

Acceptance of Appointment of Receiver; North America Savings and Loan Association, Santa Ana, CA

Notice is hereby given that pursuant to the authority contained in section 406(c)(1) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1) (1982), and as directed by the Federal Home Loan Bank Board, the Federal Savings and Loan Insurance Corporation on January 23, 1987, accepted the tender of the Savings and Loan Commissioner for the State of California, pursuant to section 8253 of the California Financial Code, of the appointment as receiver for North America Savings and Loan Association, Santa Ana, California for the purpose of liquidation.

Dated: January 29, 1987.

Nadine Y. Washington,

Acting Secretary.

[FR Doc. 87–2184 Filed 2–3–87; 8:45 am]

BILLING CODE 6720–01–M

Appointment of Receiver; North America Savings and Loan Association, Santa Ana, CA

Notice is hereby given that pursuant to the authority contained in section 406(c)(2) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(2) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole receiver for North America Savings and Loan Association, Santa Ana, California on January 23, 1987.

Dated: January 29, 1987.

Nadine Y. Washington,

Acting Secretary.

[FR Doc. 87–2185 Filed 2–3–87; 8:45 am]

BILLING CODE 6720–01–M

FEDERAL MARITIME COMMISSION

[Docket No. 86–32]

Filing of Agreements by Persons Subject To Shipping Act; 1916 and Shipping Act of 1984—Exculpatory Provisions in Marine Terminal Agreements and Leases; Availability of Finding of No Signficant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Special Studies has determined that Docket No. 86–32 will not constitute a major Federal action signficantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. section 4321 *et seq.*, and the preparation of an environmental impact statement is not required.

Docket 86–32 is a proceeding instituted to consider the possible necessity of promulgating a rule prohibiting marine terminal operators from including exculpatory provisions in agreements and leases for terminal facilities and services.

The Master Contracting Stevedore Association of the Pacific Coast, Inc. has filed a Petition for Rulemaking (Petition) requesting that the Commission promulgate a rule prohibiting exculpatory clauses in terminal leases and agreements. The Commission, however, has determined that some form of evidentiary proceeding is necessary to develop a full factual record upon which a reasoned decision on the Petition can be made. Specifically, the hearing may consider the following issues: (1) Whether the practice of including exculpatory liability-shifting provisions in marine terminal leases and agreements is unjust and unreasonable; (2) whether the Commission should prohibit exculpatory liability-shifting provisions in marine terminal agreements and leases; and (3) whether the Commission should allow any exceptions to such a prohibition if a prohibition is found to be warranted and necessary.

This Finding of No Signficant Impact (FONSI) will become final within 10 days of publication of this notice in the **Federal Register** unless a petition for review is filed pursuant to 46 CFR 504.6(b).

The FONSI and related environmental assessment are available for inspection upon request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, DC 20573, telephone (202) 532–5725.

By the Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 87-2154 Filed 2-3-87; 8:45 am]

BILLING CODE 6730-01-M

[Ageement No.: 212-011045]

Trans-Atlantic Revenue Apportionment Agreement (TARA); Request for Additional Information

Parties: Atlantic Constainter Line, B.V.; Gulf Container Line (GCL), B.V.; Compagnie Generale Maritime (CGM); Dart-ML Ltd.; Hapag-Loyd AG Trans; Freight Lines; Sea-land Service, Inc.; Nedlloyd Lijnen, B.V.

Synopsis: Notice is hereby given that the Federal Maritime Commission pursuant to section 6(d) of the Shipping Act of 1984 (46 U.S.C. app. 1701-1720) has requested additional information from the parties to the agreement in order to complete the statutory review of Agreement No. 212-011045 as required by the Act. This action extends the review period as provided in section 6(c) of the Act.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

Dated: January 30, 1987.

[FR Doc. 87-2153 Filed 2-3-87; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Centerre Bancorporation; Application To Engage de Novo in Nonbanking Activities

The company listed in this notice has filed an application under § 225.23 of the Board's Regulation Y (12 CFR 225.23) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to engage, either directly or through a subsidiary, in a nonbanking activity. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweight possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 19, 1987.

A. **Federal Reserve Bank of St. Louis.** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Centerre Bancorporation,* St. Louis, Missouri; to acquire Benefit Plan Services, Inc., Maryland Heights, Missouri, and thereby engage in providing services with respect to employee benefit plans. These activities will be conducted in the states of Missouri and Illinois.

Board of Governors of the Federal Reserve System, January 29, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-2261 Filed 2-3-87; 8:45 am]

BILLING CODE 6210-01-M

CityTrust Bancorp et al.; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo,* either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifially any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 24, 1987.

A. **Federal Reserve Bank of New York** (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *CityTrust Bancorp, Inc.,* Bridgeport, Connecticut, to engage through its subsidiary, CityTrust of New Jersey, Inc., Edison, New Jersey, in making, acquiring and servicing loans and other extensions of credit pursuant to § 225.25(b)(1) of the Board's Regulation Y. Comments regarding this application must be received by February 12, 1987.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street NW., Atlanta, Georgia 30303:

1. *CB&T Bancshares, Inc.,* Columbus, Georgia; to engage *de novo* through its subsidiary, Calumet Investment Advisors, Inc., Columbus, Georgia, in offering investment advisory services for a fee to retail customers, pursuant to § 225.25(b)(4) of the Board's Regulation Y.

C. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Fidelity Bancorp,* Scottsdale, Arizona; to engage through a yet-to-be-named subsidiary, in mortgage banking activities and credit card processing, pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, January 29, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-2262 Filed 2-3-87; 8:45 am]

BILLING CODE 6210-01-M

Howard Bancorp et al.; Formation of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than February 24, 1987.

A. **Federal Reserve Bank of Boston** (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Howard Bancorp,* Burlington, Vermont; to merge with Jones Real Estate Company, Inc., Barre, Vermont, and thereby indirectly acquire Granite Savings Bank and Trust Company, Barre, Vermont. Comments on this application must be received by February 20, 1987.

B. **Federal Reserve Bank of New York** (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Solvay Bank Corporation,* Solvay, New York; to become a bank holding company by acquiring 100 percent of the voting shares of Solvay Bank, Solvay, New York.

C. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street NW., Atlanta, Georgia 30303:

1. *City National Bancshares, Inc.,* Miami, Florida; to become a bank holding company by acquiring 94 percent of the voting shares of City National Bank Corporation, Miami, Florida, and thereby indirectly acquire City National Bank of Miami, Miami, Florida, and to acquire 94 percent of the voting shares of City National Bank of Florida, Hallandale, Florida.

D. **Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Benton Bancorp, Inc.,* Benton, Kentucky; to acquire at least 67 percent of the voting shares of Calvert Bank, Calvert City, Kentucky.

E. **Federal Reserve Bank of Dallas** (W. Authur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Greenville Bancshares, Corporation,* Greenville, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of American National Bank of Greenville, Greenville, Texas.

Board of Governors of the Federal Reserve System, January 29, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-2259 Filed 2-3-87; 8:45 am]

BILLING CODE 6210-01-M

Security Pacific Corp.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23 (a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23 (a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 19, 1987.

A. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Security Pacific Corporation,* Los Angeles, California; to acquire Atlas Thrift of Nevada, Las Vegas, Nevada, and thereby engage in making, acquiring or servicing loans or other extensions of credit pursuant to § 225.25(b)(1) of lthe Board's Regulation Y.

Board of Governors of the Federal Reserve System, January 29, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-2260 Filed 2-3-87; 8:45 am]

BILLING CODE 6210-01-M

Clinton Bank & Trust Company Employee Ownership Stock Bonus Trust et al.; Acquisitions of Shares of Banks or Bank Holding Companies; Change in Bank Control

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and §225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than February 19, 1987.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Clinton Bank & Trust Company Employee Stock Ownership Stock Bonus Trust,* Clinton, Louisiana; to acquire 22.61 percent of the voting shares of Clinton Bancshares, Inc., Clinton, Louisiana, and thereby indirectly acquire Clinton Bank and Trust Company, Clinton, Louisiana.

B. **Federal Reserve Bank of Chicago** (David S. Epstein, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Samuel C. Johnson*, Racine, Wisconsin; to acquire 16.10 percent of the voting shares of Heritage Racine Corporation, Racine, Wisconsin, and thereby indirectly acquire American State Bank, Kenosha, Wisconsin, and Heritage Bank & Trust, Wind Point, Wisconsin.

2. *Frank A. Thomas*, Greenwood, Wisconsin; to acquire 99.94 percent of the voting shares of North Holding Company, Inc., Neillsville, Wisconsin, and thereby indirectly acquire Neillsville Bank of Neillsville, Wisconsin.

C. **Federal Reserve Bank of Minneapolis** (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Mr. John Vucurevich*, Rapid City, South Dakota; to acquire up to an additional 20 percent of the voting shares of Northern Plains Bancshares, Inc., Fargo, North Dakota, and thereby indirectly acquire First Interstate Bank of Fargo, National Association, Fargo, North Dakota.

D. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Browne & Browne Partners*, Oklahoma City, Oklahoma; to acquire 12.5 percent of the voting shares of Union Bancorporation, Inc., Oklahoma City, Oklahoma, and thereby indirectly acquire Union Bank and Trust Company, Oklahoma City, Oklahoma.

2. *Philip S. Burek*, Alan D. Clark, Douglass C. Cogswell, Winton W. Cogswell, Internal Medicine Associates Employee Profit Sharing Trust (Lawrence P. Donahue), John A. Marta, Ronald C. Ness Profit Sharing Plan, Lee Pittle, Gary R. Swanson, Richard Walker, Internal Medicine Associates Employee Profit Sharing Trust (William J. Weller), and William J. Weller, M.D., all of Colorado Springs; Raymond D. Kandt, Shawnee Mission, Kansas, and Larry D. Shoemaker, Monument, Colorado; to acquire 50 percent of the voting shares of State Bank and Trust of Colorado Springs, Colorado Springs, Colorado.

3. *Herschel Pickett* and Eunice Pickett, Parker, Colorado; to acquire 6.66 percent of the voting shares of Parker Bancshares, Inc., Parker, Colorado.

E. **Federal Reserve Bank of Dallas**—(W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Noel S. Bailey*, L. W. Bassett, Jr., and Aaran Blankenship; to acquire 78 percent of the voting shares of Entex Bancshares, Inc., Enloe, Texas.

2. *Tallulah Bancshares, Inc. Employee Stock Ownership—Stock Bonus Trust*, to acquire 23.45 percent of the voting shares of Tallulah Bancshares, Inc., Tallulah, Louisiana.

Board of Governors of the Federal Reserve System, January 29, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-2258 Filed 2-3-87; 8:45 a.m.]

BILLING CODE 6210-01-M

Society for Savings Bancorp, Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR § 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 6, 1987.

A. **Federal Reserve Bank of Boston** (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Society for Savings Bancorp, Inc.*, Hartford, Connecticut; to become a bank holding company by acquiring 100 percent of the voting shares of Society for Savings, Hartford, Connecticut.

In connection with this application, Applicant also proposes to acquire Society Mortgage Corporation, Wethersfield, Connecticut, and thereby engage in mortgage banking activities pursuant to § 225.25(b)(1) and acting as agent for the sale of home mortgage redemption insurance pursuant to § 225.25(b)(8) of the Board's Regulation Y. Applicant also proposes to acquire Financing for Science and Technology, Hartford, Connecticut, and thereby engage in leasing of capital equipment of the type used in the health care and research and development industry pursuant to § 225.25(b)(5) of the Board's Regulation Y; and to acquire Fidelity Acceptance Corporation, Minneapolis, Minnesota, and thereby engage in purchasing and servicing retail installment sales contracts and engage in consumer lending pursuant to § 225.25(b)(1); acting as underwriter and agent for the sale of credit related insurance, including home mortgage redemption insurance, pursuant to § 225.25(b)(8) of the Board's Regulation Y. Applicant also proposes to engage through Society for Savings in collecting premiums and paying benefits on whole life insurance pursuant to § 225.22(d)(2)(ii) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, January 29, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-2257 Filed 2-3-87; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

National Aeronautics and Space Administration

Federal Acquisition Regulation (FAR); Information Collection Under OMB Review

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection.

ADDRESS: Send comments to Franklin S. Reeder, FAR Desk Officer, Room 3235, NEOB, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Mr. C.W. Mathews, Office of Federal Acquisition and Regulatory Policy (202) 523-3856.

SUPPLEMENTARY INFORMATION:

a. *Purpose:* Two-step sealed bidding is a method of contracting designed to obtain the benefits of Sealed Bidding when adequate specifications are not available. An objective is to permit the development of a sufficiently descriptive and not unduly restrictive statement of the Government's requirements, including an adequate technical data package, so that subsequent acquisitions may be made by conventional sealed bidding. This method is especially useful in acquisitions requiring technical proposals, particularly those for complex items. It is conducted in two steps.

(a) Step one consists of the request for, submission, evaluation, and (if necessary) discussion of a technical proposal. No pricing is involved. The objective is to determine the acceptability of the supplies or services offered. As used in this context, the word "technical" has a broad connotation and includes, among other things, the engineering approach, special manufacturing processes, and special testing techniques. It is the proper step for clarification of questions relating to technical requirements.

(b) Step two involves the submission of sealed priced bids by those who submitted acceptable technical proposals in step one. Bids submitted in step two are evaluated and the awards made in accordance with Subparts 14.3 and 14.4.

b. *Annual reporting burden:* The annual reporting burden is estimated as follows: Respondents, 3,225; responses per respondent, 1; total annual responses, 3,225; hours per response, 8; and total burden hours, 25,800.

Obtaining Copies of Proposals: Requesters may obtain copies from the FAR Secretariat (VRS), Room 4041, GSA Building, Washington, DC 20405, telephone (202) 523-4755. Please cite OMB Control No. 9000-0041, Technical Proposal—2-Step.

Dated: January 23, 1987.

Margaret A. Willis,

FAR Secretariat.

[FR Doc. 87-2199 Filed 2-3-87; 8:45 am]

BILLING CODE 6820-61-M

Federal Acquisition Regulation (FAR); Information Collection Under OMB Review

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection.

ADDRESS: Send comments to Franklin S. Reeder, FAR Desk Officer, Room 3235, NEOB, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Klein, Office of Federal Acquisition and Regulatory Policy (202) 523-3775.

SUPPLEMENTARY INFORMATION: a. *Purpose*: When it is in the best interest of the Government and when supplies and services are required by a Government contract, contracting officers may authorize contractors to use Government supply sources in performing certain contracts. Contractors placing orders under Federal Supply Schedules or Personal Property Rehabilitation Price Schedules must follow the terms of the applicable schedule. To place orders, firms will submit the initial FEDSTRIP or MILSTRIP requisitions or the Optional Form 347, a copy of the authorization to order, and a statement regarding authorization to the firm holding the schedule contract.

b. *Annual reporting burden*: The annual reporting burden is estimated as follows: Respondents, 300; responses per respondent, 7; total annual responses 2100; hours per response, .25; and total burden hours, 525.

Obtaining copies of proposals: Requesters may obtain copies from the FAR Secretariat (VRS), Room 4041, GSA Building, Washington, DC 20405, telephone (202) 523-4755. Please cite OMB Control No. 9000-0031, Contractor Use of Government Supply Sources.

Dates: January 23, 1987.

Margaret A. Willis,

FAR Secretariat.

[FR Doc. 87-2200 Filed 2-3-87; 8:45 am]

BILLING CODE 6820-61-M

Federal Acquisition Regulation (FAR); Information Collection Under OMB Review

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection.

ADDRESS: Send comments to Franklin S. Reeder, FAR Desk Officer, Room 3235, NEOB, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Klein, Office of Federal Acquisition and Regulatory Policy, (202) 523-3775.

SUPPLEMENTARY INFORMATION: a. *Purpose:* If it is in the best interest of the Government, the contracting officer may authorize cost-reimbursement contractors to obtain, for official purposes only, interagency motor pool vehicles and related services. Contractor's requests for vehicles must contain two copies of the agency authorization, the number of vehicles and related services required and period of use, a list of employees who are authorized to request the vehicles, a listing of equipment authorized to be serviced, and billing instructions and address.

b. *Annual reporting burden:* The annual reporting burden is estimated as follows: Respondents, 70; responses per respondent, 2; total annual responses

140; hours per response, .5; and total burden hours, 70.

Obtaining copies of proposals: Requesters may obtain copies from the FAR Secretariat (VRS), Room 4041, GSA Building, Washington, DC 20405, telephone (202) 523–4755. Please cite OMB Control No. 9000–0032, Contractor Use of Interagency Motor Pool Vehicles.

Dated: January 21, 1987.

Margaret A. Willis,

FAR Secretariat.

[FR Doc. 87–2201 Filed 2–3–87; 8:45 am]

BILLING CODE 6820–61–M

Federal Acquisition Regulation (FAR); Information Collection Under OMB Review

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection.

ADDRESS: Send comments to Franklin S. Reeder, FAR Desk Officer, Room 3235, NEOB, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Mr. C.W. Mathews, Office of Federal Acquisition and Regulatory Policy (202) 523–3856.

SUPPLEMENTARY INFORMATION:

a. *Purpose:* It is the policy of the Government to dispose of Bid samples received in response to a solicitation in the manner requested by the bidder. The information received from the bidder permits the contracting office to dispose of the bid samples as requested by the bidder.

b. *Annual reporting burden:* The annual reporting burden is estimated as follows: Respondents, 2,663; responses per respondent, 3; total annual responses, 7,989; hours per response, .167; and total burden hours, 1,334.

Obtaining copies of proposals: Requesters may obtain copies from the FAR Secretariat (VRS), Room 4041, GSA Building, Washington, DC 20405, telephone (202) 523–4755. Please cite OMB Control No. 9000–0040, Bid Sample Disposition Instructions.

Dated: January 23, 1987.

Margaret A. Willis,

FAR Secretariat.

[FR Doc. 87–2202 Filed 2–3–87; 8:45 am]

BILLING CODE 6820–61–M

Federal Acquisition Regulations (FAR); Information Collection Under OMB Review

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection.

ADDRESS: Send comments to Franklin S. Reeder, FAR Desk Officer, Room 3235, NEOB, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Klein, Office of Federal Acquisition and Regulatory Policy (202) 523–3775.

SUPPLEMENTARY INFORMATION:

a. *Purpose:* When the Government purchases supplies that are new to the supply system, nonstandard, or modifications of previously shipped items, and different freight classifications may apply, offerors are requested to indicate the full Uniform Freight Classification or National Motor Freight Classification.

b. *Annual reporting burden:* The annual reporting burden is estimated as follows: Respondents, 2,640; responses per respondent, 3; total annual responses 7,920; hours per response, .167; and total burden hours, 1,323.

Obtaining Copies of Proposals: Requesters may obtain copies from the FAR Secretariat (VRS), Room 4041, GSA Building, Washington, DC 20405, telephone (202) 523–4755. Please cite OMB Control No. 9000–0055, Freight Classification Description.

Dated: January 21, 1987.

Margaret A. Willis,

FAR Secretariat.

[FR Doc. 87–2203 Filed 2–3–87; 8:45 am]

BILLING CODE 6820–61–M

Federal Acquisition Regulation (FAR); Information Collection Under OMB Review

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection.

ADDRESS: Send comments to Franklin S. Reeder, FAR Desk Officer, Room 3235, NEOB, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Klein, Office of Federal Acquisition and Regulatory Policy (202) 523–3775.

SUPPLEMENTARY INFORMATION:

a. *Purpose:* It is the Government's policy to try to resolve all contractual issues by mutual agreement at the contracting officer's level without litigation. Contractor's claims must be submitted in writing to the contracting officer for a decision. Claims exceeding $50,000 must be accompanied by a certification that (1) the claim is made in good faith; (2) supporting data are accurate and complete; and (3) the amount requested accurately reflects the contract adjustment for which the contractor believes the Government is liable. Contractors may appeal the Contracting Officer's decision by submitting written appeals to the appropriate officials.

b. *Annual reporting burden:* The annual reporting burden is estimated as follows: Respondents, 7,500 responses per respondent, 20; total annual responses 150,000; hours per response, 1; and total burden hours, 150,000.

Obtaining copies of proposals: Requesters may obtain copies from the FAR Secretariat (VRS), Room 4041, GSA Building, Washington, DC 20405, telephone (202) 523–4755. Please cite OMB Control No. 9000–0035, Claims and Appeals.

Dated: January 23, 1987.

Margaret A. Willis,

FAR Secretariat.

[FR Doc. 87–2204 Filed 2–3–87; 8:45 am]

BILLING CODE 6820–61–M

Federal Acquisition Regulation (FAR); Information Collection Under OMB Review

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection.

ADDRESS: Send comments to Franklin S. Reeder, FAR Desk Officer, Room 3235, NEOB, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Klein, Office of Federal Acquisition and Regulatory Policy (202) 523–3775.

SUPPLEMENTARY INFORMATION:

a. *Purpose:* Offers submitted in response to Government solicitations must be evaluated and awards made on the basis of the lowest laid down cost to the Government at the overseas port of discharge, via methods and ports compatible with required delivery dates and conditions affecting transportation known at the time of evaluation. Offers are evaluated on the basis of shipment through the port resulting in the lowest cost to the Government. This provision collects information regarding the vendors preference for delivery ports.

b. *Annual reporting burden:* The annual reporting burden is estimated as follows: Respondents, 100; responses per respondent, 4, total annual responses 400; hours per response, .25; and total burden hours, 100.

Obtaining copies of proposals: Requesters may obtain copies from the FAR Secretariat (VRS), Room 4041, GSA Building, Washington, DC 20405, telephone (202) 523–4755. Please cite OMB Control No. 9000–0057, Evaluation of Export Offers.

Dated: January 21, 1987.

Margaret A. Willis,

FAR Secretariat.

[FR Doc. 87–2205 Filed 2–3–87; 8:45 am]

BILLING CODE 6820–61–M

Federal Acquisition Regulation (FAR); Information Collection Under OMB Review

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection.

ADDRESS: Send comments to Franklin S. Reeder, FAR Desk Officer, Room 3235, NEOB, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Mr. C.W. Mathews, Office of Federal Acquisition and Regulatory Policy (202) 523–3856.

SUPPLEMENTARY INFORMATION: a. *Purpose:* There are instances when the Government is unable to award a contract within the acceptance period established in the solicitation due to unforeseen complications. Rather than incur the costly expense of resoliciting offers, the Government requests the offerors to establish a longer acceptance period than the minimum acceptance period established by the Government in the solicitation.

b. *Annual reporting burden:* The annual reporting burden is estimated as follows: Respondents, 3,220; responses per respondent, 40; total annual responses, 128,800; hours per response, .017; and total burden hours, 2,190.

Obtaining copies of proposals: Requesters may obtain copies from the FAR Secretariat (VRS), Room 4041, GSA Building, Washington, DC 20405, telephone (202) 523–4755. Please cite OMB Control No. 9000–0044, Bid/Offer Acceptance.

Dated: January 23, 1987.

Margaret A. Willis,

FAR Secretariat.

[FR Doc. 87–2220 Filed 2–3–87; 8:45 am]

BILLING CODE 6820–61–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Cooperative Agreements for State-Based Diabetes Control Programs; Availability of Funds for Fiscal Year 1987

Introduction

The Centers for Disease Control (CDC) announces the availability of funds in Fiscal Year 1987 for competitive applications for cooperative agreements for the development of comprehensive State-Based Diabetes Control Programs which address the prevention of blindness due to diabetes, adverse outcomes of pregnancy among diabetic women, lower extremity amputations due to diabetes, coexisting diabetes and hypertension, and the integration of these efforts into the health care delivery system.

Authority

This cooperative agreement is authorized by section 301(a) [42 U.S.C. 241(a)] of the Public Health Service Act, as amended. The Catalog of Federal Domestic Assistance Number is 13.988.

Eligible Applicants

Eligible applicants for this program are official State public health agencies, including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, American Samoa, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

Program Objectives/Purpose

The purpose of this cooperative agreement program is to implement *comprehensive* programs which will ensure that persons with diabetes who are at high risk for certain complications of diabetes are identified, entered into the health care system, and receive ongoing state-of-the-art preventive care and treatment. Persons with diabetes are an identifiable population with high rates of morbidity and premature mortality, and they have a high risk of diabetes-related complications, such as hypertension. A substantial proportion of morbidity and premature mortality among persons with diabetes can be prevented if existing technologies are fully utilized.

Applicants approved to receive assistance under this cooperative agreement program will develop comprehensive diabetes control programs designed to reduce morbidity and premature mortality among persons with diabetes through activities designed to impact on the health care system. In addition, programs will concurrently develop and/or maintain and refine the core capacity to integrate these complication-specific elements into a comprehensive package, and to integrate this package into the health care delivery system for persons with diabetes. These programs will include complication-specific elements for the prevention of visual loss due to diabetes *and* the prevention of at least *two of three* other major complication areas associated with diabetes which are

described below. Emphasis should be placed on improving the delivery of health care and ensuring that persons with diabetes have access to comprehensive state-of-the-art care. It is anticipated that programs will develop the core capacity to address additional complication-specific areas, and will phase in these elements.

Diabetic eye disease (REQUIRED COMPLICATION-SPECIFIC PROGRAM ELEMENT): Diabetes is the leading cause of legal blindness in adults under the age of 65 in the United States. It is estimated that 5,800 persons with diabetes become blind each year, however 60 percent of this blindness could be prevented by the application of current knowledge. Control strategies should be focused initially upon persons at high risk of blindness due to diabetes. Those at high risk are post-pubertal persons who have not been examined by sensitive diagnostic techniques during the past year, *and* who have Type I diabetes (Insulin Dependent Diabetes Mellitus) of five years duration or who have Type II (Non-Insulin Dependent Diabetes Mellitus) diabetes.

At least *two* program elements from among those described below as *Optional* Complication-Specific Program Elements *MUST ALSO BE CHOSEN.* It is expected that the program element not chosen at this time will be integrated into the program as soon as possible.

Adverse Outcomes of Pregnancy (OPTIONAL COMPLICATION-SPECIFIC PROGRAM ELEMENT): Each year approximately 10,000 to 15,000 infants are born to women with overt diabetes in the United States. Compared to the offspring of women without diabetes, these infants are at increased risk for macrosomia, hypoglycemia, respiratory distress syndrome, and major congenital malformations. They also have increased rates of fetal and neonatal mortality. Recent studies suggest that increased rates of major congenital anomalies can be reduced to rates experienced by the offspring of women without diabetes. All women of childbearing age with diabetes, generally between the ages of 15 and 44, are considered at risk for adverse outcomes of pregnancy.

Lower Extremity Amputations Associated with Diabetes (OPTIONAL COMPLICATION-SPECIFIC PROGRAM ELEMENT): Annually, there are an estimated 40,000 lower extremity amputations among persons with diabetes. It is estimated that 50 percent of these amputations can be prevented by improving health care practices and reducing risk factors for amputation. The populations at high risk for amputation are persons with previous amputations, persons with previous ulcers or foot deformities, persons 40 years of age or older with diabetes, and persons with diabetes of 10 or more years duration.

Diabetes and Hypertension (OPTIONAL COMPLICATION-SPECIFIC PROGRAM ELEMENT): Of the 5.5 million persons estimated to have diabetes in the United States, approximately 45 percent (2.5 million) are estimated to also have hypertension. This is approximately twice the rate found in the general population. Hypertension contributes to the 85,000 cases of coronary artery disease, 40,000 amputations, 23,000 cerebrovascular accidents, 5,800 cases of blindness, and 4,000 cases of end-stage renal disease which occur annually among persons with diabetes. Only about half the persons with both conditions have their hypertension under control. Programs should target all persons with diabetes since 45 percent either have or will develop hypertension.

Cooperative Activities

1. Recipient Activities

a. For the development and/or maintenance and refinement of *core capacity:*

(1) Develop and/or maintain, and refine a system to ensure that needs and problems of persons with diabetes will be identified and assessed.

(2) Develop and/or maintain, and refine a program advisory group, and perform consensus-building activities.

(3) Develop and/or maintain, and refine a statewide plan for diabetes control which will integrate complication-specific program elements and future program elements into a comprehensive system of care for persons with diabetes.

b. For *each* complication-specific program element to be undertaken:

(1) Identify a/the high risk group within the target population.

(2) Identify available diagnostic, treatment, and education resources within the target population.

(3) Describe current patterns of care within the target population, with attention to primary care sources.

(4) Define and coordinate the activities of State agencies and other groups participating in the project, such as professional and volunteer organizations and third-party payers.

(5) Ensure that necessary referral and followup systems are in place which will assure that patients are treated through non-project resources, and integrated into the available health care delivery system.

(6) Ensure that complication-specific quality patient education components are provided to high-risk patients, and are included in the general diabetes patient education available for persons with diabetes.

(7) Ensure that relevant complication-specific professional education is provided to appropriate health care providers.

(8) Develop measurable morbidity-reduction and process objectives.

(9) Develop a system to monitor and document the impact of the program on the health care delivery system and health status of persons with diabetes and on the high risk/target populations.

c. In addition, for the *required* program element dealing with the prevention of visual loss due to diabetes:

(1) Ensure that high-risk patients are examined by sensitive diagnostic techniques. (Clinical examination through undilated pupils is not adequate to diagnose proliferative diabetic retinopathy.) Acceptable techniques to diagnose diabetic retinopathy include (in priority order):

(a) Examination by general ophthalmologists or retinal specialists.

(b) Examination by other health-care professionals such as optometrists, who have demonstrated the ability to perform sensitive diagnostic examinations.

(c) Fundus photography using standard fundus cameras.

(d) Fundus photography using "non-mydriatic" cameras.

(2) Ensure that examinations as described above also include acuity testing, tonometry, assessment of lens opacity, and blood pressure measurement.

(3) Ensure that the monitoring system to be developed will include data sufficient for measuring program impact and for tracking program objectives.

d. In addition, for the prevention of adverse outcomes of pregnancy, if this is one of the *optional* program elements chosen:

(1) Ensure that prepregnancy management and counseling is provided to diabetic women of childbearing age (15–44) in the target population, with particular attention to their need to normalize blood glucose levels prior to conception and throughout gestation.

(2) Ensure that pregnant diabetic women are managed as high-risk pregnant patients.

(3) Ensure that the monitoring system to be developed will include data sufficient for measuring program impact and for tracking program objectives.

e. In addition, for the prevention of lower extremity amputations, if this is one of the *optional* program elements chosen:

(1) Ensure that a system is established whereby high risk persons with diabetes in the target population have their feet examined during each visit to a primary care practitioner; with such examinations no less than annually in all risk groups.

(2) Ensure that persons with diabetes and foot complications have access to appropriate examination, diagnosis, and therapy.

(3) Ensure that the complication-specific patient education to be provided (in addition to principles of foot care, skin care, hygiene, and other components of quality diabetes education) also includes sections on smoking cessation, blood pressure control, and strategies to lower cholesterol.

(4) Ensure that the monitoring system to be developed will include data sufficient for measuring program impact and for tracking program objectives.

f. In addition, for the management of hypertension among persons with diabetes, if this is one of the *optional* program elements chosen:

(1) Ensure that the blood pressure of persons with diabetes is measured at each visit to a primary care provider, with such measurement no less than annually, and that hypertension is detected, evaluated, and treated in accordance with the recommendations of *The 1984 Report of the Joint National Committee on Detection, Evaluation, and Treatment of High Blood Pressure*, including nonpharmacologic therapy.

(2) Ensure that the complication-specific patient education to be provided includes sections on inter-relationships between diabetes and hypertension, the importance of treatment, control and followup, weight control, and exercise, in addition to other components of quality education.

(3) Ensure that mechanisms are in place to promote adherence to antihypertensive therapy in the target population, including followup.

(4) Ensure that the monitoring system to be developed will include data sufficient for measuring program impact and for tracking program objectives.

2. Centers for Disease Control Activities

a. Develop and disseminate public health recommendations for the diagnosis, prevention, and treatment of the complications of diabetes.

b. Collaborate in the planning, operation, and evaluation of program activities through onsite participation, telephone and written consultation.

c. Collaborate in the development of surveillance and data systems and in the State's analysis and evaluation of data.

d. Collaborate in the development of screening, referral, tracking, and monitoring program components.

e. Collaborate in the development of patient and professional education components.

f. Collaborate in the dissemination of complication-specific outcome indicators and their integration into program operation.

g. Collaborate in the establishment of specific morbidity reduction objectives.

Availability of Funds

Approximately $5 million will be available in Fiscal Year 1987 to award from 25 to 30 cooperative agreements. The President's FY 1988 budget assumes that the cooperative agreements will be supported progressively from non-federal funding sources beginning in FY 1987. The average award will be $178,600 with individual cooperative agreements ranging from approximately $75,000 to $250,000. It is expected that the cooperative agreements will begin on or about September 1, 1987. Depending on the availability of funds, cooperative agreements are usually funded in 12-month budget periods within a 1–3 year project period. Non-federal funding sources should provide greater shares of support in any later budget period. Funding estimates outlined above may vary and are subject to change. Although new applications will be considered, priority for funding will be given to currently funded cooperative agreements because of the limited funds available in Fiscal Year 1987. The project periods for any new applications should be consistent with the President's FY 1988 budget which assumes full funding from non-federal sources for this activity by FY 1990. Competing renewal awards will be limited to applicants which have demonstrated an effective complication-specific diabetes control program.

Use of Funds

Funds will not be awarded for the purchase or lease of land or buildings, for the construction of a facility, or for renovation of existing space. The purchase of equipment is discouraged and must be pre-approved by CDC. The only equipment which will be considered for approval will be that which is justified on the basis of being essential to the project and not available from any other source. Cooperative agreement funds shall not be used for treatment or treatment services.

Reporting Requirements

Quarterly narrative and performance statistical reports may be required subject to approval by Office of Management and Budget (OMB). Financial status reports must be submitted no later than 90 days after the end of each budget period. Final financial status and progress reports are required no later than 90 days after the end of the project period.

Recipient Financial Participation

This program has no statutory formula. No specific matching funds are required; however, the application should include data on the applicant's contribution to the overall program costs and reflect a commitment to progressive support on the part of non-federal funding sources.

Application Content

1. *Initial Application*—The initial application for a new cooperative agreement must include a narrative which describes:

a. Current complication-specific diabetes control efforts demonstrating an effective diabetes control program.

b. The background and need for support including a description of high-risk groups within the target populations and an assessment of the health care needs of these populations as they relate to complication-specific program areas.

c. Specific measurable objectives consistent with the purpose of the cooperative agreement and which can be evaluated in accordance with Section f. below. (Include a milestone-to-completion chart consistent with the timeframe of the project period.)

d. The methods and activities undertaken to accomplish complication-specific objectives including:

(1) How high-risk groups and target populations will be/have been identified.

(2) How currently available diagnostic, treatment, and education resources will be/have been identified and utilized.

(3) How the high-risk populations' current patterns of care will be/have been assessed, with attention to patterns of care in the primary health care system.

(4) How needs/deficits in provider knowledge and health care practices will be/have been assessed.

(5) Identification of program activities designed to complement available diagnostic, education, and treatment resources.

(6) How the target populations will be examined (as applicable) by sensitive diagnostic techniques.

(7) How the target populations will be assured of treatment (as applicable), with treatment and treatment services provided through non-project resources.

e. The methods and activities undertaken to accomplish objectives related to the integration of complication-specific program elements into the health care delivery system for persons with diabetes, including:

(1) How linkages formed with other public health care programs, primary care providers and organizations, volunteer agencies, and other medical care providers will facilitate the integration of these program elements into the health care delivery system for persons with diabetes.

(2) How a program advisory group will facilitate the integration of these complication-specific program elements into the health care delivery system for persons with diabetes.

(3) How the needs and problems (and factors contributing to these) will be assessed in an ongoing manner to ensure that the ability to integrate future complication-specific program elements into the program is maintained.

(4) How the *National Standards for Diabetes Patient Education Programs/ CDC-State DCP Patient Education Guidelines* will be used to assess current patient education activities, to ensure the quality of education provided to patients at high risk for the complications, and how such patient education will be integrated into the health care delivery system for persons with diabetes.

(5) How *The Guide for Primary Care Practitioners* and the *CDC-State DCP Professional Education Guidelines* will be used in relevant professional education, and how such professional education will facilitate the integration of these program elements into the health care delivery system for persons with diabetes.

(6) How a statewide plan for diabetes control will be developed to facilitate the integration of complication-specific program elements into a comprehensive program of care for persons with diabetes.

f. The system to monitor and document the impact of this program on the health care delivery system and health status of persons with diabetes, including health outcome indicators which will be developed and utilized.

g. The level of professional and community support and involvement in the program. (Letters of support/ commitment from care providers, voluntary agencies, and other relevant groups and individuals should be included.)

h. A budget justification, and any other information which will support the need for assistance.

i. Plans to become self-sustaining within the time period assumed in the President's FY 1988 budget.

2. *Continued Funding*—An application for continued funding of these activities within an approved project period should contain the following information:

a. Progress report on activities performed and results achieved during the prior budget period.

b. Short-term objectives for the new budget period that are consistent with the availability of funds and include the phase-in of any additional complication-specific elements.

c. A description of the method of operation that will be used to accomplish any new objective.

d. An evaluation plan which will help determine if the methods are effective and the objectives are being achieved.

e. A budget and accompanying justification consistent with the purpose and objectives of the project and the availability of funds.

Application Review and Evaluation Criteria

1. The initial application for a project period will be reviewed and evaluated based upon the following factors:

a. The demonstrated effectiveness of current complication-specific diabetes control program.

b. The need for support as demonstrated by the description of the high risk and target populations and of the health care needs/problems of these populations.

c. The consistency of the measurable objectives with the stated purpose of the cooperative agreement and the ability to complete the objectives, activities, and milestones of the project within the specified period.

d. The adequacy of the applicant's plans to develop and maintain the capacity to identify target populations, define needs, and plan future complication-specific program elements (to ultimately include visual loss due to diabetes, adverse outcomes of diabetic pregnancies, lower extremity amputations among persons with diabetes, and coexisting diabetes and hypertension).

e. The adequacy of the applicant's plans to ensure examination of high-risk individuals by sensitive diagnostic techniques, to refer (and followup on referrals) those in need of treatment, and to assure adequate treatment (paid for by non-project resources) for patients needing treatment.

f. The adequacy of the applicant's plans to ensure the integration of complication-specific program elements into the health care delivery system for persons with diabetes through the formation of program linkages, the development of a program advisory group, and the development of a statewide plan for diabetes control.

g. The adequacy of the applicant's plans to conduct and/or assure the provision of quality patient and professional education, and to ensure the integration of this education into the health care delivery system for persons with diabetes.

h. The adequacy of the applicant's plans to monitor and document the impact of the program, and the program's impact on the health care delivery system and the health status of persons with diabetes.

i. The ability of the applicant to generate community and professional support and involvement in the program, to utilize available resources, and to coordinate the activities of groups participating in the program, including governmental agencies, professional and volunteer organizations, third-party payers, consultants, and the diabetes community at large.

j. The extent to which the budget is reasonable and consistent with the intended use of cooperative agreement funds and includes a plan to become self-sustaining within the time period assumed in the President's FY 1988 budget.

k. The ability of the applicant to identify staff for the program who are available and trained to carry out the required tasks.

2. Continuation awards within the project period will be made on the basis of the following criteria:

a. Availability of funds.

b. The extent to which the accomplishments of the current budget period show that the applicant is meeting its objectives.

c. The consistency of the objectives for the new budget period with the purpose of the cooperative agreement and the extent to which they are realistic, specific, and measurable.

d. The extent to which the methods described will clearly lead to achievement of these objectives.

e. The quality of the evaluation plan proposed to be used in monitoring whether the methods are effective.

f. The extent to which the budget request is justified, reasonable, and consistent with the intended use of cooperative agreement funds.

Application Submission and Deadline

The original and two copies of the application must be submitted to Leo A. Sanders, Chief, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., Room 321, Atlanta, Georgia 30305, on or before May 1, 1987.

1. *Deadline:* Applications will be considered to meet the deadline if they are either:

a. Received at the above address on or before the deadline date or,

b. Sent on or before May 1, 1987, and received in time for submission to the independent review group. (Applicant should request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks will not be acceptable as proof of timely mailing.)

2. *Late Applications:* Applications which do not meet the above criteria are considered late applications. Late applications will not be considered in the current competition and will be returned to the applicant.

Other Submission and Review Requirements

Applications are subject to review as governed by Executive Order 12372, Intergovernmental Review of Federal Programs (60-day review period).

Where To Obtain Additional Information

Information on application procedures, copies of application forms and other material may be obtained from Marsha Driggans, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., Room 321, Atlanta, Georgia 30305, telephone (404) 262-6575, or FTS 236-6575.

Technical assistance may be obtained from Lisle S. House, Division of Diabetes Control, Center for Prevention Services, Centers for Disease Control, Atlanta, Georgia 30333, telephone 404-329-1851, or FTS 236-1851.

Dated: January 29, 1987.

Robert L. Foster,

Acting Director, Office of Program Support Centers for Disease Control.

[FR Doc. 87-2170 Filed 2-3-87; 8:45 am]

BILLING CODE 4160-18-M

Cooperative Agreements; Preventive Health Services—Tuberculosis Control; Availability of Funds for Fiscal Year 1987

Introduction

The Centers for Disease Control (CDC) announces the availability of funds for Fiscal Year 1987 for Cooperative Agreements for Tuberculosis Control Programs. The funds received by these programs are directed primarily to support outreach activities necessary for effective prevention and control of tuberculosis in high incidence population groups and selected geographical areas.

Authority

This program is authorized by section 317(a) of the Public Health Service (PHS) Act (42 U.S.C. 247b(a)), as amended. Regulations governing programs for preventive health services are codified at 42 CFR Part 51b. Subpart A contains general provisions relating to these programs. The Catalog of Federal Domestic Assistance Number is 13.116.

Eligible Applicants

Eligible applicants for this program are the official public health agencies of State and local governments, including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau, and American Samoa. Although new applications will be considered, priority for funding will be given to currently funded cooperative agreements. New awards, if any, will be limited to: (1) States which reported 100 or more new cases of tuberculosis for each of the years 1985 and 1986 or had an incidence rate greater than the national tuberculosis incidence rate reported in 1985 (9.3 per 100,000 population) for both 1985 and 1986, or (2) local health agencies which are not currently receiving assistance as a sub-recipient under a cooperative agreement and which are serving a high-priority urban area with a city of at least 250,000 population which reported 200 or more new cases of tuberculosis in each of the years 1985 and 1986 or had an incidence rate greater than the rate for United States cities over 250,000 population in 1985 (19.5 per 100,000 population) for both 1985 and 1986. Although certain local health agencies may be eligible for direct funding, eligible local health agencies within a State are strongly encouraged to include their request for assistance in the State application to ensure effective coordination of State/local/Federal resources.

Applicants must show that tuberculosis cooperative agreement funds will be directed primarily to support outreach activities in high incidence population groups and selected geographical areas with (1) a significant level of tuberculosis; and (2) an incidence rate greater than the State as a whole. The President's FY 1988 budget assumes that these activities will be funded progressively from block grant funds and non federal funding sources. Full funding from block grants and non-federal funds is projected for FY 1990.

Program Background and Objectives

Recent data show that the expected decline in tuberculosis cases has not occurred. The decline for 1985 was only 0.2 percent, which was very slight when compared to the 6.7 percent average annual decline experienced during 1982-84. Furthermore, through the 48th week of 1986, there was a provisional increase in U.S. tuberculosis cases of 2.5 percent. In recent years, U.S. tuberculosis morbidity has been affected by: Continued transmission and infection of children; the emergence of drug resistant tuberculosis and community outbreaks of drug resistant tuberculosis disease; tuberculosis in immigrants, minorities, the elderly, and the homeless; and an apparent increase in cases among persons with tuberculosis infection who also have Acquired Immunodeficiency Syndrome (AIDS) or are infected with the Human T-Lymphotropic Virus Type III/Lymphadenopathy-Associated Virus (HTLV-III/LAV).

The national goal in tuberculosis control is to achieve an annual reduction of tuberculosis morbidity of at least 5 percent. The minimum short-term objectives needed to meet this goal include:

1. At least 75 percent of all initially infectious patients will become noninfectious (convert their sputum from positive to negative) within 3 months of starting treatment, and at least 95 percent will become noninfectious within 6 months.

2. At least 90 percent of all reported cases of tuberculosis will complete an American Thoracic Society/Centers for Disease Control (ATS/CDC) recommended regimen of antituberculosis drug therapy.

3. At least 95 percent of all close contacts to infectious cases will receive examinations, with at least 95 percent of all those under 15 years of age and 75 percent of all infected persons 15 years

of age and over placed on preventive treatment.

4. For close contacts and other high-risk individuals placed on preventive therapy, at least 90 percent of those persons under 15 years of age and 75 percent of all others will complete a recommended course of preventive therapy.

Cooperative Activities

The collaborative and programmatic involvement of recipients of funds and CDC is as follows:

1. Recipient Activities

a. Reporting of all tuberculosis cases, suspects, and significant laboratory results by health care providers and laboratories in both the public and private sectors; analysis of reporting trends; and implementation of updated public health record systems needed to monitor the current care status of patients, suspects, contacts, and high-risk infected persons in the community.

b. Application or intensification of directly observed drug treatment for patients and use of other strategies for ensuring completion of therapy and preventive therapy for patients and other high risk persons who will not or cannot self-administer recommended medications.

c. Deployment of outreach personnel for followup of patients and their contacts.

d. Providing tuberculosis diagnostic, treatment, and prevention services adapted to the characteristics of tuberculosis population subgroups; and implementation of innovative approaches to prevent tuberculosis in high-risk groups.

e. Development or continuation of cost-effective, medically sound tuberculosis medical care and public health policies. A major policy component should be the implementation of recommended ATS/CDC treatment and preventive therapy recommendations.

f. Program evaluation and special epidemiological investigation/analysis of unique tuberculosis problems including problems related to tuberculosis and AIDS or HTLV-III/LAV infection and problems related to tuberculosis in foreign born, drug resistance, etc.

g. Detailed investigations of all deaths from tuberculosis, tuberculosis occurring in children, and recurrent (relapse) cases, to identify causes of past program failures and to design more effective prevention and control actions for the future.

h. Evaluation of the effectiveness of program activities and achievements related to short-term objectives.

2. Centers for Disease Control Activities

a. Collaboration in the development and operation of tuberculosis case reporting and program management record systems. Assistance in analysis and evaluation of morbidity, mortality, and program management information. Assistance in the investigation and analysis of special problems such as tuberculosis in institutions or in AIDS or HTLV-III/LAV infected populations.

b. Assistance in improving program performance through onsite consultation and the provision of training materials for use by project staff.

c. Provision of onsite technical assistance in the planning, operation, and evaluation of ongoing and innovative program activities.

d. Provision of medical and programmatic consultation through telephone/written consultation.

e. Epidemiologic consultation including investigation of unusual outbreaks and problems.

f. Development and dissemination of public health and medical policies and recommendations for the diagnosis, treatment, and prevention of tuberculosis (including the development of joint ATS/CDC statements).

g. Development of program evaluation tools.

Availability of Funds

Approximately $5 million is available in Fiscal Year 1987 to continue between 40 and 48 continuation cooperative agreements. Although new applications will be considered, priority for funding will be given to continuation of existing programs. The average award is expected to be $146,000, with individual awards ranging from $26,000 to $470,000. As stated above, the President's FY 1988 budget assumes full funding of this activity from block grant and non-federal funds by FY 1990. Project periods for applications should be consistent with these plans. Cooperative agreements are usually funded in 12-month budget periods. Funding estimates outlined above may vary and are subject to change.

Use of Funds

Cooperative agreement funds may be used to support both local personnel and individuals in direct assistance (i.e., "in lieu of cash") positions under section 317 of the PHS Act, and to purchase equipment, supplies, and services directly related to project activities, particularly directly-observed therapy, patient outreach, morbidity surveillance, and program assessment. Project funds may not be used to supplant State or local funds available for tuberculosis control or to support construction costs or inpatient care.

Reporting Requirements

Semiannual narrative and performance statistical reports are required within 30 days after the end of the reporting period. Program performance reports have Office of Management and Budget (OMB) clearance (OMB No. 0920-0026). Approval of additional data items are pending. Financial status reports are required no later than 90 days after the end of each budget period. Final financial status and progress reports are required 90 days after the end of a project period.

Recipient Financial Participation

No specific matching funds are required; however, the President's FY 1988 budget assumes full funding of this activity from block grant and non-federal funds by FY 1990. The application should contain information on the applicant's contribution to the overall tuberculosis control program during its most recent accounting period pursuant to provisions of section 317(b)(2) of the PHS Act.

Application Content

1. *Initial Application.*—The initial application for a new project period must include a narrative which details:

(a) *The background and need* for support, including information that relates to factors by which the applications will be evaluated and the number of tuberculosis cases under current supervision with drug resistant organisms;

(b) Long- and short-term *objectives* of the proposed project which are consistent with the national goal outlined above, and which are specific, measurable, realistic, and time-framed;

(c) The activities and *methods* which will be employed to accomplish the objectives. Of special importance will be:

(1) The employment of outreach workers in high incidence areas for use in patient followup and directly-observed therapy programs,

(2) Information regarding alternative methods for ensuring completion of the therapy and preventive therapy, and

(3) Innovative methods to prevent tuberculosis among high-risk groups;

(d) An evaluation plan to monitor the effectiveness of the program activities and the progress made toward meeting the objectives;

(e) Current data (or plans to collect data this year) on the number of AIDS cases that have had tuberculosis by year of AIDS report and by year of tuberculosis report and the procedures which will be employed to establish and continue such surveillance, as well as the additional assessment of community *tuberculosis problems related to AIDS and HTLV-III/LAV infection;*

(f) *Fiscal information* of the applicant pursuant to provisions of section 317(b)(2) of the PHS Act, although there are no matching or cost participation requirements; and

(g) A *budget and accompanying justification* consistent with the purpose and objectives of the project, and any other information which will support the request for assistance. The budget should reflect progressive support from block grants and non-federal funds.

To insure that all necessary elements are covered, it is suggested that the applicant use the above (a)–(g) elements as the outline in writing the application.

2. *Continued Funding*—An application for continued funding of these activities within an approved project period should contain the following:

(a) A *progress report* on activities performed during the prior budget period, including a discussion of progress or lack of progress in accomplishing the objectives of the prior budget period; statistical data from recent report periods compared to baseline statistical data provided in the original application; the number of patients treated with directly-observed therapy regimens; the activities of outreach personnel employed through the cooperative agreement; populations served and the special needs of those populations which have been met through the agreement (e.g., noncompliant patients, children, foreign-born, and persons at risk for both tuberculosis infection and AIDS or HTLV-III/LAV infection); and other data and/or anecdotal situations which are exemplary of effectiveness of work performed, (e.g. reductions in hospitalizations, clinic delinquency rates, costs of treatment, etc.);

(b) *New short-term objectives* for the new budget period (consistent with availability of funds);

(c) *A description of any changes* in the need for grant support, long-term objectives, methods of operation, and evaluation procedures compared to information provided in previous applications. Of special importance is information regarding:

(1) Alternative methods for ensuring completion of therapy and preventive therapy and

(2) Innovative methods to prevent tuberculosis in high-risk groups;

(d) Current data (or plans to collect data this year) on the number of AIDS cases that have had tuberculosis by year of AIDS report and by year of tuberculosis report and should also describe plans to establish and continue such surveillance and to assess the extent of community tuberculosis problems related to AIDS and HTLV-III/LAV infection;

(e) *Fiscal information* of the applicant pursuant to provisions of section 317(b)(2) of the PHS Act; and

(f) A *budget and accompanying justification* consistent with the purpose and objectives of the project and the availability of funds. The budget should reflect progressive support from block grants and non-federal funds. To insure that all necessary elements are covered, it is suggested that the applicant use the above (a)–(f) elements as the outline in writing the continuation application.

Application Review and Evaluation Criteria

1. *Initial Application*—The initial application for a new project period will be evaluated and priority for funding of new projects established, based upon the following factors:

(a) The need for support as demonstrated in the background and need section of the application narrative including data for both 1985 and 1986 relevant to:

(1) The total number of cases reported;

(2) The number of bacteriologically confirmed cases reported;

(3) The bacteriologically substantiated incidence rate of disease;

(4) The number of tuberculosis cases among children 0–14 years of age;

(5) Significant levels of tuberculosis among individuals who were born in countries with high rates of tuberculosis; and

(6) A significant increase in tuberculosis morbidity. The number of tuberculosis cases under current supervision with organisms resistant to one or more antituberculosis drugs will also be considered in evaluating and prioritizing projects for funding.

(b) The degree to which long and short term objectives are consistent with the national goal and are realistic, specific, measurable, and consistent with availability of funds;

(c) The overall potential effectiveness of the proposed activities and methods in meeting the stated objectives, including plans for the use of outreach workers for directly observed therapy and other innovative methods for insuring compliance and preventing tuberculosis in high risk groups;

(d) The adequacy of plans to evaluate program activities and to assess the extent of community tuberculosis problems related to AIDS and HTLV-III/LAV infection;

(e) The extent to which the budget request is clearly justified, reasonable, and consistent with the intended use of cooperative agreement funds. These factors were chosen to establish the extent of an applicant's tuberculosis problem and incorporate the intent of Congress for expenditure of these funds.

2. *Continued FundingT1—Continuation awards within a project period will be made on the basis of the following criteria:*

(a) Availability of funds;

(b) Satisfactory documentation of progress in meeting project objectives including data comparing current reports with baseline data from the original application, data on the number of persons treated with directly observed therapy, reports of activities of project employed outreach workers, data on populations served and special needs met as well as other exemplary data and/or anecdotal reports;

(c) The extent to which the objectives for the new budget period are realistic, specific, and measurable, consistent with the purpose of the cooperative agreement, and relate to the use of other innovative methods (in addition to outreach workers) for insuring therapy compliance and preventing tuberculosis in high risk groups;

(d) The potential success of the new or revised methods of operation in meeting the proposed objectives;

(e) The adequacy of plans to evaluate program activities and to assess the extent of community tuberculosis problems related to AIDS and HTLV-III/LAV infection;

(f) The extent to which the budget request is clearly justified, reasonable, and consistent with the intended use of cooperative agreement funds.

Application Submission and Deadline

The original and one copy of the application must be submitted to Chief, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., Room 321, Atlanta, Georgia 30305, on or before April 6, 1987.

1. *Deadline.* Applications shall be considered as meeting the deadline if they are either:

a. Received at the above address on or before the deadline date, or

b. Sent on or before the deadline date and received in time for submission to

the independent review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

2. *Late Applications.* Applications which do not meet the criteria in either paragraph a. or b. above are considered late applications. Late applications will not be considered in the current competition and will be returned to the applicant.

3. *Copies of Applications.* A copy of the application should be simultaneously submitted to the appropriate Department of Health and Human Services Regional Office listed below. For applicants who are other than State agencies, the appropriate State health agency should be notified of the submission of the application.

Other Submission and Review Requirements

Applications are subject to review as governed by Executive Order 12372, Intergovernmental Review of Federal Programs.

Where to Obtain Additional Information

Information on application procedures, copies of application forms, and other material may be obtained from Nealean Austin, Grant Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., Room 321, Atlanta, Georgia 30305, telephone (404) 262-6575, or FTS 236-6575. Technical assistance may be obtained from John J. Seggerson, Division of Tuberculosis Control, Center for Prevention Services, Centers for Disease Control, Atlanta, Georgia 30333, telephone (404) 329-2508, or FTS 236-2508. Technical assistance is also available from the appropriate Department of Health and Human Services Regional Office.

Dated: January 29, 1987.

Robert L. Foster,

Acting Director, Office of Program Support Centers for Disease Control.

Department of Health and Human Services (HHS) Regional Offices

Regional Health Administrator, PHS, HHS Region I, John Fitzgerald Kennedy Building, Boston, Massachusetts 02203, (617) 223-6827

Regional Health Administrator, PHS, HHS Region II, Federal Building, 26 Federal Plaza, Room 3337, New York, New York 10278, (212) 264-2561

Regional Health Administrator, PHS, HHS Region III, Gateway Building #1, 3521-35 Market Street, Mailing Address: P.O. Box 13716, Philadelphia, Pennsylvania 19101, (215) 596-6637

Regional Health Administrator, PHS, HHS Region IV, 101 Marietta Tower, Suite 1007, Atlanta, Georgia 30323, (404) 221-2316

Regional Health Administrator, PHS, HHS Region V, 300 South Wacker Drive, 33rd Floor, Chicago, Illinois 60606, (312) 353-1385

Regional Health Administrator, PHS, HHS Region VI, 1200 Main Tower Building, Room 1835, Dallas, Texas 75202, (214) 767-3879

Regional Health Administrator, PHS, HHS Region VII, 601 East 12th Street, Kansas City, Missouri 64106, (816) 374-3291

Regional Health Administrator, PHS, HHS Region VIII, 1185 Federal Building, 1961 Stout Street, Denver, Colorado 80294, (303) 844-6163

Regional Health Administrator, PHS, HHS Region IX, 50 United Nations Plaza, San Francisco, California 94102, (415) 556-5810

Regional Health Administrator, PHS, HHS Region X, 2901 Third Avenue, M.S. 402, Seattle, Washington 98121, (206) 442-0430

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BILLING CODE 4160-18-M

Meeting on Role of Antibody Testing in the Prevention and Control of AIDS

Time and date: 8:30 a.m.—5:45 p.m.—February 24, 1987; 8:30 a.m.—12:00 noon—February 25, 1987

Place: Hyatt Regency Hotel, Peachtree Center, Atlanta, Georgia (404/577-1234)

Status: Open

Matters to be Discussed: This meeting is being convened to discuss issues related to the implementation of antibody testing to prevent further spread of AIDS virus infection. The purpose of the meeting is to identify strategies to encourage the use of antibody testing to prevent spread of infection with the AIDS virus.

The meeting will be open to the public limited only by the space available. The meeting room accommodates approximately 250 people.

Registration materials for the meeting will be available at 7:30 a.m. on Tuesday, February 24. The opening plenary session is scheduled for 8:30 a.m. This will be followed by workshops with panels of experts to explore specific applications of antibody testing for prevention of infection. A portion of each workshop will be set aside to hear members of the public. The workshops will be summarized at the closing plenary session of February 25, and the meeting will adjourn about 12 noon.

Advance notification to the AIDS Program, CDC, of your intent to attend the meeting is desired, but not required, due to limited meeting space available. Reservations for hotel accommodations should be made directly.

Contact Person for more Information: Additional information concerning the conference and preregistration materials may be obtained from:

Thomas A. Leonard, Senior Public Health Advisor

or

James R. Allen, M.D., Assistant Director for Medical Science, AIDS Program, CID, CDC, 1600 Clifton Road, N.E., Atlanta, GA 30333, Telephones: FTS: 236-2407, Commercial: 404/329-2407

Dated: January 29, 1987.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control

[FR Doc. 87-2157 Filed 2-3-87; 8:45 am]

BILLING CODE 4160-18-M

Agency for Toxic Substances and Disease Registry; Public Health Service; Meeting

ACTION: Notice of meeting.

The following meeting will be convened by the Agency for Toxic Substances and Disease Registry (ATSDR), U.S. Public Health Service, and will be open to the public for observation and participation, limited only by the space available:

Dates: March 23-24, 1987

Times: 8 a.m.-5 p.m.—March 23, 8 a.m.-3 p.m.—March 24

Place: Westin Peachtree Plaza, Peachtree at International Boulevard, Atlanta, Georgia 30343-9986

Status: Open

Purpose: To review and discuss the ATSDR *National Registry Proposal* for registering individuals exposed to select environmental hazardous substances. Viewpoints and suggestions from industry, organized labor, environmental groups, academia, State and Federal government agencies, and the public are invited. The meeting will be conducted as a workshop and will focus on organizational, ethical, and social issues concerning a National exposure registry.

Contact person for more information: Copies of the proposal and additional information about the meeting may be obtained from: Wendy E. Kaye, Ph.D., ATSDR, Exposure Registry

Implementation Group, 1600 Clifton Road, NE., Atlanta, GA 30333, Telephones: FTS: 236–4592, Commercial: (404) 454–4592.

Dated: January 29, 1987.

Elvin Hilyer,

Associate Director for Policy Coordination.

[FR Doc. 87–2158 Filed 2–3–87; 8:45 am]

BILLING CODE 4160–18–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of Applicants for Permits

The following applicant's have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

PRT–714657

Applicant: John Sutterlin, Auburn, WA.

The applicant requests a permit to import four male and three female, captive born white eared pheasants (*Crossoptilon crossoptilon*) from Harry J. Hardy, South View Aviaries, Burnaby, British Columbia for the purpose of captive breeding.

PRT–714788

Applicant: Dallas Zoo, Dallas, TX.

The applicant requests a permit to purchase, in interstate commerce, one female back rhino (*Diceros bicornus*) from Roman Schmitt, Tampa, FL, for possible captive breeding and for conservation education and exhibition.

PRT–714783

Applicant: Robert Barnes, Soldotna, AK.

The applicant requests a permit to import a trophy from a bontebok (*Damaliscus dorcas dorcas*) which was a member of a captive herd maintained by F.W.M. Bowker, Grahamstown, Republic of South Africa. The herd is maintained for the purpose of sport hunting. The applicant contends that permission to import this trophy will enhance the likelihood of the continued maintenance of this herd and thereby enhance the likelihood of the survival of the species.

PRT–714960

Applicant: Memphis Zoological Gardens, Memphis, TN.

The applicant requests a permit to import one pre-reproductive female giant panda (*Ailuropoda melanoleuca*) from the Chapultepec Park Zoo, Mexico City, Mexico, where she was born, for purposes of display, research and conservation education. The panda may stay at the Memphis Zoo up to six months after which she will be reexported back to the Chapultepec Zoological Park.

Documents and other information submitted with these applications are available to the public during normal business hours (7:45 am to 4:15 pm) Room 611, 1000 North Glebe Road, Arlington, Virginia 22201, or by writing to the Director, U.S. Fish and Wildlife Service of the above address.

Interested persons may comment on any of these applications within 30 days of the date of this publication by submitting written views, arguments, or data to the Director at the above address. Please refer to the appropriate PRT number when submitting comments.

Dated: January 29, 1987.

R.K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 87–2152 Filed 2–3–87; 8:45 am]

BILLING CODE 4310–55–M

Bureau of Land Management

[CO–050–07–4322–02]

Canon City District Grazing Advisory Board; Public Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463) notice is hereby given of a meeting of the Canon City District Grazing Advisory Board to be held at 10:00 a.m., Friday, March 6, 1987, at the Chaffee County Bank, 146 'G' Street, Salida, Colorado.

Agenda will include (1) expenditure of range betterment funds (2) proposals for expenditure of range improvement funds for fiscal year 1988 (3) review of the Rangeland Program Summary update for the Royal Gorge Grazing EIS area, and (4) any other issues dealing with grazing management in the Canon City District.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public. Space for the public is limited and persons will be accommodated on a first come, first serve basis. Any member of the public may file with the Board a written statement concerning matters to be discussed. A portion of the meeting time will be set aside at 2:00 p.m. to hear members of the public. Minutes of the meeting will be made available for public inspection 30 days after the meeting.

FOR FURTHER INFORMATION CONTACT: Donnie Sparks, Bureau of Land Management, P.O. Box 311, 3080 East Main Street, Canon City, Colorado 81212, (303) 275–0631.

Donnie R. Sparks,

District Manager.

[FR Doc. 87–2227 Filed 2–3–87; 8:45 am]

BILLING CODE 4310–JB–M

[U–58166; UT–040–4212–14]

Realty Action, Sale of Public Lands in Kane County, Utah

AGENCY: Department of the Interior, Bureau of Land Management.

ACTION: Under section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) public land described as SW1/4SW1/4NE1/4NW1/4, Section 10, T. 40 S., R. 7 W., SLB&M, Utah totaling 2.5 acres is proposed for direct sale to Isaac and Sylvia Chamberlain at the appraised fair market value of $1,250.00. The purpose of the sale is to dispose of public land that is difficult and uneconomical to manage by a government agency. The lands described are hereby segregated from all forms of appropriation under the public land laws, including the mining laws, pending disposition of this action.

ADDRESS: Detailed information concerning the sale is available at the Kanab Area Office, 318 North First East, Kanab, Utah 84741, (801) 644–2672. Comments should also be sent to the same address. The sale will be held in the Kanab Area Office, BLM, 318 North First East, Kanab, Utah 84741.

DATES: Comments will be accepted until March 23, 1987. The sale will be held on April 7, 1987 at 10:00 a.m.

SUPPLEMENTARY INFORMATION: The terms and conditions applicable to the sale are:

1. The sale will be for the surface estate only. Minerals will remain with the United States Government.

2. There is reserved to the United States a right-of-way for ditches or canals constructed by the authority of the United States, Act of August 30, 1890, (26 Stat. 391, 42 U.S.C. 945).

3. Title transfer will be subject to valid existing rights, including a county road right-of-way crossing the southwest corner of the 2.5 acre tract.

Any objections received during the comment period will be reviewed by the State Director who may sustain, vacate or modify this realty action. In the absence of any objections, this realty action notice will become the final determination of the Department of the Interior.

Dated: January 26, 1987.

Morgan S. Jensen,

District Manager.

[FR Doc. 87-2207 Filed 2-3-87; 8:45 am]

BILLING CODE 4310-DQ-M

[NM 940-7-4520-12-0838]

New Mexico; Filing of Plat of Survey

January 26, 1987.

The plat of survey, in three sheets, described below was officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico, effective at 10:00 a.m. on January 23, 1987.

A survey representing the dependent resurvey of a portion of the subdivisional lines, and certain small holding claim boundaries in sections 8 and 17, the subdivision of sections 8 and 18, and the survey of lots in sections 8 and 17, Township 26 North, Range 8 East, New Mexico Principal Meridian, New Mexico, under Group 836 NM.

This survey was requested by the District Manager, Albuquerque, New Mexico.

The plat will be in the open files of the New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87504. Copies of the plat may be obtained from that office upon payment of $2.50 per sheet.

Ronald E. Paisley,

Acting Chief, Branch of Cadastral Survey.

[FR Doc. 87-2208 Filed 2-3-87; 8:45 am]

BILLING CODE 4310-FB-M

[NM-940-07-4220-11; NM NM 46842; NM NM 0554865]

New Mexico; Proposed Continuation of Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Forest Service, U.S. Department of Agriculture proposes that two withdrawals for the Grants Ranger Station Administrative Site continue for an additional 18 years. The land would remain closed to surface entry and mining but has been and would remain open to mineral leasing.

DATE: Comments should be received by May 5, 1987.

ADDRESS: Comments should be sent to: New Mexico State Director, P.O. Box 1449, Santa Fe, NM 87504-1449.

FOR FURTHER INFORMATION CONTACT: Kay Thomas, BLM, New Mexico State Office, (505) 988-6589.

The Forest Service, U.S. Department of Agriculture proposes that the existing land withdrawals made by Public Land Order No. 3611 of April 8, 1965, and Executive Order No. 3889 of August 13, 1923, be continued for a period of 18 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714. The land is described as follows:

New Mexico Principal Meridian Cibola National Forest

T. 11 N., R. 10 W.,
Sec. 24, E½SE¼.

The area described contains 80.00 acres in Cibola County.

The withdrawal is essential for protection of substantial capital improvements on the Grants Ranger Station Administrative Site, Mount Taylor Ranger District. The withdrawals closed the described lands to surface entry and mining but not mineral leasing. No change in the segregative effect or use of the land is proposed by this action.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the Chief, Branch of Lands and Minerals Operations, in the New Mexico State Office.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

Dated: January 22, 1987.

Sally Wisely,

Acting State Director.

[FR Doc. 87-2209 Filed 2-3-87; 8:45 am]

BILLING CODE 4310-FB-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-309 (Final)]

Butt-Weld Pipe Fittings From Japan; Import Investigation

Determination

On the basis of the record [1] developed in the subject investigation, the Commission unanimously determines, pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(d)), that an industry in the United States is materially injured by reason of imports from Japan of carbon steel butt-weld pipe and tube fittings, under 14 inches in inside diameter, [2] provided for in item 610.88 of the Tariff Schedules of the United States (TSUS), which have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).

Background

The Commission instituted this investigation effective August 11, 1986, following a preliminary determination by the Department of Commerce that imports of butt-weld pipe fittings from Japan [3] were being sold at LTFV within the meaning of section 731 of the Act (19 U.S.C. 1673). Notice of the institution of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of August 27, 1986 (51 FR 30557). The hearing was held in Washington, DC, on October 28, 1986, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on January 27, 1987. The views of the Commission are contained in USITC Publication 1943

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[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] For purposes of this investigation, such fittings may be finished or unfinished but, if forged, must be advanced beyond forging. Such advancements may include any one or more of the following: coining, heat treatment, shot blasting, grinding, die stamping, or painting. Such fittings do not include couplings (provided for in TSUS item 610.86). Also excluded from the scope of this investigation are induction pipe bends classifiable under TSUS item 610.88 which have at one or both ends tangents that equal or exceed 12 inches in length.

[3] The Commission also instituted investigations Nos. 731-TA-308 and 310 (Final) concerning imports of butt-weld pipe fittings from Brazil and Taiwan. The Commission made unanimous affirmative injury determinations in those investigations in December 1986.

(January 1987), entitled "Butt-Weld Pipe Fittings From Japan: Determination of the Commission in Investigation No. 731-TA-309 (Final) Under the Tariff Act of 1930, Together With the Information obtained in the Investigation."

Issued: January 29, 1987.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 87-2113 Filed 2-3-87; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-261]

Certain Ink Jet Printers Employing Solid Ink; Notice of Import Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on December 23, 1986, pursuant to section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, on behalf of E/D Venture, Route 13, Milford, New Hampshire 03055; Exxon Printing Systems, Inc., 1112 Federal Road, Brookfield, Connecticut 06804; and Dataproducts Corporation, 6200 Canoga Avenue, Woodland Hills, California 91365. An amendment to the complaint was filed on January 9, 1987, which states that complainant Exxon Printing Systems, Inc.'s name has been changed to Reliance Printing Systems, Inc. The complaint, as amended, alleges unfair methods of competition and unfair acts in the importation into the United States of certain ink jet printers employing solid ink, and in their sale, by reason of alleged (1) direct and contributory infringement of, and inducement to infringe, claims 11, 15–17, 20–23, 4–45, 47, 49, 52–54 and 57–61 of U.S. Letters Patent No. 4,631,557; (2) direct and contributory infringement of, and inducement to infringe, claims 1–5, 7–9, 11–12, 14–17, and 19–21 of U.S. Letters Patent No. 4,593,292; and (3) misappropriation of trade secrets. The complaint, as amended, further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an efficiently and economically operated, domestic industry, or to prevent the establishment of such an industry in the United States.

The complainant requests that the Commission institute an investigation and, after a full investigation, issue a permanent exclusion order and permanent cease and desist orders.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sulzer, Esq., or Regina A. Loughran, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-523-0419 and 202-523-1088, respectively.

Authority

The authority for institution of this investigation is contained in section 337,of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on January 21, 1987, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain ink jet printers employing solid ink into the United States, or in their sale, by reason of alleged (1) direct and contributory infringement of, and inducement to infringe, claims 11, 15–17, 20–23, 44–45, 47, 49, 52–54 and 57–61 of U.S. Letters patent No. 4,631,557; (2) direct and contributory infringement of, and inducement to infringe, claims 1–5, 7–9, 11–12, 14–17, and 19–21 of U.S. Letters Patent No. 4,593,292; and (3) misappropriation of trade secrets, the effect or tendency of which is to destroy or substantially injure an efficiently and economically operated domestic industry or to prevent the establishment of such an industry in the United States;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are—

E/D Venture, Route 13, Milford, New Hampshire 03055

Reliance Printing Systems, Inc., 1112 Federal Road, Brookfield, Connecticut 06804

Dataproducts Corporation, 6200 Canoga Avenue, Woodland Hills, California 91365

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint and the amendment to the complaint are to be served:

Tokyo Juki Industrial Co., Ltd., 2-1, Kokuryo-cho, 8-Chome, Chofu-shi, Tokyo, Japan

Howtek, Inc., 21 Park Avenue, Hudson, New Hampshire 03051

(c) Stephen L. Sulzer, Esq., and Regina A. Loughran, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 701 E Street NW., Room 124 and Room 126, respectively, Washington, DC 20436, shall be the Commission investigative attorneys, party to this investigation; and

(3) For the investigation so instituted, Janet D. Saxon, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding administrative law judge.

Responses must be submitted by the named respondents in accordance with section 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 210.21(a) of the rules (19 CFR 201.16(d) and 210.21(a)), such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting responses will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint, as amended, and in this notice, may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint and the amendment to the complaint, except for any confidential information contained therein, are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, DC 20436, telephone 202-523-0471. Hearing-impaired individuals are advised that information, on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

Issued: January 29, 1987.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 87-2160 Filed 2-3-87; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-262]

Certain Hard Sided Molded Luggage Cases; Notive of Import Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on December 31, 1986, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) by Samsonite Corporation, 11200 East Forty-Fifth Avenue, Denver, Colorado 80239. The complaint was supplemented on January 23, 1987. The complaint, as supplemented, alleges unfair methods of competition and unfair acts in the importation of certain hard sided molded luggage cases into the United States, and in their sale, by reason of alleged (1) common law trademark infringement; (2) violation of section 43(a) of the Lanham Act (15 U.S.C. 1125(a)); (3) common law passing off; and (4) common law unfair competition. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests that the Commission institute an investigation and, after a full investigation, issue a permanent exclusion order and permanent cease and desist orders.

FOR FURTHER INFORMATION CONTACT: Juan Cockburn, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202–523–1272.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 220.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on January 27, 1987, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain hard sided molded luggage cases into the United States, or in their sale, by reason of alleged (1) common law trademark infringement; (2) false representation; (3) common law passing off; and (4) common law unfair competition, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—

Samsonite Corporation, 11200 East Forty-Fifth Avenue, Denver, Colorado 80239

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Cosmopolitan Trunk and Leather Mfg. Co., Ltd., P.O. Box 9–22, Tainan, Taiwan

Echolac Company, Ltd., Seventh Floor, 3 Tun Hwa South Road, Taipei, Taiwan

Eminent Enterprise Company, Seventh Floor, 197 Nan King East Road, Section 4, Taipei, Taiwan

Dunson Industrial Co., Ltd., 164 Kuang Gua Road, Ching Shui Chen, Tai Chung Hsien, Taiwan

The Baltimore Luggage Co., 1919 Annapolis Road, Baltimore, Maryland 21230

Edison Luggage Corp., 1270 Broadway, New York, New York 10001

Tahoe International Inc., 184 Riverdale Road, Riverdale, New Jersey 07675

Akron Industries, Inc., 3401–3411 N.W. 48th Street, Miami, Florida 33142

(c) Juan Cockburn, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 701 E Street NW., Room 128, Washington, DC 20436, shall be the Commission investigative attorneys, party to this investigation; and

(4) For the investigation so instituted, Janet D. Saxon, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding administrative law judge.

Responses must be submitted by the named respondents in accordance with section 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 210.21(a) of the rules (19 CFR 201.16(d) and 210.21(a)), such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting responses will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, DC 20436, telephone 202–523–0471. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

Issued: January 29, 1987.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 87–2159 Filed 2–3–87; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–252]

Certain Heavy Duty Mobile Scrap Shears; Commission Decision Not To Review an Initial Determination Granting a Motion for Summary Determination; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Nonreview of the presiding administrative law judge's initial determination granting respondents' motion for summary determination on the issue of infringement in the above-captioned investigation.

SUMMARY: On November 13, 1986, respondents Dudley Shearing Machine Manufacturing Co., Ltd. and Dudley Shearing, Inc. moved for summary determination on the issue of infringement (Motion No. 252–7). Complainant LaBounty Manufacturing Inc. (LaBounty) opposed the motion. On December 9, the presiding administrative law judge (ALJ) heard oral argument on the moton.

On December 24, 1986, the ALJ issued an initial determination (ID) granting respondents' motion for summary determination and terminating the investigation (Order No. 21). In the ID, the ALJ determined that respondents were not infringing the claims of LaBounty's U.S. patent at issue in the investigation.

After reviewing all of the documents regarding this matter, the Commission has determined not to review the ID. This action terminates the investigation.

FOR FURTHER INFORMATION CONTACT: Kristian E. Anderson, Esq., Office of the General Counsel, U.S. International Trade Commission, Washington, DC 20436, telephone 202–523–0074.

SUPPLEMENTARY INFORMATION:

Authority

This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and Commission rules 210.53 and 210.54 (19 CFR 210.53, 210.54).

Background

On June 25,1986, LaBounty filed a section 337 compliant alleging the respondents were violating section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Specifically, complainant Bergen originally alleged that respondents are infringing claims 1–22 of U.S. Letters patent 4,519,135. On July 30, 1986, the Commission instituted the present investigation. 51 FR 27261.

Public Inspection

Copies of the ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, DC 20436, telephone 202–523–0161. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

Issued: January 29, 1987.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 87–2161 Filed 2–3–87; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. TA–203–16]

Stainless Steel and Alloy Tool Steel, Import Investigation

AGENCY: United States International Trade Commission.

ACTION: Institution of an investigation under section 203(i)(3) of the Trade Act of 1974 (19 U.S.C. 2253(i)(3)) and scheduling of a hearing to be held in connection with the investigation.

SUMMARY: Following receipt of a petition filed on January 14, 1987 on behalf of the Specialty Steel Industry of the United States (SSIUS) and the United Steelworkers of America (AFL–CIO), the United States International Trade Commission instituted investigation No. TA–203–16 under section 203 of the Trade Act of 1974 for the purpose of gathering information in order that it might advise the President of its judgment as to the probable economic effect on the domestic industry concerned of the termination of the import relief presently in effect with respect to stainless or alloy tool steel, provided for in items 606.90, 606.93, 606.94, 606.95, 607.26, 607.28, 607.34, 607.46, 607.54, 607.72, 607.76, 607.88, 607.90, 608.26, 608.29, 608.34, 608.43, 608.49, 608.57, 608.64, and 609.45 of the Tariff Schedules of the United States (TSUS). Such import relief is provided for in Presidential Proclamation 5074 of July 19, 1983 (48 FR 33233) and is described in items 926.04, 926.05, 926.12, 926.13, 1926.17, 926.18, 926.22, and 926.23 of the appendix to the TSUS. The relief is scheduled to terminate on July 19, 1987, unless extended by the President.

For further information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 206, subparts A and B (19 CFR part 206), and part 201, subparts A through E (19 CFR Part 201).

EFFECTIVE DATE: January 27, 1987.

FOR FURTHER INFORMATION CONTACT: Judith C. Zeck (202–523–0339), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

SUPPLEMENTARY INFORMATION:

Participation in the investigation.—Persons wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than twenty-one (21) days after publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service list.—Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance. In accordance with § 201.16(c) of the rules (19 CFR 201.16(c)), each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Hearing.—The Commission will hold a hearing in connection with this investigation beginning at 9:30 a.m. on April 2, 1987, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on March 13, 1987. All persons desiring to appear at the hearing and make oral presentations, with the exception of public officials and persons not represented by counsel, should file prehearing briefs and attend a prehearing conference to be held at 9:30 a.m. on March 18, 1987, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs in March 27, 1987. Posthearing briefs must be submitted not later than the close of business on April 9, 1987. Confidential material should be filed in accordance with the procedures described below.

Parties are encouraged to limit their testimony at the hearing to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. Any written materials submitted at the hearing must be filed in accordance with the procedures described below and any confidential materials must be submitted at least three (3) working days prior to the hearing (see § 201.6(b)(2) of the Commission's rules (19 CFR 201.6(b(2))).

Written submissions.—As mentioned, parties to this investigation may file prehearing and posthearing briefs by the dates shown above. In addition, any person who has entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before April 9, 1987. A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for

confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

Authority: This investigation is being conducted under the authority of section 203 of the Trade Act of 1974. This notice is published pursuant to § 201.10 of the Commission's rules (19 CFR 201.10).

Issued: January 29, 1987.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 87-2162 Filed 2-3-87; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-250]

Certain Ventilated Motorcycle Helmets; Initial Determination Terminating Respondents on the Basis of Settlement Agreement

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondents on the basis of a settlement agreement: Marushin Kogyo Company, Ltd. (Marushin) and Hoppe & Associates, Inc. (Hoppe).

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on January 30, 1987.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202-523-0161. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

Written comments: Interested persons may file written comments with the Commission concerning termination of the aforementioned respondents. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street NW., Washington, DC 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202-523-0176.

Issued: January 30, 1987.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 87-2166 Filed 2-3-87; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-250]

Certain Ventilated Motocycle Helmets; Initial Determination Terminating Respondents on the Basis of Settlement Agreement

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondents on the basis of a settlement agreement: Shoei Kako Co., Ltd and Shoei Safety Helmets Corporation (Shoei).

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on January 30, 1987.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202-523-0161. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

Written comments: Interested persons may file written comments with the Commission concerning termination of the aforementioned respondents. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, DC 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202-523-0176.

Issued: January 30, 1987.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 87-2167 Filed 2-3-87; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-337 (Final)]

Certain Paint Filters and Strainers From Brazil

AGENCY: United States International Trade Commission.

ACTION: Institution of a final antidumping investigation

SUMMARY: The Commission hereby gives notice of the institution of final antidumping investigation No. 731-TA-337 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Brazil of disposable paint filters and strainers of paper, containing cotton gauze, provided for in item 256.90 of the Tariff Schedules of the United States (TSUS), of cotton gauze, containing paper, provided for in TSUS item 386.53, or of man-made fibers, provided for in TSUS item 389.62, which have been found by the

Department of Commerce, in a preliminary determination, to be sold in the United States at less than fair value (LTFV). The Commission will make its final injury determination within forty-five days after notification of Commerce's final determination (see sections 735(a) and 735(b) of the act (19 U.S.C. (1673d(a) and 1673d(b))).

For further information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's rules of practice and procedure, part 207, subparts A and C (19 CFR part 207), and part 201, subparts A through E (19 CFR part 201).

EFFECTIVE DATE: December 30, 1986.

FOR FURTHER INFORMATION CONTACT: Brian Walters (202–523–0104), Office of Investigations, U.S. International Trade Commisison, 701 E Street NW., Washington, DC 20436. Hearing-imparied individuals may obtain information on this matter by contacting the Commission's TDD terminal on 202–724–0002. Information may also be obtained via electronic mail by assessing the Office of Investigations' remote bulletin board system for personal computers at 202–523–0103.

SUPPLEMENTARY INFORMATION:

Background.—This investigation is being instituted as a result of an affirmative preliminary determination by the Department of Commerce (51 FR 47037, Dec. 30, 1986) that imports of certain paint filters and strainers from Brazil are being sold in the United States at less than fair value within the meaning of section 731 of the act (19 U.S.C. 1637). The investigation was requested in a petition filed on July 15, 1986, by the Louis M. Gerson Co., Inc., Middleboro, Massachusetts. In response to that petition the Commission conducted a preliminary antidumping investigation and, on the basis of information developed during the course of that investigation, determined that there was a reasonable indication that an industry in the United States was materially injured by reason of imports of the subject merchandise (51 FR 32257, September 15, 1986).

Participation in the investigation.—Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than twenty-one (21) days after the publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service list.—Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance. In accordance with §§ 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each doucment filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Hearing, staff report, and written submissions.—The Commission will hold a hearing in connection with this investigation at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC; the time and date of the hearing will be announced at a later date. A public version of the prehearing staff report in this investigation will be placed in the public record prior to the hearing, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21) The dates for filing prehearing and posthearing briefs and the date for filing other written submissions will also be announced at a later date.

Authority. This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

Issued: January 29, 1987.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 87–2164 Filed 2–3–87; 8:45 am]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB–55 (Sub-No. 192]

CSX Transportation, Inc.; Abandonment in Mecklenburg County, Va, and Warren County, NC; Findings

The Commission has issued a certificate authorizing CSX Transportation, Inc., to abandon its 18.79-mile rail line between Meredith, VA (Milepost S–79.61), and Norlina, NC (milepost S–98.4) in Mecklenburg County, VA, and Warren County, NC. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial 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 served on the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face: "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.

Decided: January 29, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons. Vice Chairman Lamboley dissented with a separate expression.

Noreta R. McGee,

Secretary.

[FR Doc. 87–2333 Filed 2–3–87; 8:45 am]

BILLING CODE 7035–01–M

NUCLEAR REGULATORY COMMISSION

State of Illinois; Staff Assessment of Proposed Agreement Between the NRC and the State of Illinois

[Editorial Note: The following document was originally published at page 2309 in the issue of Wednesday, January 21, 1987. The document is being republished at the request of the agency.]

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of proposed agreement with State of Illinois.

SUMMARY: Notice is hereby given that the U.S. Nuclear Regulatory Commission is publishing for public comment the NRC staff assessment of a proposed agreement received from the Governor of the State of Illinois for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended. Comments are requested on the public health and safety aspects of the proposal.

A staff assessment of the State's proposed program for control over sources of radiation is set forth below as supplementary information to this notice. A copy of the proposed agreement, program narrative, including the referenced appendices, applicable State legislation and Illinois regulations, is available for public inspection in the

Commission's public document room at 1717 H Street NW., Washington, DC, the Commission's Region III Office, 799 Roosevelt Road, Building No. 4, Glen Ellyn, Illinois, and the Illinois Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois. Exemptions from the Commission's regulatory authority, which would implement this proposed agreement, have been published in the **Federal Register** and codified as Part 150 of the Commission's regulations in Title 10 of the Code of Federal Regulations.

DATE: Comments must be received on or before January 30, 1987 * .

ADDRESSES: Written comments may be submitted to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Comments may also be delivered to Room 4000, Maryland National Bank Building, Bethesda, Maryland from 8:15 a.m. to 5:00 p.m. Monday through Friday. Copies of comments received may be examined at the NRC Public Document Room, 1717 H Street NW., Washington DC.

FOR FURTHER INFORMATION CONTACT: Joel O. Lubenau, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone: 301–492–9887.

SUPPLEMENTARY INFORMATION: Assessment of Proposed Illinois Program to Regulate Certain Radioactive Materials Pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

The Commission has received a proposal from the Governor of Illinois for the State to enter into an agreement with the NRC whereby the NRC would relinquish and the State would assume certain regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

Section 274e of the Atomic Energy Act of 1954, as amended, requires that the terms of the proposed agreement be published for public comment once each week for four consecutive weeks. Accordingly, this notice will be published four times in the **Federal Register.**

I. Background

A. Section 274 of the Atomic Energy Act of 1954, as amended, provides a mechanism whereby the NRC may transfer to the States certain regulatory authority over agreement materials [1] when a State desires to assume this authority and the Governor certifies that the State has an adequate regulatory program, and when the Commission finds that the State's program is compatible with that of the NRC and is adequate to protect the public health and safety. Section 274g directs the Commission to cooperate with the States in the formulation of standards for protection against radiation hazards to assure that State and Commission programs for radiation protection will be coordinated and compatible. Further, section 274j provides that the Commission shall periodically review such agreements and actions taken by the States under the agreements to ensure compliance with the provisions of this section.

B. In a letter dated October 2, 1986, Governor James P. Thompson of the State of Illinois requested that the Commission enter into an agreement with the State pursuant to section 274 of the Atomic Energy Act of 1954, as amended. The Governor certified that the State of Illinois has a program for control of radiation hazards which is adequate to protect the public health and safety with respect to the materials within the State covered by the proposed agreement, and that the State of Illinois desires to assume regulatory responsibility for such materials. The text of the proposed agreement is shown in Appendix A.

The specific authority requested is for (1) byproduct material as defined in section 11e.(1) of the Act, (2) source material, (3) special nuclear material in quantities not sufficient to form a critical mass and (4) permanent disposal of low-level waste containing one or more of the foregoing materials but not containing uranium and thorium mill tailings (byproduct material as defined in section 11e.(2) of the Act. The State does not wish to assume authority over uranium recovery activities. The State, however, reserves the right to apply at a future date to NRC for an amended agreement to assume authority in this area. The nine articles of the proposed agreement cover the following areas:

I. Lists the materials covered by the agreement.

II. Lists the Commission's continued authority and responsibility for certain activities.

III. Allows for future amendment of the agreement.

IV. Allows for certain regulatory changes by the Commission.

V. References the continued authority of the Commission for common defense and security for safeguard purposes.

VI. Pledges the best efforts of the Commission and the State to achieve coordinated and compatible programs.

VII. Recognizes reciprocity of licenses issued by the respective agencies.

VIII. Sets forth criteria for termination or suspension of the agreement.

IX. Specifies the effective date of the agreement.

C. Ill. Rev. Stat. 1985, ch. 127, par. 63b17, the enabling statute for the Illinois Department of Nuclear Safety authorizes the Department to issue licenses to, and perform inspections of, users of radioactive materials under the proposed agreement and otherwise carry out a total radiation control program. Illinois regulations for radiation protection were adopted on September 25, 1986 under authority of the enabling statute and provide standards, licensing, inspection, enforcement and administrative procedures for agreement and non-agreement materials. Pursuant to § 330.360 the regulations will apply to agreement materials on the effective date of the agreement. The regulations provide for the State to license and inspect users of naturally-occurring and accelerator-produced radioactive materials.

D. Illinois is one of two States with a cabinet-level agency devoted exclusively to radiation safety and control. Illinois' role in radiation safety is traceable to 1955 when the Illinois General Assembly created the Atomic Power Investigating Commission. The Illinois Department of Nuclear Safety Program provides a comprehensive program encompassing radiation protection regulation for radioactive materials and machine produced radiation, lasers, low-level radioactive waste management, surveillance of transportation of radioactive materials and environmental radiation, coordination of State government functions concerning nuclear power and emergency preparedness.

E. The proposed illinois Agreement will cover several unique facets. It will include (1) regulation of a low-level waste disposal site which is no longer accepting low-level radioactive waste for disposal (Sheffield), (2) regulation of a new regional low-level waste disposal facility, (3) regulation of one of only two licensed uranium conversion plants in the United States (Allied-Chemical) and (4) assumption of regulatory

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* The Nuclear Regulatory Commission revised the deadline for comments to February 20, 1987, in a document published at page 2309 in the issue of Wednesday, January 21, 1987.

[1] A. Byproduct materials as defined in 11e(1)
B. Byproduct materials as defined in 11e(2)
C. Source materials; and
D. Special nuclear materials in quantities not sufficient to form a critical mass

responsibility for off-site source material resulting from operation of the Kerr-McGee West Chicago Rare Earths Facility (including such material which is, or may be, stored on the Kerr-McGee site). Jurisdiction over the tailings materials at this site (by-product material as defined by section 11e(2) of the Act) will remain with NRC. The State's proposed programs for low-level radioactive waste disposal and the Allied Chemical plant are assessed under Criteria nos. 9, "Radioactive Waste Disposal" and 20 "Personnel." The disposition of the regulatory responsibility for the Kerr-McGee radioactive materials resulting from the operation of the Rare Earths Facility is covered in the assessment under Crtierion 25, "Existing NRC Licenses and Pending Applications."

Under the proposed agreement jurisdiction for health and safety for Allied Chemical's plant would be transferred to Illinois. The Allied Chemical plant is one of 2 plants in the United States licensed to convert uranium "yellowcake" to UF_6. NRC staff is reviewing the common defense and security significance of the Allied Chemical plant in consultation with appropriate Federal agencies. Section 274 agreements are approved by the Commission when, among other things, the proposed State program is adequate to protect the public health and safety. The NRC staff assessment finds the proposed Illinois program will provide adequately for public health and safety. The Atomic Energy Act, as amended, however, states that such agreements shall not affect the Commission's authority to protect the common defense and security. The decision on whether to exclude the Allied Chemical plant from the Agreement will be made by the Commission concurrent with its decision on the Illinois request for an Agreement.

II. NRC Staff Assessment of Proposed Illinois Program for Control of Agreement Materials

Reference: Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement.[2]

Objectives

1. Protection. A State regulatory program shall be designed to protect the health and safety of the people against radiation hazards.

Based upon the analysis of the State's proposed regulatory program the staff believes the Illinois proposed regulatory program for agreement materials is adequately designed to protect the health and safety of the public against radiation hazards.

Reference: Illinois Program Statement, Application for Agreement State Status.

Radiation Protection Standards

2. *Standards.* The State regulatory program shall adopt a set of standards for protection against radiation which shall apply to byproduct, source and special nuclear materials in quantities not sufficient to form a critical mass.

Statutory authority to formulate and promulgate rules for controlling exposure to sources of radiation is contained in the enabling statute. In accordance with that authority, the State adopted radiation control regulations on September 25, 1986 which include radiation protection standards which would apply to byproduct, source and special nuclear materials in quantities not sufficient to form a critical mass upon the effective date of an agreement between the State and the Commission pursuant to section 274b of the Atomic Energy Act of 1954, as amended.

Reference: 32 ILL. ADM. CODE Parts 310, 320, 330, 340, 341, 350, 351, 370, 400 and 601.

3. *Uniformity in Radiation Standards.* It is important to strive for uniformity in technical definitions and terminology, particularly as related to such things as units of measurement and radiation dose. There shall be uniformity on maximum permissible doses and levels of radiation and concentrations of radioactivity, as fixed by 10 CFR Part 20 of the NRC regulations based on officially approved radiation protection guides.

Technical definitions and terminology contained in the Illinois Radiation Control Regulations including those related to units of measurement and radiation doses are uniform with those contained in 10 CFR Part 20.

Reference: 32 ILL. ADM. CODE 310.20, 3410.20, 350.30, 351.30, 370.20, and 601.20.

4. *Total Occupational Radiation Exposure.* The regulatory authority shall consider the total occupational radiation exposure of individuals, including that from sources which are not regulated by it.

The Illinois regulations cover all sources of radiation within the State's jurisdiction and provide for consideration of the total radiation exposure of individuals from all sources of radiation in the possession of a licensee or registrant.

Reference: 32 ILL. ADM. CODE 340.1010 to 340.1060.

5. *Surveys, Monitoring.* Appropriate surveys and personnel monitoring under the close supervision of technically competent people are essential in achieving radiological protection and shall be made in determining compliance with safety regulations.

The Illinois requirements for surveys to evaluate potential exposures from sources of radiation and the personnel monitoring requirements are uniform with those contained in 10 CFR Part 20. Additionally, for personnel dosimeters (except extremity dosimeters and pocket ionization chambers) that require processing, the accreditation criteria in the January 1, 1985 revision of 15 CFR 7b and in American National Standards Institute N13.11–1983, 1983 edition, must be met.

References: 32 ILL. ADM. CODE 340.2010, 340.2020 and 340.2070.

6. *Labels, Signs, Symbols.* It is desirable to achieve uniformity in labels, signs, and symbols, and the posting thereof. However, it is essential that there be uniformity in labels, signs, and symbols affixed to radioactive products which are transferred from person to person.

The prescribed radiation labels, signs and symbols are uniform with those contained in 10 CFR Parts 20, 30 thru 32 and 34. The Illinois posting requirements are also uniform with those of Part 20.

References: 32 ILL. ADM. CODE 330.220(g), 330.220(i), 330.280(d), 330.280(g), 340.2030 and .2040, 350.1050.

7. *Instruction.* Persons working in or frequenting restricted areas shall be instructed with respect to the health risks associated with exposure to radioactive materials and in precautions to minimize exposure. Workers shall have the right to request regulatory authority inspections as per 10 CFR 19, Section 19.16 and to be represented during inspections as specified in Section 19.14 of 10 CFR 19.

The Illinois regulation contain requirements for instruction and notices to workers that are uniform with those of 10 CFR Part 19.

Reference: 32 ILL. ADM. CODE Part 400.

8. *Storage.* Licensed radioactive material in storage shall be secured against unauthorized removal.

The Illinois regulations contain a requirement for security of stored radioactive material.

Reference: 32 ILL ADM. CODE 340.2060.

9. *Radioactive Waste Disposal.* (a) Waste disposal by material users. The standards for the disposal of radioactive

[2] NRC Statement of Policy published in the Federal Register January 23, 1981 (46 FR 7540–7546), a correction was published July 16, 1981 (46 FR 36969) and a revision of Criterion 9 published in the Federal Register July 21, 1983 (48 FR 33376).

materials into the air, water and sewer, and burial in the soil shall be in accordance with 10 CFR Part 20. Holders of radioactive material desiring to release or dispose of quantities or concentrations of radioactive materials in excess of prescribed limits shall be required to obtain special permission from the appropriate regulatory authority.

Requirements for transfer of waste for the purpose of ultimate disposal at a land disposal facility (waste transfer and manifest system) shall be in accordance with 10 CFR Part 20.

The waste disposal standards shall include a waste classification scheme and provisions for waste form, applicable to waste generators, that is equivalent to that contained in 10 CFR Part 61.

(b) Land Disposal of waste received from other persons. The State shall promulgate regulations containing licensing requirements for land disposal of radioactive waste received from other persons which are compatible with the applicable technical definitions, performance objectives, technical requirements and applicable supporting sections set forth in 10 CFR Part 61. Adequate financial arrangements (under terms established by regulation) shall be required of each waste disposal site licensee to ensure sufficient funds for decontamination, closure and stabilization of a disposal site. In addition, Agreement State financial arrangements for long-term monitoring and maintenance of a specific site must be reviewed and approved by the Commission prior to relieving the site operator of licensed responsibility (section 151(a)(2), Pub. L. 97—425).

The Illinois regulations contain provisions relating to the disposal of radioactive materials into the air, water and sewer and burial in soil which are essentially uniform with those of 10 CFR Part 20. Waste transfer and manifest system requirements for transfer of waste for ultimate disposal at a land disposal facility are included in the Illinois regulations. The waste disposal requirements include a waste classification scheme and provisions for waste form equivalent to that in 10 CFR Part 61.

The Illinois regulations provide for land disposal of low—level radioactive waste received from other persons which are compatible with the applicable technical definitions, performance objectives, technical requirements and supporting sections set out in 10 CFR Part 61. The Illinois regulations include provisions for financial arrangements for decontamination, closure and stabilization. Under the Nuclear Waste Policy Act of 1982 (Pub. L. 97—425) the financial arrangements for long-term monitoring and maintenance at specific sites in Illinois will be subject to Commission review and approval prior to Illinois relieving the site operator of licensed responsibility.

References: 32 ILL. ADM. CODE 340.1060, 340.3010 to 340. 3110, Part 601; Section 151(a)(2), Pub. L. 97–425.

10. *Regulations Governing Shipment of Radioactive Materials.* The State shall to the extent of its jurisdiction promulgate regulations applicable to the shipment of radioactive materials, such regulations to be compatible with those established by the U.S. Department of Transportation and other agencies of the United States whose jurisdiction over interstate shipment of such materials necessarily continues. State regulations regarding transportation of radioactive materials must be compatible with 10 CFR Part 71.

The Illinois regulations are uniform with those contained in NRC regulations 10 CFR Part 71.

References: 32 ILL. ADM. CODE Part 341.

11. *Records and Reports.* The State regulatory program shall require that holders and users of radioactive materials (a) maintain records covering personnel radiation exposures, radiation surveys, and disaposals of materials; (b) keep records of the receipt and transfer of the materials; (c) report significant incidents involving the materials, as prescribed by the regulatory authority; (d) make available upon request of a former employee a report of the employee's exposure to radiation; (e) at request of an employee advise the employee of his or her annual radiation exposure; and (f) inform each employee in writing when the employee has received radiation exposure in excess of the prescribed limits.

The Illinois regulations require the following records and reports licensees and registrants:

(a) Records covering personnel radiation exposures, radiation surveys, and disposals of materials.

(b) Records of receipt and transfer of materials.

(c) Reports concerning incidents involving radioactive materials.

(d) Reports to former employees of their radiation exposure.

(e) Reports to employees of their annual radiation exposure.

(f) Reports to employees of radiation exposure in excess of prescribed limits.

Reference: 32 ILL. ADM. CODE 310.40, 340.4010, 340.4030, 340.4050 and 400.130.

12. *Additional Requirements and Exemptions.* Consistent with the overall criteria here enumerated and to accommodate special cases and circumstances, the State regulatory authority shall be authorized in individual cases to impose additional requirements to protect health and safety, or to grant necessary exemptions which will not jeopardize health and safety.

The Illinois Department of Nuclear Safety is authorized to impose upon any licensee or registrant by rule, regulation, or order such requirements in addition to those established in the regulations as it deems appropriate or necessary to minimize danger to public health and safety or property.

Reference: 32 ILL. ADM. CODE 310.70.

The Department may also grant such exemptions from the requirements of the regulations as it determines are authorized by law and will not result in undue hazard to public health and safety or property.

Reference: 32 ILL. ADM. CODE 310.30.

Prior Evaluation of Uses of Radioactive Materials

13. *Prior Evaluation of Hazards and Uses, Exceptions.* In the present state of knowledge, it is necessary in regulating the possession and use of byproduct, source and special nuclear materials that the State regulatory authority require the submission of information on, and evaluation of, the potential hazards and the capability of the user or possessor prior to his receipt of the materials. This criterion is subject to certain exceptions and to continuing reappraisal as knowledge and experience in the atomic energy field increase. Frequently there are, and increasingly in the future there may be, categories of materials and uses as to which there is sufficient knowledge to permit possession and use without prior evaluation of the hazards and the capability of the possessor and user. These categories fall into two groups—those materials and uses which may be completely exempt from regulatory controls, and those materials and uses in which sanctions for misuse are maintained without pre-evaluation of the individual possession or use. In authorizing research and development or other activities involving multiple uses of radioactive materials, where an institution has people with extensive training and experience, the State regulatory authority may wish to provide a means for authorizing broad use of materials without evaluating each specific use.

Prior to the issuance of a specific license for the use of radioactive materials, the Illinois Department of

Nuclear Safety will require the submission of information on, and will make an evaluation of, the potential hazards of such uses, and the capability of the applicant.

References: 32 ILL. ADM. CODE 330.240 to 330.340 and Part 601; Illinois Program Statement, Sections II.B.1(a)(1) "Licensing," II.C.1(a)(3) "Regulating Low-Level Waste Disposal" and III.B. "Licensing."

Provision is made for the issuance of general licenses for byproduct, source and special nuclear materials in situations where prior evaluation of the licensee's qualifications, facilities, equipment and procedures are not required. The regulations grant general licenses under the same circumstances as those under which general licenses are granted in the Commission's regulations.

References: 32 ILL. ADM. CODE 330.210 and 330.220.

Provision is made for exemption of certain source and other radioactive materials and devices containing radioactive materials. The exemptions for materials covered by the Agreement are the same as those granted by NRC regulations.

References: 32 ILL. ADM. CODE 330.30 and 330.40.

14. *Evaluation Criteria.* In evaluating a proposal to use radioactive materials, the regulatory authority shall determine the adequacy of the applicant's facilities and safety equipment, his training and experience in the use of the materials for the purpose requested, and his proposed administrative controls. States should develop guidance documents for use by license applicants. This guidance should be consistent with NRC licensing and regulatory guides for various categories of licensed activities.

In evaluating a proposal to use agreement materials, the Illinois Department of Nuclear Safety will determine that:

(1) The applicant is qualified by reason of training and experience to use the material in question for the purpose requested in accordance with the regulations in such a manner as to minimize danger to public health and safety or property;

(2) The applicant's proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property; and

(3) The issuance of the license will not be inimical to the health and safety of the public.

Other special requirements for the issuance of specific licenses are contained in the regulations.

References: 32 ILL. ADM. CODE 330.250 to 330.280 and Part 601; Illinois Program Statement, Sections II.B.1.a(1) "Licensing" II.C.1.(a) "Low-Level Radioactive Waste Management" and III.B "Licensing."

15. *Human Use.* The use of radioactive materials and radiation on or in humans shall not be permitted except by properly qualified persons (normally licensed physicians) possessing prescribed minimum experience in the use of radioisotopes or radiation.

The Illinois regulations require that the use of radioactive materials (including sealed sources) on or in humans shall be by a physician having substantial experience in the handling and administration of radioactive material and, where applicable, the clinical management of radioactive patients.

Reference: 32 ILL. ADM. CODE 330.260(a), (b), and (c).

Inspection

16. *Purpose, Frequency.* The possession and use of radioactive materials shall be subject to inspection by the regulatory authority and shall be subject to the performance of tests, as required by the regulatory authority. Inspection and testing is conducted to determine and to assist in obtaining compliance with regulatory requirements. Frequency of inspection shall be related directly to the amount and kind of material and type of operation licensed, and it shall be adequate to insure compliance.

Illinois materials licensees will be subject to inspection by the Department of Nuclear Safety. Upon instruction from the Department, licensees shall perform or permit the Department to perform such reasonable tests and surveys as the Department deems appropriate or necessary. The frequency of inspections is dependent upon the type and scope of the licensed activities and will be at least as frequent as inspections of similar licensees by NRC. Generally, inspections will be unannounced.

References: 32 ILL. ADM. CODE 310.50, 310.60, 310.70 and 400.140(a); Illinois Program Statement, Section II.B.1.(a)(2) "Inspection and Compliance," Section III.C, "Inspection and Enforcement" and Section IV.C., "Division of Responsibilities."

17. *Inspections Compulsory.* Licensees shall be under obligation by law to provide access to inspectors.

Illinois regulations state that licensees shall afford the Department at all reasonable times opportunity to inspect sources of radiation and the premises and facilities wherein such sources of radiation are used or stored.

Reference: 32 ILL. ADM. CODE 310.50.

18. *Notification of Results of Inspection.* Licensees are entitled to be advised of the results of inspections and to notice as to whether or not they are in compliance.

Following Department inspections, each licensee will be notified in writing of the results of the inspection. The letters and written notices indicate if the licensee is in compliance and if not, list the areas of noncompliance.

Reference: Illinois Program Statement, Section II.B.1.(a)(2) "Inspection and Compliance," Section III.C, "Inspection and Enforcement" and Section IV.C., "Division of Responsibilities."

Enforcement

19. *Enforcement.* Possession and use of radioactive materials should be amenable to enforcement through legal sanctions, and the regulatory authority shall be equipped or assisted by law with the necessary powers for prompt enforcement. This may include, as appropriate, administrative remedies looking toward issuance of orders requiring affirmative action or suspension or revocation of the right to possess and use materials, and the impounding of materials; the obtaining of injunctive relief; and the imposing of civil or criminal penalties.

The Illinois Department of Nuclear Safety is equipped with the necessary powers for prompt enforcement of the regulations. Where conditions exist that create a clear presence of a hazard to the public health that requires immediate action to protect human health and safety, the Department may issue orders to reduce, discontinue or eliminate such conditions. The department actions may also include impounding of radioactive material, imposition of a civil penalty, revocation of a license, and requesting the State Attorney General to seek injunctions and convictions for criminal violations.

References: 32 ILL. ADM. CODE 310.70, 310.80, 310.90, 330.500; Ill. Rev. Stat. 1985, ch. 111½, pars. 219, 222, 223 and 224; Illinois Program Statement, Section II.B.1.(a)(2), "Inspection and Compliance," Section III.C, "Inspection and Enforcement" and Section IV.C., "Division of Responsibilities."

Personnel

20. *Qualifications of Regulatory and Inspection Personnel.* The regulatory agency shall be staffed with sufficient trained personnel. Prior evaluation of applications for licenses or authorizations and inspection of licensees must be conducted by persons possessing the training and experience relevant to the type and level of

radioactivity in the proposed use to be evaluated and inspected.

To perform the functions involved in evaluation and inspection, it is desirable that there be personnel educated and trained in the physical and/or life sciences, including biology, chemistry, physics and engineering, and that the personnel have had training and experience in radiation protection. The person who will be responsible for the actual performance of evaluation and inspection of all of the various uses of byproduct, source and special nuclear material which might come to the regulatory body should have substantial training and extensive experience in the field of radiation protection.

It is recognized that there will also be persons in the program performing a more limited function in evaluation and inspection. These persons will perform the day-to-day work of the regulatory program and deal with both routine situations as well as some which will be out of the ordinary. These people should have a bachelor's degree or equivalent in the physical or life sciences, training in health physics, and approximately two years of actual work experience in the field of radiation protection.

The foregoing are considered desirable qualifications for the staff who will be responsible for the actual performance of evaluation and inspection. In addition, there will probably be trainees associated with the regulatory program who will have an academic background in the physical or life sciences as well as varying amounts of specific training in radiation protection but little or no actual work experience in this field. The background and specific training of these persons will indicate to some extent their potential role in the regulatory program. These trainees, of course, could be used initially to evaluate and inspect those applications of radioactive materials which are considered routine or more standardized from the radiation safety standpoint, for example, inspection of industrial gauges, small research programs, and diagnostic medical programs. As they gain experience and competence in the field, the trainees could be used progressively to deal with the more complex or difficult types of radioactive material applications. It is desirable that such trainees have a bachelor's degree or equivalent in the physical or life sciences and specific training in radiation protection. In determining the requirement for academic training of individuals in all of the foregoing categories, proper consideration should be given to equivalent competency which has been gained by appropriate technical and radiation protection experience.

It is recognized that radioactive materials and their uses are so varied that the evaluation and inspection functions will require skills and experience in the different disciplines which will not always reside in one person. The regulatory authority should have the composite of such skills either in its employ or at its command, not only for routine functions, but also for emergency cases.

a. *Radioactive Materials Program.*

i. *Personnel.*

There are approximately 890 NRC specific licenses in the State of Illinois. Under the proposed agreement, the State would assume responsibility for about 800 of these licenses. The Department's Division of Nuclear Materials is currently staffed with 13 professional persons and has one vacancy. Including the Manager of the Office of Radiation Safety (in which the Division of Nuclear Materials is located), four individuals will be assigned management and supervisory duties in the materials program. Exclusive of the low-level radioactive waste regulatory program and the regulatory oversight for a uranium conversion plant (discussed below) we estimate the State will need to apply between 7.9 to 12 staff-years of professional effort to the radioactive materials program. Illinois will apply about 14.4 staff-years to this program. The personnel together with summaries of their assigned responsibilities, training and experience are as follows (except as noted percentage of time devoted to the radioactive materials program will be 90% or more):

Terry R. Lash: Director, Illinois Department of Nuclear Safety, Governor's Designated Liaison to NRC. (10% of time devoted to materials program).

Training:

Ph.D.—Yale University (1970)
—Molecular Biophysics and Biochemistry, Yale University
M.Ph.—Molecular Biophysics and Chemistry
—Yale University (1967)
B.A.—Reed College (1965)
—Physics Major

Experience:

1984—Present: Director, Illinois Department of Nuclear Safety
1983—1984: Deputy Director, Illinois Department of Nuclear Safety
1983—1983: Independent Consultant
1982—1983: Science Director, Scientists' Institute for Public Information, New York City
1981—1982: Independent Consultant
1980—1981: Director, Science and Public Policy, The Keystone Center, Dillon, Colorado
1972—1980: Staff Scientist, Natural Resources Defense Council, San Francisco, California
1970—1972: Postdoctoral Research Fellow, Yale University Medical School, New Haven, Connecticut

Paul D. Eastvold: Manager, Office of Radiation Safety. Responsible for managing the programs, functions and activities of four technical divisions: Nuclear Materials, Electronic Products, Radiologic Technologist Accreditation and Medical Physics (33% of time devoted to materials program).

Training:

B.S.—University of Iowa (1970)
—General Science/Nuclear Medicine Technology

"Special Topics in Licensing: Contingency Plans," US NRC, San Francisco, CA (1986)
"Impact of Proposed Changes to 10 CFR 20," Technical Management Services, Inc., Gaithersburg, Maryland (1986)
"Large Irradiation Radiation Safety Workshop," US NRC, New Jersey (1985)
"Incinertion of Radioactive Material Workshop," University of California (1984)
"Transportation of Radioactive Materials," US NRC, Illinois (1983)
"Recognition, Evaluation, and Control of Non-Ionizing Radiation," US Dept. of Labor, Illinois (1981)
"Inspection Procedures," US NRC, Illinois (1980)
"Safety Aspects of Industrial Radiography," US NRC, Louisiana (1980)
"Quality Assurance in Nuclear Medicine," US FDA, Maryland (1979)
"Health Physics in Radiation Accidents," Oak Ridge Associated Universities, Tennessee (1979)
"Laser Safety Seminar," US Food and Drug Admin., Wisconsin (1979)
"Radiological Response Operations Training Course," US NRC, Nevada (1978)
"Radiopharmacies—Problems and Solutions," Univ. of Southern California, California (1978)
"Radiological Emergency Response Planning Course," US NRC, Minnesota (1977)
"Health Physics and Radiation Protection," US NRC, Tennessee (1977)
"Fundamentals of Non-Ionizing Radiation Protection," U.S. Food and Drug Administration, Maryland (1973)

"Licensing Course—Byproduct, Source, and Special Nuclear Materials," US NRC, Maryland (1972)

Experience:

1980—Present: Illinois Department of Nuclear Safety
1971—1980: Illinois Department of Public Health, Division of Radiological Health
1970—1971: University of Iowa Radiation Protection Office

Michael Ewan: Chief, Division of Nuclear Materials. Manages the Division including supervision of staff and establishment of program objectives.

Training:

M.A.—Sangamon State University , IL (1980)
—Business Administration
B.S.—University of Iowa (1971)
—General Science/Nuclear Medicine Technology
"Uranium and Thorium: A Perspective on the Hazard," Radiation Safety Associates, Inc., Springfield, Illinois (1986)
"Special Topics in Licensing: Contingency Plans," US NRC, San Francisco, CA (1986)
"Incineration Basics," Univ. of California, Irvine, Charlotte, N.C. (1986)
"Basic Supervision," Keye Productivity Center, Springield, Illinois (1986)
"Impact of Proposed Changes to 10 CFR 20," Technical Management Services, Inc., Gaithersburg, Maryland (1986)
"Transportation of Radioactive Materials," US DOE, Illinois (1985)
"Technical Writing," Richmond Staff Development, Illinois (1985)
"Health Physics and Radiation Protection," Oak Ridge Associated Universities, Tennessee (1985)
"Gas and Oil Well Logging," US NRC, Texas (1984)
"Licensing Practices and Procedures," US NRC, Maryland (1984)
"Transportation of Radioactive Materials," US NRC, Illinois (1983)
"Current Applications of Nuclear Imaging," Siemens Gammasonics, Inc., Illinois (1981)
"Nuclear Cardiology," Univ. of Wisconsin, Wisconsin (1980)

Experience:

1982–Present: Illinois Department of Nuclear Safety
1973–1982: St. John's Hospital, Springfield, Illinois
1981: Lincoln Land Community College, Springfield, Illinois (Instructor)
1973–1977: Nuclear Medicine Institute, Ohio (Affiliate Instructor)
1971–1973: Wesley Medical Center, Kansas

Jou-Guang (Joe) Hwang: Licensing Section Head, Division of Nuclear Materials. Responsible for supervising the review of radioactive material license applications.

Training:

Ph.D.—Purdue University (1985)
—Health Physics
MSPH—University of South Carolina (1981)
—Industrial Hygiene and Environmental Quality Assessment
B.S.—National Taiwan University (1978)
—Pharmacy
"Uranium and Thorium: A Perspective on the Hazard," Radiation Safety Associates, Inc., Springfield, Illinois (1986)
"External Dosimetry," Health Physics Society, State College, Pennsylvania (1986)
"Introduction to Licensing Practices and Procedures," US NRC, Bethesda, Maryland (1986)
"Medical Uses of Radionuclides for State Regulatory Personnel," US NRC, Oak Ridge Tennessee (1986)

Experience:

1986–Present: Illinois Department of Nuclear Safety
1983–1986: Purdue University, Graduate Teaching Instructor, School of Pharmacy, Nursing and Health Sciences
1980–1982: Purdue University, Graduate Research Instructor, School of Health Sciences
1980–1981: University of South Carolina, Graduate Teaching Assistant, Department of Environmental Health Sciences
1980–1980: University of South Carolina, Graduate Research Assistant, Department of Environmental Health Sciences
1978–1979: The Church of Taipei, Minister, Taipei, Taiwan
1978–1979: Yun-Fu Pharmaceutical Ltd., Pharmacist, Taipei, Taiwan
1977–1977: National Taiwan University, Hospital, Pharmacy Intern, Taipei, Taiwan
1977–1977: Pfizer Pharmaceutical Company, Assistant Pharmacist (Intern), Tan-Shui, Taiwan ROC

Y. David La Touche: Radioactive Materials License Reviewer, Division of Nuclear Materials. Performs reviews of radioactive material license applications and performs inspections of radioactive materials licensees.

Training:

Ph.D.—Oregon State University (1981)
—Radiation Biology
M.S.—Oregon State University (1978)
—Biological Science
B.S.—Concordia University, Montreal, Canada (1976)
—Biology
"Special Topics in Licensing: Contingency Plans," US NRC, San Francisco, CA (1986)
"Health Physics and Radiation Protection," US NRC, Oak Ridge, Tennessee (1986)
"Uranium and Thorium: A Perspective on the Hazard," Radiation Safety Associates, Inc., Springfield, Illinois (1986)
"Introduction to Licensing Practices and Procedures," US NRC, Bethesda, Maryland (1986)

Experience:

1986—Present: Illinois Department of Nuclear Safety
1982–1986: Oregon State University, Corvallis, Oregon Research Associate
1979–1981: Oregon State University, Corvallis, Oregon Graduate Research Associate
1977–1979: Oregon State University, Corvallis, Oregon Graduate, Teaching Assistant

Yu-Ann Stephen Hsu: Radioactive Materials License Reviewer, Division of Nuclear Materials. Performs reviews of radioactive material license applications and performs inspections of radioactive materials licensees.

Training:

M.S.—Old Dominion University (1982)
—Norfolk, Virginia
—Physics
B.S.—Tam Kang college of Arts and Sciences
—Physics
"Introduction to Air Toxics," US EPA, Kansas City, Missouri (1985)
"Health Physics and Radiation Protection," US NRC, Oak Ridge, Tennessee (1984)
"Safety Aspects of Industrial Radiography for State Regulatory Personnel," US NRC, Baton Rouge, Louisiana (1984)
"Cobalt Teletherapy Calibration," US NRC, Houston, Texas (1984)
"Medical Use of Radionuclides for State Regulatory Personnel," US NRC, Tennessee (1984)
"Gas and Oil Well-Logging for State Regulatory Personnel," US NRC, (1983)
"Hazardous Waste Management," Old Dominion University, Virginia Beach, Virginia (1982)
"Inspection Procedures," US NRC, Atlanta, Georgia (1986)

Experience:

1986—Present Illinois Department of Nuclear Safety
1985—1986: Iowa Electric Light & Power Company, Cedar Rapids, Iowa, Radiological Engineer

1982—1985: Kansas Department of Health and Environment, Topeka, Kansas, Radiation Control Inspector
1981—1982: Eastern Virginia Medical Authority, Norfolk, Virginia, Assistant Radiation Safety Officer
1980—1981: Eastern Virginia Medical Authority, Norfolk, Virginia, Radiation Safety Research Technician
1979—1980: Old Dominion University Norfolk, Virginia, Research Assistant

Steve Meiners: Radioactive Materials License Reviewer, Division of Nuclear Materials. Performs reviews of radioactive material license applications and performs inspections of radioactive materials licensees.

Training:

M.S.—University of Arkansas for Medical Sciences (1985)
—Radiation Health Physics
B.A.—Harding University (1981)
—Biology
"Medical Uses of Radionuclides for State Regulatory Personnel," US NRC, Oak Ridge, Tennessee (1986)

Experience:

1985—1985: Texas Tech University, Radiation Safety Officer
1984—1984: University of Arkansas, Graduate Assistant
1981—1984: University of Ankansas, Laboratory Technologist
1981—1983: University of Arkansas, Aquatic Ecologist
1980—1981: Harding University, Teaching Assistant

Sheryl O. Soderdahl: Support Services Section Head, Division of Nuclear Materials. Responsible for the Division's data processing system and registration program, assists in license reviews and inspections, assists in review and revision of regulations and standards and serves as the Department's Radiation Safety Officer.

Training:

B.S.—Purdue University, Indiana (1980)
Health Physics
"Inspection Procedures," US NRC, Atlanta, Georgia (1985)
"Writing for Results," Sangamon State University, Springfield, Illinois (1985)
"Introduction to Licensing Practices and Procedures," US NRC, Washington, D.C. (1985)
"Environmental Health Practices," University of Massachusetts, Amherst, Massachusetts (1982)

Experience:

1985—Present: Illinois Department of Nuclear Safety
1980—1985: University of Massachusetts, Department of Environmental Health and Safety, Amherst, Massachusetts, Staff Health Physicist
1979—1979: Fermi National Accelerator Laboratory, Proton Department, Batavia, Illinois

Bruce J. Sanza: Inspection and Enforcement Section Head, Division of Nuclear Materials. Manages the inspection and enforcement program.

Training:

M.S.—Texas A & M University (1985)
—Nuclear Engineering (Health Physics)
B.S.—University of Virginia (1979)
—Nuclear Engineering
"Uranium and Thorium: A Perspective on the Hazard," Radiation Safety Associated, Springfield, Illinois (1986)
"Inspection Procedure," US NRC, Atlanta, Georgia (1986)
"Gas & Oil Well Logging for Regulatory Personnel," (Accepted for attendance at November, 1986 course, Houston, Texas)

Experience:

1986—Present: Illinois Department of Nuclear Safety
1983—1986: Texas A & M University, Health Physicist, College Station, Texas
1980—1983: Carolina Power & Light Company, Radiation Control Specialist, Hartsville, South Carolina

George E. Merrihew: Radioactive Materials License Inspector. Performs reviews of radioactive materials license applications and performs inspections of radioactive materials licensees.

Training:

M.A.—Sangamon State University (1972)
—Biology/Psychology
B.A.—Sangamon State University (1971)
—Biology/Psychology
A.A.—Springfield, College in Illinois (1969)
—General Secience
"Radiological Emergency Response Operation," FEMA, Las Vegas, Nevada (1986)
"Medical Uses of Radionuclides," US NRC, Oak Ridge, Tennessee (1986)
"Gas and Well Logging for Regulatory Personnel," US NRC, Houston, Texas (1985)
"Radioactive Material Training Course: Hazardous Material Regulations of the United States Department of Transportation," Chicago, Illinois (1985)
"Safety Aspects of Industrial Radiography," US NRC, Baton Rouge, Louisiana (1985)
"Introduction to Licensing Practices and Procedures," US NRC, Bethesda, Maryland (1984)
"Inspection Procedures," US NRC, Atlanta, Georgia (1984)
"Health Physics and Radiation Protection," US NRC, Oak Ridge, Tennessee (1984)
"Radiation Protection Technology," Rockwell International, Energy Systems Group (1983)
"Transportation of Nuclear Materials," US NRC Illinois (1983)
"Executive Development Academy," Illinois Department of Personnel, Illinois (1981)
"ANS Cobol Course," (1980); "Basic Systems Analysis: (1980); "General Introduction to Statistical Package for the Social Sciences" (1979): "DP Concepts" (1979); "IMS Environment Course" (1979); "Easytrieve/IMS Class" (1979); "Basics in Easytrieve," State of Illinois Data Processing Training Center (1977)
"Air Pollution Control Orientation," US EPA (1978)
"Community Hygiene," US HEW, Georgia (1978)
University of Illinois, School of Clinical Medicine, (1974)
University of Illinois, School of Basic Medical Sciences (1973)

Experience:

1983–Present: Illinois Department of Nuclear Safety
1974–1983: Illinois Department of Public Health, Division of Engineering
1971–1972: Sangamon State University, Department of Biology, Graduate Assistant
1965–1967: Memorial Medical Center, Clinical Laboratory

Lori Kim Podolak: Radioactive Materials License Inspector. Performs reviews of radioactive materials license applications and performs inspections of radioactive materials licensees.

Training:

M.S.—University of Lowell (1986)
—Radiological Sciences
B.S.—Kentucky Wesleyan College (1984)
—Physics

Experience:

1986–Present: Illinois Department of Nuclear Safety
1984–1986: University of Lowell
1985: Brookhaven National Laboratory
1983: Oak Ridge National Laboratory

Andrew S. Gulczynski: Chicago Inspection and Enforcement Section Head, Division of Nuclear Materials. Supervises Chicago office materials license inspectors.

Training:

B.S—Northeastern Illinois University (1981)
—Biology
"Five Week Health Physics and Radiation Protection Course," US NRC, Oak Ridge, Tennessee (1986)
"Internal Dose Assessment," Technical Management Services, Inc., Illinois (1985)

"Transportation of Radioactive Materials," US DOE, Chicago, Illinois (1985)
"Medical Uses of Radionuclides for State Regulatory Personnel," US NRC, Oak Ridge, Tennessee (1984)
"Safety Aspects of Industrial Radiography for State Regulatory Personnel," US NRC, Baton Rouge, Louisiana (1983)
"Inspection Procedures for State Regulatory Personnel," US NRC, Atlanta, Georgia (1983)
"Radiological Emergency Response Operations," FEMA, Las Vegas, Nevada (1983)

Experience:

1985–Present: Illinois Department of Nuclear Safety
1982–1985: Kansas Department of Health and Environment, Bureau of Radiation Control, Topeka, Kansas,
1981–1982: Argonne National Laboratory, Argonne, Illinois
1977–1981: Northeastern Illinois University, Chicago, Illinois

John D. Papendorf: Radiocative Materials License Inspector. Performs reviews of radiactive materials license applications and performs inspections of radioactive materials licensees.

Training:

N.M.T.—Oak Park Hospital (1975)
—Nuclear Medicine Technologist Certification
R.T.—Hines V.A. Hospital (1972)
—X-Ray Technologist Certification
A.S.—Central YMCA College (1972)
"Inspection of Transportation of Radioactive Materials," U.S. NRC, Glen Ellyn, Illinois (1985)
"Nuclear Transportation for State Regulatory Personnel," US NRC, Columbia South Carolina (1984)
"Hazardous Materials Training Course," U.S. DOE, Chicago, Illinois (1983)
"Radiation Safety," Northwestern University, Evanston, Illinois (1982)
"Radiation Therapy Workshop, Medical Linear Accelerators," US Public Health Service, Chicago, Illinois (1981)
"Acceptance Testing of Radiological Imaging Equipment," American Association of Physicists in Medicine, American College of Radiology and Society for Radiological Engineering, Chicago, Illinois (1981)
"Safety Aspects of Industrial Radiography for State Programs," US NRC, Baton Rouge, Louisiana (1981)
"Inspection Procedures," US NRC, Glen Ellyn, Illinois (1980)
"Quality Assurance in Nuclear Medicine Departments," US Food and Drug Administration, Rockville, Maryland (1979)
"Radiological Emergency Response Operations Training Course for State and Local Government Emergency Preparedness Personnel," FEMA, Las Vegas, Nevada (1979)
"Special Procedures on CT Scanners" US Public Health service, Chicago, Illinois (1976)
"Radiological Workshop," US Public Health Service, Chicago, Illinois (1976)

Experience:

1980–Present: Illinois Department of Nuclear Safety
1976–1980: Illinois Department of Public Health, Division of Radiological Health
1973–1976: Oak Park Hospital, Nuclear Medicine Technologist, Oak Park, Illinois
1972–1973: Oak Park Hospital, X-Ray Technologist, Oak Park, Illinois

Robin Gehrhardt Bauer: Radioactive Materials License Inspector. Performs reviews of radioactive materials license applications and performs inspections of radioactive materials licensees.

Training:

M.S.—Emory University (1985)
—Radiological Physics
B.S.—University of Miami (1983)
—Biology
"Health Physics and Radiation Protection," US NRC, Oak Ridge, Tennessee (1986)

Experience:

1986–Present: Illinois Department of Nuclear Safety
1985–1985: Georgia Baptist Hospital, Internship, Medical Physics, Atlanta, Georgia
1985–1985: Emory University, X-Ray, Nuclear Medicine, Calibration, Atlanta, Georgia
19893–1984: Loyola University, Research Technician, Maywood, Illinois

Joanne B. Kark: Radioactive Materials License Inspector. Performs reviews of radioactive materials license applications and performs inspections of radioactive materials licensees.

Training:

Graduate work toward M.S.—Colorado State University (1985)
—University of Tennessee (1982)
—Health Physics
B.S.—Villanova University (1975)
—Biology
Certificate—St. Joseph's Hospital and Medical Center School of Nuclear Medicine Technology Paterson, New Jersey (1977)
"Inspection Procedures," US NRC, Atlanta, Georgia (1986)

Experience:

1986–Present: Illinois Department of Nuclear Safety
1981–1984: Oak Ridge National Laboratory, Health and Safety Research Division, Senior Laboratory Technician
1979–1981: Oak Ridge National Laboratory, Biology Division, Biological Technician
1977–1979: Radiology Associates, Albert Einstein Medical Center, No. Division, Nuclear Medicine Technologist.
1976–1977: SpectroChem Laboratories, Inc., Analytical Chemistry Technician

John W. Cooper: Manager, Office of Environmental Safety. Provides technical support to the Division of Nuclear Materials on an as needed basis.

Training:

Ph.D—University of Iowa (1971)
—Radiation Biology
M.S.—University of Iowa (1966)
—Pharmacy
B.S.—Drake University (1960)
—Pharmacy
"Industrial Ventilation Systems," OSHA Training Institute, Illinois (1983)
"Respirator Safety for CSHO's," OSHA Training Institute, Illinois (1982)

Experience:

1981–Present: Illinois Department of Nuclear Safety
1975–1981: U.S. Nuclear Regulatory Commission, Region III, Inspector and license reviewer
1971–1975: Allegheny General Medical Center, Radiation Biology Laboratory
1964–1971: University of Iowa, Radiation research and teaching

Apparao Devata: Chief, Division of Medical Physics. Provides technical support to the Division of Nuclear Materials on an as needed basis.

Training:

Ph.D.—University of New Orleans (1975)—Physics
M.S.—University of New Orleans (1972)—Physics
MSc.—Andhra University (1968)—Applied Physics
BSc.—Andhra Loyola College (1965)—Mathematics

Experience:

1985–Present: Illinois Department of Nuclear Safety
1985: Medical Physics Consultant
1983–1985: St. James Hospital Medical Center, Chicago Heights, Illinois, Medical physicist
1975–1983: St. Joseph's Hospital, Elgin, Illinois, Medical physicist
1975: Mt. Sinai Hospital, Chicago, Illinois, Medical physicist
VA Hines Hospital, Hines, Illinois, Medical physicist
1969–1975: University of New Orleans Research and teaching

Reference: Illinois Program Statement, Section III, "Implementation of the Agreement State Program for Materials Licenses," Section IV.A.3, "Staff Requirements" and Appendix 5, "Current Agreement State Staff Positions: Byproduct Material, Source Material and Special Nuclear Materials in Quantities Not Sufficient to Form a Critical Mass."

b. Regulatory Oversight of Uranium Conversion Plant

i. *Personnel*

There are two plants in the United States which convert natural uranium oxide (yellowcake) to uranium hexafluoride. These activities are conducted pursuant to source materials licenses issued by the NRC. Under the proposed Agreement, the source material license for the Allied Chemical uranium conversion facility located in Metropolis will be transferred to Illinois.* The Office of Radiation Safety, Division of Nuclear Materials will be responsible for regulatory oversight with technical support from the Offices of Environmental Safety and Nuclear Facility Safety. Overall IDNS will commit 0.6 full-time equivalent professionals effort to this program. Key staff assigned to this program together with summaries of their duties and training and experience are:

(a) Staff previously identified in the materials program (Section 20.a)

Jou-Guang (Joe) Hwang, Y. David La Touche, Bruce J. Sanza, John W. Cooper.

(b) Other IDNS staff:

Lih-Ching Chu: Chief, Division of Radiochemistry Laboratories, Office of Environmental Safety. Supervises analytical support for all Department programs. Provides technical support in radiochemistry and radioanalysis.

Training:

Ph.D—Washington University (1981)—Chemistry
M.A.—Washington University (1981)—Chemistry
M.S.—East Texas State University (1976)—Chemistry
B.S.—Tamkang College of Arts and Sciences (1971)—Chemistry
"Vax Applications Manager," Canberra Industries, Inc., CT, 1984
"Introduction to S-90-VMS Apogee System Operations," Canberra Industries, Inc., CT, 1984

Experience:

1984–Present: Illinois Department of Nuclear Safety
1981–1984: Illinois Department of Energy and Natural Resources
1976–1981: Washington University, St. Louis, Missouri
1974–1976: East Texas State University, Commerce, Texas
1973–1974: Young-Ho Middle School, Young-Ho, Taiwan, ROC
1971–1973: Military Service, Taiwan, ROC

David A. Filler: Assistance Chief, Division of Radiochemistry Laboratories, Office of Environmental Safety. Provides radiochemistry support.

Training:

Ph.D.—University of Michigan, (1976)—Biochemistry
M.S.—University of Michigan, (1973)—Biochemistry
B.S.—Purdue University (1969)—Chemistry
"Vax Applications Manager," Canberra Industries, Inc., Connecticut (1984)
"Introduction to S-90-VMS Apogee System Operations," Canberra Industries, Inc., Connecticut (1984)
"Auditor Training," Gilbert/Commonweath (1984)
"Radiological Monitor," Indiana Department of Civil Defense and Emergency Management (1983)
"Radiochemistry for State Regulatory Personnel," NRC (1983)
"Radiological Monitoring, Sampling and Analysis of Nuclear Facilities," US DOE (1983)
"Radiological Emergency Response Training for State Government Emergency Preparedness Personnel," FEMA/US DOE (1982)

Experience:

1984–Present: Illinois Department of Nuclear Safety
1981–1984: Indiana State Board of Health, Radiochemistry Lab, Indianapolis, Indiana
1977–1981: Indiana University Medical Center, Indianapolis, Indiana
1976–1977: St. Jude Children's Research Hospital, Memphis, Tennessee

James F. Scheweitzer: Health Physicist, Office of Environmental Safety. Serves as a specialist in environmental monitoring and will provide technical support and guidance in this area.

Training:

Ph.D.—Purdue University (1985)—Environmental Toxicology
M.S.—Purdue University (1981)—Health Physics
B.S.—Randolph-Macon College (1976)—Biology
Environmental Laws and Compliance Course
Short Course: Uranium and Thorium: A Perspective on the Hazard (1986)

Experience:

1986–Present: Illinois Department of Nuclear Safety
1985–1986: Purdue University, Office of Radiological and Chemical Control
1980–1980: Purdue University, Office of Radiological and Chemical Control

Michael H. Momeni: Chief, Low-Level Waste Siting Section, Office of Environmental Safety. Provides radiological and environmental support for the Office of Environmental Safety and will provide technical support for Allied Chemical regulatory actions.

Training:

Ph.D—University of Iowa—Biophysics/Radiation Biology
M.S.—University of Iowa—Nuclear Physics
B.A.—Luther College—Physics-Mathematics

Experience:

1986–Present: Illinois Department of Nuclear Safety
1985–1986: Scientist, Oak Ridge Associated Universities, Oak Ridge, Tennessee
1983–1985: Professor-Director of Health Physics Program, San Diego State University, San Diego, California
1975–1983: Senior Scientist, Argonne National Laboratory, Argonne, Illinois
1970–1975: Biophysicist-Lecturer, The University of California, Davis, California
1962–1963: Science Teacher, Urbana Consolidated Schools, Iowa

Gary Wright: Manager, Office of Nuclear Facility Safety. Provides technical assistance concerning engineering principles and emergency planning and response.

Training:

—Sangamon State University (1974)
—Degree approx. half complete in Public Administration
M.S.—University of Illinois (1965)—Nuclear Engineering
B.S.—Millikin University (1964)—Physics/Mathematics
"Management Education Workshop," Ill. Dept. of Personnel, Champaign (1978)
"International Symposium on Migration of Tritium in the Environment," International Atomic Energy Agency, California (1978)
"Radiological Emergency Response Operations," US NRC, Nevada (1977)
"Workshop on Collective Bargaining for Public Employees," Ill. Dept. of Personnel (1976)
"Administrative and Organizational Behavior," Ill. Dept. of Public Health (1975)

*The Commission is considering whether continued NRC regulation of the Allied Chemical Plant is necessary in the interest of the common defense and security of the United States.

"Professional Engineering Review," Univ. of Ill. (1974)
"Response of Structures to External Forces, i.e., Earthquakes, Tornados, etc.," Penn. State Univ. (1968)

Experience:

1980–Present: Illinois Department of Nuclear Safety
1973–1980: Illinois Department of Public Health
1967–1973: Sangamo-Weston Electronics Company, Springfield, Illinois
1965–1967: Westinghouse Electric Company, Forrest Hills, Pennsylvania

Reference: Illinois Program Statement, Section III.D." Allied Chemical Uranium Conversion Facility," Appendix 5, and Appendix 9, "Current Agreement State Staff Positions: Low-Level Radioactive Waste Management Program, Office of Environmental Safety."

c. Licensing and Regulation of Permanent Disposal of Low-Level Radioactive Waste

i. Personnel

The Office of Environmental Safety has responsibility for the low-level waste (LLW) management regulatory program which includes the Sheffield site and the regional waste disposal facility. The assessment of the regulatory framework is included under Criterion 9, "Radioactive Waste Disposal." The LLW and transportation management program is staffed by 13 technical staff members. The Manager of the Office of Environmental Safety will provide overall supevision and management and the Chief of the Office's Division of Nuclear Chemistry will provide laboratory support. Technical support will also be available from the Division of Nuclear Materials. These personnel and summaries of their duties are:

(a) Staff previously identified in the materials or uranium conversion plant regulatory oversight programs (Section 20 a and b):

Michael H. Momeni, Lih-Ching Chu, John W. Cooper, James F. Schweitzer.

(b) Other IDNS Staff:

Robert A. Lommler: Chief, Division of Waste and Transportation. Has responsibilities for implementing the Illinois LLW management act, supervises staff in the LLW program and manages the spent nuclear fuel and LLW shipment inspection program.

Training:

B.S.—Kent State University (1971)—Chemistry
"10 CFR 61," US NRC, Springfield, Illinois (1986)
"Incinerator Basics," Univ. of California, Charlotte, N.C. (1986)
"Radioactive Material Transportation Workshop," US DOE, Chicago, Illinois (1985)
"10 CFR 61 Compliance," TMS, Inc., Washington, D.C. (1984)
"Radiological Protection Officer Course," U.S. Army (1978)
"Chemical Officer Advanced Course," U.S. Army (1978–1979)
"Transportation of Hazardous Materials by Air," US DOT (1972)
"Chemical Officer Basic Course," U.S. Army (1971)

Experience:

1984–Present: Illinois Department of Nuclear Safety
1979–1983: U.S. Army, Radiation Safety Officer, Ft. Riley, Kansas
1975–1978: U.S. Army, Mannehim, West Germany
1971–1975: U.S. Army, Edgewood, Maryland

Michael Klebe: Nuclear Safety Engineer. Serves as technical resource on LLW management environmental problems, decomissioning and disposal facility siting.

Training:

M.S.—Montana College of Mineral Science and Technology (1982)—Mining Engineering
B.S.—Montana College of Mineral Science and Technology (1980)—Mining Engineering

Experience:

1986–Present: Illinois Department of Nuclear Safety
1982–1986: Shell Mining Company, Houston, Texas and Elkhart, Illinois, Mining Engineer

David Flynn: Geologist. Evaluates geological and hydrologic factors relating to LLW management.

Training:

B.S.—Southern Illinois University (1979)—Geology
"Uranium and Thorium: A Perspective on the Hazard," Radiation Safety Associates, Springfield, Illinois (1986)
"Corrective Actions for Containing and Controlling Ground Water Contamination," National Water Well Association, Columbus, Ohio (1986)
"A Standardized System for Evaluation of Groundwater Pollution Potential Using Hydrogeologic Setting," National Water Well Association, Denver, Colorado (1986)
"Groundwater Pollution and Hydrology," Princeton & Associates, Miami, Florida (1986)
"Engineering and Design of Waste Disposal Systems," Civil Engineering Department, Colorado State University, Fort Collins, Colorado (1985)
""Groundwater Monitoring Workshop," Illinois Department of Energy and Natural Resources, Champaign, Illinois (1984)
"Radiological Emergency Response Training for State and Local Government Emergency Preparedness Personnel," FEMA, Nevada Test Site (1983)

Experience:

1983–Present: Illinois Department of Nuclear Safety
1981–1983: Mine Geologist, Atlas Minerals Corporation, Moab, Utah
1980–1981: Associate Mine Geologist, Rancher's Exploration & Development Corporation, Albuquerque, New Mexico
1979–1980: Junior Geologist, Rancher's Exploration & Development Corporation, Albuquerque, New Mexico

Shannon M. Flannigan: Geologist. Reviews, interprets and evaluates geologic hydrologic, physical and environmental data related to environmental impact, design, location, construction and decommissioning of facilities.

Training:

B.S.–Drake University (1978) Geology
A.A.–Springfield College in Illinois (1976)–Business
"Radiological Emergency Response," FEMA, Nevada (1986)
"Groundwater Contaminant Transport Modeling," Princeton University, Princeton, New Jersey (1986)
"A standardized System for Evaluating Groundwater Pollution Using Hydrogeologic Setting," Denver, Colorado (1986)
"Groundwater Pollution & Hydrology," Princeton Associates, Princeton, New Jersey (1986)
"Borehole Geophysics Techniques for Solving Groundwater Problems," National Water Well Association, Denver, Colorado (1986)
"Soil Mechanics and Foundations," Lincoln Land Community College, Springfield, Illinois (1981)
"Environmental Risk Assessment," Sagamon State University, Springfield, Illinois (1985)
"Recognition, Evaluation, and Control of Ionizing Radiation," OSHA Training Institute, Illinois (1985)

Experience:

1985–Present: Illinois Department of Nuclear Safety
1984–1985: Hanson Engineers, Inc. Springfield, Illinois
1981–1984: Veesay Geoservice, Inc. Denver, Colorado

1978–1981: Hanson Engineers, Inc. Springfield, Illinois.

George T. FitzGerald: Nuclear Safety Engineer I. Principally responsible for geology.

Training:

B.A.–Humboldt State University, California (1968)–Geology

Post-Graduate Work: Education, Humboldt State University, Economic Evaluation, Colorado School of Mines, Golden, Colorado

Experience:

1986–Present: Illinois Department of Nuclear Safety

1984–1986: Boliden Minerals, Inc., Silver City, New Mexico

1980–1984: Minatome Corporation, Denver, Colorado

1975–1980: SOHIO, Seboyeta, New Mexico

1968–1975: Kerr McGee Corporation Grants, New Mexico

Dana M. Willaford: Nuclear Safety Supervisor. Responsible for overall operation of waste generator registration and inspection program.

Training:

M.P.A.–Sangamon State University (1983)

B.A.–University of Illinois (1981)–Political Science, Math/Physics Minor

"Radioactive Materials Transportation Course," US DOE, Kansas City, Missouri (1986)

"Uranium and Thorium: A Perspective on the Hazard," Radiation Safety Associates, Inc., Springfield, Illinois (1986)

"Recognition, Evaluation, and Control of Ionizing Radiation," OSHA, Des Plaines, Illinois (1985)

"Environmental Laws and Regulations Compliance Course," government institutes, Washington, D.C. (1985)

"Radiological Emergency Response Operations Course," FEMA, Nevada (1983)

Experience:

1983–Present: Illinois Department of Nuclear Safety

1981–1983: Illinois Department of Nuclear Safety/Sangamon State University (Graduate Public Service Intern)

1977–1981: University of Illinois (Student Worker)

Tim Runyon: Nuclear Safety Inspector. Assists the Chief, Waste & Transportation Management.

Training:

A.S.–Illinois Central College–Radiologic Technology

"Hazardous Materials Transportation Course," ISP, Illinois State Policy Academy, Springfield, Illinois (1985)

"Review of USDOT Regulations," US NRC, Hanford, Washington (1985)

"Evaluation and Control of Ionizing Radiation," OSHA, Argonne National Laboratory (1981)

"Emergency Response for Radiological Accidents," REECO, Las Vegas, Nevada (1981)

Experience:

1985–Present: Illinois

Documents Containing Reporting or Recordkeeping Requirements; Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission, new, revision, or extension: Revision.

2. The title of the information collection:

10 CFR Part 30—Rules of General Applicability to Domestic Licensing of Byproduct Material

10 CFR Part 32—Specific Domestic Licenses to Manufacture or Transfer Certain Items Containing Byproduct Material

3. The form number if applicable: Not applicable.

4. How often the collection is required: Once, when first registering the source or device with the NRC.

5. Who will be required or asked to report: Manufacturers and distributers of sealed sources and devices containing radioactive byproduct material.

6. An estimate of the number of responses: 100 annually (40 sealed sources, 60 devices).

7. An estimate of the total number of hours needed to complete the requirement or request:

10 hours for each sealed source
30 hours for each device
Total industry hours: 2,200

8. An indication of whether section 3504(h), Pub. L. 96–511 applies: Not applicable.

9. Abstract: The proposed regulations would provide for manufacters of radiation sources and devices containing radioactive sources to register with NRC described safety information about their products. When referenced in applications for licenses, the registered information will be used by NRC in the issuance of specific licenses to the manufacturers' customers, thus making it unnecessary for each inidividual application to provide the information registered by the manufacturer.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street, NW., Washington, DC 20555.

Comments and questions should be directed to the OMB reviewer, Jefferson B. Hill, (202) 395–7340.

The NRC Clearance Officer is R. Stephen Scott, (301) 492–8585.

Dated at Bethesda, Maryland, this 29th day of January 1987.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 87–2228 Filed 2–3–87; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards Subcommittee on Waste Management; Meeting

The ACRS Subcommittee on Waste Management will hold a meeting on February 19 and 20, 1987, Room 1046, 1717 H Street, NW, Washington, DC.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Thursday, February 19, 1987—8:30 a.m. until the conclusion of business

Friday, February 20, 1987—8:30 a.m. until the conclusion of business.

The Subcommittee will review the following nuclear waste management topics: (1) Rulemaking for definition of HLW, (2), Implementation of the HLW Five Year Plan, (3) HLW Geologic repository performance allocation, (4) Hydrology of geologic repositories (domestic and international programs), (5) NRC's waste package corrosion program, (6) Guidance documents for LLW Shallow Land Burial (Standard Review Plan, and Standard Format and Content Guide), and (7) Long range plans for LLW Program through 1993.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its

consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee may exchange preliminary views regarding matters to be considered during the balance of the meeting. The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff members, Mr. Owen S. Merrill (telephone 202/634–1413) between 8:15 a.m. and 5:00 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Date: January 30, 1987.

John C. McKinley,

Chief, Project Review Branch No. 1.

[FR Doc. 87–2266 Filed 2–3–87; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–289]

GPU Nuclear Corporation et al.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regualtory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–50 issued to GUP NUclear Corporation (the licensee), for operation of Three Mile Island Nuclear Station, Unit No. 1, located in Dauphin County, Pennsylvania.

The Emergency Feedwater (EFW) System is being upgraded to safety-related criteria during the present Cycle 6 Refueling Outage in order to comply with TMI-1 restart commitments and NUREG-0737, Action Item II.E.1. The licensee's application for amendment dated January 23, 1987 (Technical Specification (TS) Change Request No. 166), would provide additional operability and surveillance requirements appropriate for the newly modified FEW System and associated Heat Sink Protection System (HSPS). Administrative and editorial changes to affected TS pages were also requested, including revisions to the EFW System and HSPS bases.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request invovles no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involved a significant reduction in a margin of safety.

Operation of the FEW System in accordance with the proposed TSs will not degrade the reliability or capacity of the system. In fact, the purpose of the EFW System modifications and associated TSs is to increase system reliability to function during a design basis event, assuming a single active failure. The licensee is committed to complete the upgrade modifications and implement the TSs for a safety-related EFW System before startup of Cycle 6.

A proposed amendment to an operating license for a facility involves no significant hazards considerations if the previously identified three standards of 10 CFR 50.92(c) are met. Pursuant to the provisions of 10 CFR 50.91, the licensee has provided an analysis of no significant hazards considerations using the Commission's standards. The Commission's staff has reviewed the proposed amendment and the licensee's analysis. Each of the 10 CFR 50.92(c) standards is discussed below as it applies to the operation of TMI-1 in accordance with this TS change request for the EFW System.

(1) The proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated because EFW System reliability will be improved. The proposed TSs provide the additional operability and surveillance requirements necessary for upgrading the system to safety-related criteria. The addition of automatic actuation features does increase the probability of inadvertent actuation of the EFW System or inadvertent main feedwater isolation. Inadvertent EFW initiation is undesirable but does not prevent the mitigation of any accident or prevent attaining cold shutdown conditions as the plant is designed for EFW initiation. Inadvertent main feedwater isolation is also undersirable; but since the HSPS is designed to be single failure proof, the probability of a loss of main feedwater due to single active failures during HSPS operation is not significantly increased. Loss of main feedwater is an anticipated event, the consequences of which are lessened to a certain extent as a result of the automatic EFW initiation features provided by the HSPS. These automatic initiation features in conjunction with other design changes were incorporated as system modifications to increase EFW reliability and thereby reduce the probability of occurrence or consequences of accidents.

(2) The proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated. Loss of feedwater and any other event which might require EFW System initiation have been analyzed including assumption of single active failure and documented in Chapter 14 of the Final Safety Analysis Report (FSAR). EFW System design changes and TS revisions do not portend unevaluated accident events beyond the scope of the FSAR.

(3) The proposed amendment would not involve a significant reduction in a margin of safety because the EFW System will be upgraded to safety-related criteria in accordance with restart commitments and TMI action plan requirements. EFW System changes and proposed TSs will constitute additional restrictions, controls and reliability in order to increase the overall margin of safety for plant operation.

Purely administrative and editorial changes to the TSs contained on the pages affected by the proposed amendment are necessary to achieve consistency, correct errors, change nomenclature and improve clarity. As such, these changes are considered to fall within the scope of example (i) of amendments that are considered not likely to involve significant hazards considerations contained in the Commission's guidelines published within 51 FR 7751.

Accordingly, based upon the above discussion, the Commission proposes to determine that the application for amendment does not involve significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be

considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 4000, Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland, from 8:15 a.m. to 5:00 p.m. Copies of the written comments received may be examined at the NRC Public Document Room, 1717 H Street NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is dicussed below.

By March 6, 1987, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license, and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the request for an amendment involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. 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 John F. Stolz: 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-Bethesda, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Ernest L. Blake, Jr. of Shaw, Pittman, Potts and Trowbridge, 2300 N Street NW., Washington, DC 20037, attorney for the licensee.

Nontimely filing 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 amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

Dated at Bethesda, Maryland, this 30th day of January, 1987.

For the Nuclear Regulatory Commission.

Gordon E. Edison,

Acting Director, PWR Project Directorate No. 6, Division of PWR Licensing–B.

[FR Doc. 87–2230 Filed 2–3–87; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50-275-OLA and 50-323-OLA (ASLBP No. 86-523-03-LA)]

Pacific Gas & Electric Co. (Diablo Canyon Nuclear Power Plant, Units 1 and 2); Memorandum and Order

January 28, 1987.

Atomic Safety and Licensing Board Before Administrative Judges: B. Paul Cotter, Jr., Chairman, Glenn O. Bright, Dr. Jerry Harbour.

On December 15, 1986 Intervenors Sierra Club and San Luis Obispo Mothers for Peace filed a joint motion for summary disposition alleging that NRC Staff had failed to file an environmental impact statement and had failed to adhere to the provisions of the Standard Review Plan. The motion concluded that on these grounds the Board should deny a license amendment request by Pacific Gas and Electric Company to expand the capacity of its spent fuel pools at Units 1 and 2 of the Diablo Canyon Nuclear Power Plant. Subsequently, in a filing dated January 13, 1987, the Mothers for Peace withdrew from "all participation in this proceeding".

In an earlier pleading dated December 10, 1986, the third intervenor in this case, Consumers Organized for Defense of Environmental Safety (CODES), indicated its intention not to participate any further in the proceedings. In a further development, the Sierra Club filed a motion dated January 13, 1987 requesting a continuance of the hearings scheduled to commence on February 2, 1987 on the ground that its principal representative and sole witness in the hearing had been injured in an automobile accident.

Upon consideration of these filings and the responses thereto, the Board: (1) denies the joint motion for summary disposition; (2) finds that the San Luis Obispo Mothers for Peace and CODES have withdrawn from the proceeding and are no longer parties; and (3) establishes a revised schedule for commencing hearing on March 9, 1987.

Motion for Summary Disposition

The motion for summary disposition avers that the license amendment to rerack the two spent fuel pools at the Diablo Canyon Plant Units 1 and 2 should be denied on two independent grounds:

1. Because the NRC has failed to comply with the National Environmental Policy Act of 1969 by not preparing an environmental impact statement; and
2. The reracking application fails to meet the NRC acceptance criteria for spent fuel storage at civilian nuclear power stations.

The motion lists material facts as to which there is no dispute. The third of these allegedly undisputed facts is that the proposed spent fuel racks "will collide with each other and cause a postulated seismic event". The motion attaches no supporting affidavit, and there is no showing that counsel who signed the motion has any technical expertise in this area.

Both the NRC Staff and the licensee, Pacific Gas and Electric Company, oppose the motion on both the law and the facts, arguing in part that there are disputed questions of fact and that the motion is outside the scope of any contention. Intervenor Sierra Club admits in its motion that it does not "seek to prove a particular contention set for hearing" but alleges, nevertheless, that the motion is directly related to the contentions and should be dispositive of the proceeding. The Board does not agree. Wholly aside from the technical argument as to whether the motion relates to *material* facts at issue in this proceeding, the Board is completely satisfied that the resolution of Intervenor's motion will require a decision on factual matters which are disputed by the parties. The Board is further satisfied that the factual disputes in question are such that even if intervenors attempted to support their position by otherwise qualifying affidavits, the factual disputes would still remain. Accordingly, the motion is denied. *Cleveland Electric Illuminating Company*, 6 NRC 741, 752, 754 (ALAB-443, 1977).

Withdrawal of Intervenors San Luis Obispo Mothers for Peace and Consumers Organized for Defense of Environmental Safety

The January 13, 1987 filing by the Mothers for Peace leaves no doubt that it has withdrawn from all further participation in this proceeding. Accordingly, its remaining contentions are dismissed.

The December 10, 1986 filing by Intervenor Consumers Organized for Defense of Environmental Safety is less precisely worded but leaves little doubt of its intent. Accordingly, the Board concludes that CODES too has withdrawn from the proceeding and its remaining contention is dismissed.

Hearing Schedule

The Sierra Club's Motion for Continuance follows a telephone notification to the Board and parties of the request and the grounds for it. The motion contemplates commencing the hearing on Monday, February 23, 1986. The Board members' schedules and the availability of hearing space in the San Luis Obispo area dictates that the hearing cannot commence at that time. Accordingly the hearing will commence at 9:30 A.M. local time, Monday, March 9, in the Cabana Room, San Luis Bay Inn, Avila Beach, California 93424, and continue from day to day until complete. The parties are to file all prefiled testimony with the Board on or before February 24, 1987. The parties shall also agree upon a marking system for all exhibits, and the Staff shall submit to the Board an agreed-upon list of all such exhibits at the same time prefiled testimony is due. Prefiled testimony shall show in the text the contentions and exhibits to which it relates.

Limited Appearances

The Board will entertain limited appearance statements from 4:00–6:00 P.M. on Monday, March 9, 1987. If additional time is needed for limited appearance statements, it will be scheduled during the course of the hearing.

Order

For all the foregoing reasons and upon consideration of the entire record in this proceeding, it is this 28th day of January, 1987, ordered.

1. That the motion of Intervenors Mothers for Peace and Sierra Club for summary disposition is denied;
2. That prefiled testimony and a list of exhibits shall be received by the Board and the parties to this proceeding on or before February 24, 1987; and
3. That the hearing shall commence at 9:30 a.m. local time, Monday, March 9, 1987 and continue from day to day until complete.

The Atomic Safety and Licensing Board.

B. Paul Cotter, Jr.,

Chairman, Administrative Judge.

Glenn O. Bright,

Administrative Judge.

Jerry Harbour,

Administrative Judge.

[FR Doc. 87-2267 Filed 2-3-87; 8:45 am]

BILLING CODE 7590-01-M

Draft Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a proposed revision to a Guide in its Regulatory guide Series together with a draft of the associated regulatory analysis. This series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the Commission's regulations, techniques used by the staff in evaluating specific

problems or postulated accidents, and data needed by the staff in its review of applications for permits and licenses.

The draft, temporarily identified by its task number, OP 013-4 (which should be mentioned in all correspondence concerning this draft guide), is proposed Revision 1 to Regulatory Guide 8.22, "Bioassay at Uranium Mills." The guide is being developed to describe a bioassay program acceptable to the NRC staff for uranium mills, including exposure conditions with and without the use of respiratory protection devices.

This draft guide and the associated regulatory analysis are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both the draft guide (including the implementation schedule) and the draft regulatory analysis. Comments on the draft regulatory analysis should be accompanied by supporting data. Written comments may be submitted to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Comments may also be delivered to Room 4000, Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland from 8:15 a.m. to 5:00 p.m. Copies of comments received may be examined at the NRC Public Document Room, 1717 H Street, NW., Washington, DC 20555. Comments will be most helpful if received by April 17, 1987.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with: (1) Items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Information and System Services. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 29th day of January 1987.

For the Nuclear Regulatory Commission.

Karl R. Goller,

Director, Division of Regulatory Applications, Office of Nuclear Regulatory Research.

[FR Doc. 87-2229 Filed 2-3-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-30]

Reinstatement and Renewal of Facility Operating License National Aeronautics and Space Administration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 7 to Facility Operating License No. TR-3 for the National Aeronautics and Space Administration (the licensee) which reinstates and renews the license for possession-only of the Plum Brook Test Reactor located at the Plum Brook Reactor Facility near Sandusky, Ohio. The facility is a non-power reactor that had operated at power levels not in excess of 60 megawatts (thermal). The reinstated and renewed Operating License No. TR-3 will expire ten years from the date of issuance.

The amended licence complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I. Those findings are set forth in the license amendment. Opportunity for hearing was afforded in the notice of the proposed issuance of this reinstatement and renewal in the **Federal Register** on August 12, 1986, at 51 FR 28908. No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has prepared a Safety Evaluation for the reinstatement and renewal of Facility Operating License No. TR-3 and has, based on that evaluation, concluded that the facility can be possessed by the licensee without endangering the health and safety of the public.

For further details with respect to this action, see: (1) The application dated July 26, 1985, (2) Amendment No. 7 to Operating License TR-3, and (3) the staff's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC 20555.

Dated at Bethesda, Maryland, this 28th day of January 1987.

For the Nuclear Regulatory Commission.

Herbert N. Berkow,

Director, Standardization and Special Projects Directorate, Division of PWR Licensing-B, Office of Nuclear Reactor Regulation.

[FR Doc. 87-2231 Filed 2-3-87; 8:45 am]

BILLING CODE 7590-01-M

POSTAL SERVICE

Privacy Act of 1974; Matching Program—Postal Service/City of New York Human Resources Administration

AGENCY: Postal Service.

ACTION: Notice of Computer Matching Program—U.S. Postal Service/City of New York Human Resources Administration.

SUMMARY: The purpose of this document is to publish notice of the Postal Service's plan to participate as a source agency in a computer matching program to detect fraud, waste, and abuse in the public assistance programs administered by the Human Resources Administration of the City of New York. The match will compare certain of the Postal Service's Payroll System File (050.020, Finance Records-Payroll System) with that agency's master file of public assistance clients.

DATE: The match is expected to begin in or about February 1987.

ADDRESS: Comments may be mailed to Records Officer, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, DC 20260-5010, or delivered to Room 8121 at that address between 9:00 a.m. and 4:00 p.m. where they will be available for inspection and photocopying during those hours.

FOR FURTHER INFORMATION CONTACT: Betty Sheriff, Records Office, (202) 268-5158.

SUPPLEMENTARY INFORMATION: The Postal Service has agreed to assist the City of New York Human Resources Administration in its efforts to identify current postal employees receiving public assistance, food stamps, and/or medicaid benefits from the City of New York to which they are not entitled. Set forth below is the information required by paragraph 5.f.(1) of the Revised Supplemental Guidance for Conducting Computerized Matching Programs issued by the Office of Management and Budget (47 FR 21656; May 19, 1982). A copy of this notice has been provided to both Houses of Congress and the Office of Management and Budget.

Report of a Matching Program: U.S. Postal Service (USPS) and City of New York Human Resources Administration (NY HRA).

a. *Authority*: 39 U.S.C. 404.

b. *Program Description:* Under the planned program, the USPS will submit to the NY HRA a computer tape of the names and social security account numbers (SSANs) of its current postal employees in the City of New York. The NY HRA will match that tape, using name and SSAN, against its tape of recipients of public assistance, food stamps, and/or medicaid benefits. The purpose of this match is to identify current postal employees who are receiving benefits to which they are not entitled under these programs. In instances where SSANs match, i.e., "hits," the USPS will disclose to the NY HRA the following information from its payroll file: name, SSAN, date of birth, home address, date started on payroll, facility where employed, and annual gross wage information.

The validity of "matched" employee/benefit recipient information will be verified by the NY HRA. Case files will be evaluated, recipients interviewed to obtain supplementary verification of employment, and written notice of appeal rights given to recipients prior to initiation of steps to have benefits terminated or reduced. Subsequent actions may include collection of outstanding debts owed by those employees for past overpayment of these benefits and appropriate action against those employees fraudulently receiving benefits. Further, the USPS Inspection Service may participate in the investigation of hits as a result of this matching program and establish investigative case files within the parameters of Privacy Act system USPS 080.010, Inspection Requirements Investigative File System (last published in 48 FR 10975 of March 15, 1983). Disclosure of this information is authorized by routine use No. 28 in USPS 050.020, Payroll System, most recently published in 52 FR 2776 of January 26, 1987.

c. *Period of the Match:* The matching program will be on a one-time basis and is expected to begin in February 1987 and end no later than July 1988.

d. *Security:* The NY HRA personnel who perform and verify the match will: (a) Have the only access to the USPS computer tape; (b) use it for the purpose of the match and for no other purpose; and (c) safeguard it from unauthorized access. Likewise, information on benefit recipients disclosed to the USPS will be used by authorized personnel only for the purpose of the match and for no other purpose and will be safeguarded from unauthorized access. All information exchanged as a result of this matching project will be maintained in locked file areas when not in use.

e. *Disposition of Records:* The NY HRA will not retain or copy the tape provided by the USPS and will return it to the USPS within six months from the date of its receipt. All information compiled as a result of this matching effort must be destroyed as soon as the determination is made that no fraud or irregularity has occurred.

f. *Further Comments:* No bestowed rights, privileges, or benefits will be terminated solely on the basis of a "hit" or the records provided by the USPS in connection with this project.

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 87-2225 Filed 2-3-87; 8:45 am]

BILLING CODE 7710-12-M

PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

Notice of meetings

Notice is hereby given of meetings of the Prospective Payment Assessment Commission on February 9–10, 1987, at the Shoreham Hotel, 2500 Calvert Street, NW., Washington, DC.

The Subcommittee on Hospital Productivity and Cost Effectiveness will meet in the Hampton Room on February 9, 1987 at 3 o'clock p.m.

The full Commission will convene at 8 o'clock a.m. on February 10, 1987, also in the Hampton Room.

Both meetings are open to the public.

Donald A. Young,

Executive Director.

[FR Doc. 87-2327 Filed 2-3-87; 8:45 am]

BILLING CODE 6820-BW-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC-15554; 812-6460]

North Star Stock Fund and Investment Advisers Inc.; Application Permitting an Affiliated Transaction

January 28, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 (the "1940 Act").

Applicants: North Star Stock Fund, Inc. (the "Fund") and Investment Advisers, Inc. ("the Adviser").

Relevant 1940 sections: Exemption requested under sections 6(c) and 17(b) from section 17(a).

Summary of application: Applicants seek an order to permit the Adviser to transfer to the Fund an interest and commitment in Broad Street Investment Fund I, L.P., a Delaware limited partnership ("Broad Street").

Filing date: The application was filed on August 18, 1986, and amendments thereto November 28, 1986 and January 15, 1987.

Hearing or notification of hearing: If no hearing is ordered the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on February 19, 1987. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve either Applicant with the request, personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for attorneys, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549; North Star Stock Fund, Inc. and Investment Advisers, Inc., 1100 Dain Tower, P.O. Box 357, Minneapolis, Minnesota 55440.

FOR FURTHER INFORMATION CONTTACT: Sherry A. Hutchins, Staff Attorney, at (202) 272–2799 or Brion R. Thompson, Special Counsel, at (202) 272–3016 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier at (800) 231–3282 (in Maryland (301) 253–4300).

Applicants' Representations

1. The Fund was incorporated in Minnesota on December 4, 1970, and on July 31, 1986, had an authorized capital of 10,000,000 shares of common stock, par value $.10 per share, of which 4,508,268 shares were outstanding, and net assets of approximately $67,443,700. The Fund is registered under the Act as an open-end, diversified management investment company.

2. The Adviser is registered as an investment adviser under the Investment Advisers Act of 1940 and has managed the Fund since the Fund was organized. The Fund and the Adviser have common officers and directors as set forth in the application.

3. The Fund was organized as an investment company with capital appreciation as its primary investment objective. In pursuing its primary objective, the Fund's portfolio consists principally of common stocks of established United States companies. However, the Fund is permitted to invest to a limited extent in other securities believed by the Fund's management and its Adviser to offer above-average potential for capital appreciation.

4. The Fund's management and the Adviser have determined that investing in limited partnerships and funds which, in turn, invest in leveraged buyout transactions ("LBOs") also would provide the Fund with above-average potential for capital appreciation. Therefore, the Fund's management proposed that the shareholders of the Fund approve an amendment to the Fund's fundamental investment restrictions to permit the Fund to invest up to 10% of the value of its total assets in LBO limited partnerships and funds. A majority of Fund shareholders approved such amendment pursuant to Section 13(a) of the 1940 Act at their annual shareholder's meeting held on July 23, 1986.

5. Fund shareholders approved such amendment with the understanding that, pending shareholder approval, the Adviser committed to invest, as an accommodation to the Fund and without any charge to the Fund, $1,000,000 in Broad Street, and that, following such shareholders approval, the Adviser would assign and transfer the limited partnership interest and commitment in Broad Street to the Fund.

6. The Adviser and Fund management believe that an investment in Broad Street would provide the Fund with above-average potential for capital appreciation and would not expose the Fund to imprudent investment risks. The Adviser and the Fund management became aware of Broad Street through ordinary investment channels. Limited partnership interests in Broad Street were offered to the Adviser by means of a confidential private placement memorandum dated March 1986. Prior to the investment in Broad Street on June 30, 1986, neither the Adviser nor the Fund was related in any way to Broad Street or any partner or promoter of Broad Street.

7. Broad Street was organized on June 30, 1986, as a Delaware limited partnership following the receipt of commitments of $150 million in limited partnership contributions. Each of the 98 limited partners have committed to invest a minimum of $1 million in Broad Street. Further commitments of up to $100 million may be accepted by Broad Street. Goldman, Sachs & Co., a New York limited partnership, is the general partner of Broad Street, and is committed to co-invest an amount equal to 10% of the total commitments of limited partners.

8. Broad Street was organized as a leveraged buyout fund to invest in LBOs. Broad Street's investment objective is to provide its limited partner investors with long-term capital gains through a portfolio of equity and equity-related securities in LBOs.

9. Fund shareholders were informed of the risks of investing in LBO limited partnerships and funds as set forth in the application. Fund shareholders were also informed of the terms and conditions of the Fund's proposed investment in Broad Street.

10. As of June 30, 1986, the Adviser contributed $300,000 to the capital of Broad Street and committed to contribute the remaining $700,000 at such times and in such amounts as the general partner of Broad Street may direct by written notice to the Adviser not less than 15 days prior to the date such future installment or installments are due. If the requested exemptive is granted, the Adviser propose to transfer its Broad Street limited partnership interest and commitment to the Fund. The Fund will pay to the Adviser the amount of any capital contributions theretofore and will assume the commitment to make all future capital contributions. The Adviser will receive no interest, profit or other compensation from the Fund upon such transfer.

11. The terms of the proposed transaction, including the consideration to be paid or received, are fair and reasonable and do not involve any overreaching on the part of any person concerned; the proposed transaction is consistent with the policy of the Fund, as recited in the Fund's registration statement; and the proposed transaction is consistent with the general purposes of the 1940 Act. The Adviser will not be ccmpensated by the Fund for its transfer of the Broad Street investment to the Fund. Applicants believe that the investment in Broad Street will provide the Fund with above-average capital growth potential and will therefore promote the Fund's primary investment objective. Further, the investment in Broad Street would not violate any investment restriction of the Fund.

Applicants' Conditions

Applicants agree to be subject to the following conditions:

1. Receipt of the order sought hereby from the Commission allowing the proposed transaction;

2. Receipt of assurances by the Fund that the proposed transaction will not jeopardize the registration of the Fund's shares of common stock in the various states in which its shares are offered.

3. Approval of the proposed transaction thereof by the general partner of Broad Street.

4. In addition, the Fund will not make such commitment and investment in Broad Street unless its Board of Directors ratifies its earlier action permitting such commitment and investment and determines that there have been no material adverse developments affecting the proposed investment in Broad Street, such determination to take place shortly before such commitment and investment is made. Applicants further agree that if the Fund does not make a ccmmitment to invest in Broad Street within (90) days ninety days of the granting of the order sought hereby, such commitment and investment will not be made without a further order of the Commission.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-2218 Filed 2-3-87; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

ACTION: Notice of reporting requirements submitted for review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATE: Comments should be submitted within 21 days of this publication in the **Federal Register.** If you intend to comment but cannot prepare comments promptly, please advise the OMB

Reviewer and the Agency Clearance Officer before the deadline.

Copies: Request for clearance (S.F. 83), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Submit comments to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency clearance officer: Elizabeth M. Zaic, Small Business Administration, 1441 L Street, NW., Room 200, Washington, DC 20416, Telephone: (202) 653–6623

OMB reviewer: Robert Neal, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503, Telephone: (202) 395–7340

Title: SBDC Quarterly and Financial Reports

Frequency: Quarterly

Description of Respondents: SBDC Directors are required to submit quarterly financial reports to SBA

Annual Responses: 196

Annual Burden Hours: 12,936

Type of Request: Extension

Elizabeth M. Zaic,

Deputy Director, Office of Administrative Services, Small Business Administration.

January 30, 1987.

[FR Doc. 87–2240 Filed 2–3–87; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area #2264]

Declaration of Disaster Loan Area, South Carolina

Charleston and Georgetown Counties and the adjacent Counties of Colleton and Horry in the State of South Carolina constitute a disaster area because of damage from flooding, wave action and winds which occurred on December 31, 1986 and January 1, 1987. Applications for loans for physical damage may be filed until the close of business on March 30, 1987, and for economic injury until the close of business on October 28, 1987, at the address listed below:

Disaster Area 2 Office, Small Business Administration, 120 Ralph McGill Blvd., 14th Floor, Atlanta, Georgia 30308.

or other locally announced locations. The interest rates are:

	Percent
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	7.500
Businesses without credit available elsewhere	4.000
Businesses (EIDL) without credit available elsewhere	4.000
Other (non-profit organizations including charitable and religious organizations)	9.500

The number assigned to this disaster is 226406 for physical damage and for economic injury the number is 649600.

(Catalog of Federal Domestic Assistance Programs Nos. 50002 and 59008)

Dated: January 28, 1987.

Charles L. Heatherly,

Deputy Administrator.

[FR Doc. 87–2242 Filed 2–3–87; 8:45 am]

BILLING CODE 8025–01–M

[License No. 02/04–5138]

Merit Funding, Inc.; Surrender of License

Notice is hereby given that Merit Funding, Inc., 4124 Broadway, New York, New York 10033 has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). Merit Funding, Inc. was licensed by the Small Business Administration on June 14, 1978.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender was accepted on December 31, 1986, and, accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.001, Small Business Investment Companies)

Dated: January 28, 1987.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 87–2241 Filed 2–3–87; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits; Week Ended January 23, 1987

The following applications for certificates of public convenience and necessity and foreign air carrier permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et. seq.). The due date for answers, conforming application, or motion to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in apppropriate cases a final order without further proceedings.

Docket No. 44625

Date Filed: January 23, 1987.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: February 20, 1987.

Description: Joint Application of Continental Airlines, Inc. and Eastern Air Lines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Regulations, applies for an amendment of a condition in the certificates for Routes 59, 71–F, 110, 131, 148, 157, 165, 239, 240, 258, 287, 389, and 487.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 87–2264 Filed 2–3–87; 8:45 am]

BILLING CODE 4910–62–M

Maritime Administration

[Docket S–799]

Moore McCormack Bulk Transport, Inc.; Application

In the matter of Application for Written Permission Pursuant to section 805(a) of the Merchant Marine Act, 1936, as amended, and Article II–13 of Operating-Differential Subsidy Agreement, Contract MA/MSB–295 for Certain Affiliations and Other Arrangements Concerning Moore McCormack Bulk Transport, Inc. and Certain of its Affiliates which will be Acquired by Barker Associates Inc.

McCormack Bulk Transport, Inc. (Bulk Transport) by letter of counsel dated January 30, 1987, requested written permission pursuant to section 805(a) of the Act and Article II–13 of Bulk Transport's Operating-Differential Subsidy Agreement (ODSA), Contract MA/MSB–295 for certain affiliations and arrangements described hereafter.

Bulk Transport is a party to ODSA Contract MA/MSB–295 for the operation of three tank vessels in the foreign commerce of the United States. The Interlake Steamship Company (Interlake), owns and operates dry bulk cargo vessels as contract carriers in domestic coastwise trade on the Great Lakes, and Moore McCormack Leasing II (Leasing), owns a vessel chartered to Interlake for operation in the domestic trade. Bulk Transport, Interlake and Leasing are wholly-owned subsidiaries

of Moore McCormack Resources, Inc. (Resources). Written permission under section 805(a) and Article II–13 of the ODSA for the affiliation between Bulk Transport on the one hand and Interlake and Leasing on the other, has been granted by the Maritime Administration, including appropriate permission for certain common officers and directors, and for the controlling interest of Resources in all three companies.

Resources proposes to sell all the stock of Interlake and Leasing to Interlake Holding Company (Holding), a Delaware corporation, and all the stock in Bulk Transport to Barker Associates Inc. (Associates), also a Delaware corporation. All stock issued by Holding will be owned by Mr. James R. Barker. Mr. Barker will own 55 percent of the stock of Associates and his children, Mark W. Barker, James A. Barker, Karen E. Barker, will each own 15 percent of the stock of Associates. Both purchasing corporations will be citizens of the United States as defined in section 905 of the Act. The operating organizations of Bulk Transport and Interlake will remain respectively with those companies. The guarantees or undertakings made by Resources to Bulk Transport and Interlake will remain in force after the sale.

Bulk Transport requests written permission under section 805(a) of the Act and Article II–13 of the ODSA for Mr. Barker to own a pecuniary interest in, and to control Holding, and Associates directly, and through them, Interlake, Leasing and Bulk Transport, for the same scope of domestic ownership and operations by Interlake and Leasing as is contained in Article I–II of Bulk Transport's ODSA. In addition, permission is requested for any common officers and directors, so long as Mr. Barker's direct or indirect control of all of the companies exists.

Initially, it is planned that Mr. Barker will be a director, Chairman and President of Holding, Interlake, Leasing, and Associates, and a director and Chairman of Bulk Transport; that Mr. Wycliffe L. Bennett will be Treasurer of Holding, a director, Vice President, Treasurer and Chief Financial Officer of Interlake, Leasing and Bulk Transport; and that Mr. Michael J. Herling will be Secretary of Holding, Interlake, Leasing, Associates and Bulk Transport. There will initially be no other common director or officer of Holding, Interlake or Leasing on the one hand, and on the other, Associates and Bulk Transport.

Any person, firm or corporation having any interest (within the meaning of section 805(a)) in Bulk Transport's request and desiring to submit comments concerning the request must by 5:00 PM on February 10, 1987 file written comments in triplicate with the Secretary, Maritime Administration, together with petition for leave to intervene. The petition shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petition for leave to invervene is received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations: (a) Could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 20.804 Operating-Differential Subsidies)

By Order of the Maritime Administrator.

Dated: January 30, 1987.

James E. Saari,

Secretary.

[FR Doc. 87–2263 Filed 2–3–87; 8:45 am]

BILLING CODE 4910–81–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Dated: January 29, 1987.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding these information collections should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Room 7313, 1201 Constitution Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–0909
Form Number: IRS Form 8210
Type of Review: Revision
Title: Self-Assessed Penalties Return

Clearance Officer: Garrick Shear, (202) 566–6150, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224

OMB Reviewer: Milo Sunderhauf, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Officer Building, Washington, DC 20503.

Dale A. Morgan,

Departmental Reports Management Office.

[FR Doc. 87–2253 Filed 2–3–87; 8:45 am]

BILLING CODE 4810–25–M

Public Information Collection Requirements Submitted to OMB for Review

Dated: January 29, 1987.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding these information collections should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Room 7313, 1201 Constitution Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: New
Form Number: IRS Form 1120–DF
Type of Review: New
Title: U.S. Income Tax Return for Designated Settlement Funds (Under Section 468B)

OMB Number: 1545–0212
Form Number: IRS Form 5558
Type of Review: Revision
Title: Application for Extension of Time to File Certain Employee Plan Returns

Clearance Officer: Garrick Shear (202) 566–6150, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224

OMB Reviewer: Milo Sunderhauf, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Officer Building, Washington, DC 20503.

Douglas J. Colley,

Departmental Reports Management Office.

[FR Doc. 87–2254 Filed 2–3–87; 8:45 am]

BILLING CODE 4810–25–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Suspension of Increased Tariffs on Certain Articles

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: This notice suspends the increased duties imposed by Proclamation 5601 on all articles set out in that Proclamation, including certain hams, cheeses, vegetables, white wines, brandies and gin.

EFFECTIVE DATE: January 30, 1987.

FOR FURTHER INFORMATION CONTACT: Charles E. Roh, Jr. Office of the United States Trade Representative (202) 395–5114, 600 17th Street, Washington, DC 20506.

SUPPLEMENTARY INFORMATION: On May 15, 1986 the President determined pursuant to section 301(a) of the Trade Act of 1974, that restrictions imposed by the European Economic Community (EEC) on grain and oilseeds deny benefits to the United States under the General Agreement on Tariffs and Trade (GATT), are unreasonable and constitute a burden or restriction on U.S. commerce. In Proclamation 5601 of January 21, 1987 (52 FR 2663), in response to the uncompensated withdrawal of tariff concessions and application of the EEC variable levy on Spanish imports of corn and sorghum, the President proclaimed increased tariffs on imports into the United States of specified articles, effective January 30, 1987. In the event the EEC provided adequate compensation, the President in that Proclamation authorized the United States Trade Representative (USTR) to suspend, modify or terminate the increased duties upon publication in the **Federal Register** of the USTR's determination that such action is in the interest of the United States.

On January 29, the United States and the EEC reached an agreement whereby the EEC will provide adequate compensation to the United States at least for the period through December 31, 1990. Under the terms of that agreement, the EEC will, among other steps, extend certain tariff commitments, reduce certain tariffs and take steps to assure EEC importation of certain quantities of feedgrains from non-EEC countries.

Action: Pursuant to the authority delegated to me in Proclamation 5601 of January 21, 1987, I have determined that, the EEC having agreed to provide adequate compensation at least until December 31, 1990, for withdrawal of concessions and the application of variable levies on corn and sorghum, it is in the interest of the United States to suspend, effective January 30, 1987, the increased duties imposed by Proclamation 5601 on all the articles specified in the annex to that Proclamation.

Accordingly, the increased duties imposed by Proclamation 5601 are suspended, effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 30, 1987, on all the articles specified in the annex to that Proclamation, thereby restoring, effective that date, the rates of duty previously applied to such articles.

Clayton Yeutter,

United States Trade Representative.

[FR Doc. 87–2337 Filed 2–3–87; 10:16 am]

BILLING CODE 3190–01–M

VETERANS' ADMINISTRATION

Special Medical Advisory Group; Meeting

The Veterans' Administration gives notice under Pub. L. 92–463 that a meeting of the Special Medical Advisory Group will be held on February 12 and 13, 1987. The session on February 12 will be held at the Sheraton Carlton Hotel, 923 Sixteenth Street, NW., Washington, DC 20006, and the session on February 13 will be held in Room 119 at the Veterans' Administration Central Office, 810 Vermont Avenue, NW., Washington, DC 20420. In addition, the Subcommittee on the Department of Medicine and Surgery's Mission will hold a session on February 12 in Room 819 at the Veterans' Administration Central Office, 810 Vermont Avenue, NW., Washington, DC 20420 convening at 1:30 p.m. The purpose of the Special Medical Advisory Group is to advise the Administrator and Chief Medical Director relative to the care and treatment of disabled veterans, and other matters pertinent to the Veterans' Administration's Department of Medicine and Surgery.

The session on February 12 (held at the Sheraton Carlton Hotel) will convene at 6 p.m. and the session on February 13 will convene at 8 a.m. All sessions will be open to the public up to the seating capacity of the rooms. Because this capacity is limited, it will be necessary for those wishing to attend to contact Kathy Eller, Secretary, Office of the Chief Medical Director, Veterans' Administration Central Office (phone 202/233–5156) prior to February 6, 1987.

Dated: January 15, 1987.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 87–2156 Filed 2–3–87; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 52. No. 23
Wednesday, February 4, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., February 19, 1987.

PLACE: 2033 K Street, NW., Washington, DC, 5th Floor Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Oral Arguments

Lawrence Grabarnick v. National Futures Association, CFTC Docket No. CRAA–86–3

Sansom Refining Company V. Drexel Brunham Lambert, Inc., *et al.*, CFTC Docket No. 82—R448

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 87–2324 Filed 2–2–87; 11:55 am]

BILLING CODE 6351-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 12:00 noon, Monday, February 9, 1987.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: January 30, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87–2269 Filed 1–30–87; 4:43 p.m.]

BILLING CODE 6210-01-M

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

TIME AND DATE: 11:00 a.m. Tuesday, April 14, 1987.

PLACE: National Press Club, "The News Room"—13th Floor, 14th & F Streets, NW., Washington, DC 20045.

STATUS: The meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

1. Call meeting to order.
2. Adoption of proposed agenda.
3. Approval of minutes of September 16, 1986 meeting.
4. Discussion of the 1988–89 Scholarship program.
   a. Impact of the President's Budget on the program.
   b. Determination of annual cost of living increase in maximum level of scholarship grant.
   c. Speaker for 1988 Awards Ceremony.
   d. Comment on the increase in the number of nominations.
   e. Discussion of other program changes.
   f. Report on Marshall Foundation public service leadership program.
5. Report of the Executive Secretary.
   a. Status of Trust Fund.
   b. Update on Scholars.
   c. Regional Review Panels and Panelists.
   d. Comments from campus faculty representatives on eligibility.
6. Resolution to empower the Chairman/Executive Secretary to enter/renew contracts, conclude agreements, and conduct other Foundation business.
7. Resolution approving the 1987 panel recommendations of Truman Scholars and Alternates.
8. New Business.
9. Discuss and set date, time and place of Fall Board meeting.
10. Adjournment.

CONTACT PERSON FOR MORE INFORMATION: Malcolm C. McCormack, Executive Secretary, Telephone 202/395–4831.

Malcolm C. McCormack,

Executive Secretary.

[FR Doc. 87–2325 Filed 2–2–87; 11:55 am]

BILLING CODE 6820-AB-M

INTERSTATE COMMERCE COMMISSION

TIME AND DATE: 10:00 a.m., Wednesday, February 11, 1987.

PLACE: Hearing Room A, Interstate Commerce Commission, 12th & Constitution Avenue, NW., Washington, DC 20423.

STATUS: Open Special Conference.

MATTER TO BE DISCUSSED:

Finance Docket No. 30900—*Joint Application of CSX Corporation and Sealand Corporation Under 49 U.S.C. 11321.*

CONTACT PERSON FOR MORE INFORMATION: Alvin H. Brown, Office of Legislative and Public Affairs, Telephone: (202) 275–7252.

Noreta R. McGee,

Secretary.

[FR Doc. 87–2224 Filed 1–30–87; 2:11 pm]

BILLING CODE 7035-01-M

NATIONAL SCIENCE BOARD

DATE AND TIME:

February 20, 1987

8:30 a.m. Closed Session
8:45 a.m. Open Session

PLACE: National Science Foundation, Washington, D.C.

STATUS: Most of this meeting will be open to the public. Part of this meeting will be open to the public.

MATTERS TO BE CONSIDERED FEBRUARY 20:

Closed Session (8:30–8:45 a.m.)

1. Minutes—August 1986 Meeting
2. NSB and NSF Staff Nominees
3. Grants, Contracts, and Programs

Open Session (8:45–12:00 noon)

4. Grants, Contracts and Programs
5. Chairman's Report
6. Minutes—November 1986 Meeting
7. Director's Report
8. Report of the NSF Advisory Committee on Merit Review
9. Report on Executive Committee Retreat
10. Interim Report of Committee on NSF Role in Polar Regions
11. Presentation on Coordinated Experimental Research
12. Other Business

Thomas Ubois,

Executive Officer.

[FR Doc. 87–2284 Filed 2–2–87; 10:06 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of February 2, 9, 16, and 23, 1987.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, DC.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of February 2

Thursday, February 5

2:00 p.m.

Discussion of Management-Organization and Internal Personnel Matters (closed—Ex. 2 & 6)

3:30 p.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

Friday, February 6

10:00 a.m.

Briefing on Chernobyl (Public Meeting)

Week of February 9—Tentative

Thursday, February 12

10:00 a.m.

Meeting with Regional Administrators (Public Meeting)

2:00 p.m.

Briefing on Advanced Reactor Designs (Public Meeting)

3:30 p.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

Friday, February 13

10:00 a.m.

Briefing by GPUNC on Status of TMI-2 Cleanup (Public Meeting)

Week of February 16—Tentative

Tuesday, February 17

10:00 a.m.

Briefing on Surry Incident (Public Meeting)

2:00 p.m.

Briefing on Final Version of Draft NUREG-1150 (Source Term) (Public Meeting) (*Postponed* from January 30)

Wednesday, February 18

2:00 p.m.

Briefing on Status of EEO Program (Public Meeting)

3:30 p.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of February 23—Tentative

Tuesday, February 24

2:00 p.m.

Discussion/Possible Vote on Full Power Operating Licence for Clinton-1 (Public Meeting)

Wednesday, February 25

10:00 a.m.

Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)

2:00 p.m.

Discussion/Possible Vote on Restart of Palisades (Public Meeting)

Thursday, February 26

10:00 a.m.

Briefing on Status of Fort St. Vrain (Public Meeting)

3:00 p.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

ADDITIONAL INFORMATION: Affirmation of "Request for Stay of Immediate Effectiveness Provision of License Suspension Order by Advanced Medical Systems, Inc." (Public Meeting) was held on January 29. Affirmation of "Final Rulemaking for Revisions to Operator Licensing—10 CFR Part 55 and Conforming Amendments" scheduled for January 29, *postponed.*

TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING) (202) 634-1498.

CONTACT PERSON FOR MORE INFORMATION: Robert McOsker (202) 634-1410.

Robert B. McOsker,

Office of the Secretary.

January 29, 1987.

[FR Doc. 87-2270 Filed 1-30-87; 4:43 pm]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

STATUS: Closed Meeting.

PLACE: 450 Fifth Street, NW., Washington, D.C.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission held a closed meeting on Monday, January 26, 1987 at 10:30 a.m., to consider the following item.

Settlement of administrative proceeding of an enforcement nature.

Chairman Shad and Commissioners Cox, Grundfest and Fleischman, determined that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Kathryn Natale at (202) 272-3195.

Jonathan Katz

Secretary.

January 27, 1987.

[FR Doc. 87-2418 Filed 2-2-87; 3:45 p.m.]

BILLING CODE 8010-01-M

UNITED STATES INSTITUTE OF PEACE

TIMES AND DATES:

9:00 a.m.-5:00 p.m., Thursday, February 12, 1987

9:00 a.m.-5:00 p.m., Friday, February 13, 1987

PLACE: National Trust for Historic Preservation 1785 Massachusetts Avenue, NW., Washington, DC 20036.

STATUS: Open (portions may be closed pursuant to subsection (c) of section 552(b) of title 5, United States Code, as provided in subsection 1706(h)(3) of the United States Institute of Peace Act, Pub. L. 98-525).

AGENDA (TENTATIVE): Meeting of the Board of Directors convened. Consideration of minutes. President's report. Reports on presidential search. Consideration of grants applications. Jennings Randolph Fellowship Program.

CONTACT: Mrs. Olympia Diniak. Telephone (202) 789-5700.

Dated: January 30, 1987.

Charles Duryea Smith,

Attorney Adviser, United States Institute of Peace.

[FR Doc. 87-2326 Filed 2-2-87; 11:55 am]

BILLING CODE 3155-01-M

Corrections

Federal Register
Vol. 52, No. 23
Wednesday, February 4, 1987

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. 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.

THE PRESIDENT

3 CFR

Radiation Protection Guidance to Federal Agencies for Occupational Exposure; Approval of Environmental Protection Agency Recommendations

Correction

In Presidential document 87–1716 beginning on page 2822 in the issue of Tuesday, January 27, 1987, and corrected at page 3079 in the issue of Friday, January 30, 1987, make the following additional corrections:

1. On page 2824, in the second complete paragraph, in the 16th line, "doses" should read "dose".

2. On page 2828, in the first complete paragraph, in the tenth line, "accrued" was misspelled.

3. On page 2832, in the first complete paragraph, in the third line, "required" should read "require".

4. On the same page, in paragraph "6", in the 11th line, "provision" should read "provisions".

5. On the same page, in paragraph "7", in the ninth line, "worker" should read "workers".

6. On the same page, in the last paragraph, in the first line, "does" should read "doses".

7. On page 2833, in paragraph "9", in the sixth line, "interventions" should read "intervention".

8. On the same page, in paragraph "2", in the second line, "for" should read "of".

9. On the same page, in paragraph "3", in the fourth line, "determining" was misspelled.

10. On the same page, in paragraph "4", in the seventh line, "from" should read "for".

11. On the same page, in paragraph "5", in the first line, "b" should read "by".

12. On the same page, in footnote 7, in the first line, "of" should read "or".

BILLING CODE 1505-01-D

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

[Docket No. N-86-1653; FR-2307]

Section 8 Housing Vouchers—Notice of Funding Availability for a Limited Number of Section 8 Opt Outs

Correction

In notice document 86–29151 appearing on page 47064 in the issue of Tuesday, December 30, 1986, make the following correction:

In the first column the Effective Date should read "December 30, 1986".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO-940-87-4220-10; C-39289]

Opening of Public Lands; Colorado

Correction

In notice document 86–27797 beginning on page 44693 in the issue of Thursday, December 11, 1986, make the following correction:

On page 44694, in the first column, at the end of the eleventh line, insert "and SW¼;".

BILLING CODE 1505-01-D-

federal register

Wednesday
February 4, 1987

Part II

Federal Trade Commission

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules; Notice

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

FISCAL YEAR 1987 TRANSACTIONS, TRANSACTIONS GRANTED EARLY TERMINATION MONTH OF DECEMBER

	Name of acquiring person Name of acquired person Name of acquired entity	Transaction number	Date terminated
(1)	Outrigger Hotels Hawaii First Federal Savings Bank of Rogers, Arkansas, et al First Federal Savings Bank of Rogers, Arkansas, et al	870303	12-01-86
(2)	Cablevision Industries Ltd Partnership Tribune Company Danville Cablevision Company	870315	12-01-86
(3)	Gulf & Western Inc Festival Cinemas Festival Cinemas	870369	12-01-86
(4)	Land O'Lakes, Inc Farmers Union Central Exchange, Inc. CENEX Feed/Seed Divisionchange, Inc.	870389	12-01-86
(5)	Farmers Union Central Exchange, Incorporated Land O'Lakes, Inc. Petroleum Assets of LOL	870390	12-01-86
(6)	Nestle, S.A Pasta & Cheese, Inc. Pasta & Cheese, Inc.	870446	12-01-86
(7)	Nestle, S.A Pasta & Cheese, Inc. Pasta & Cheese, Inc.	870447	12-01-86
(8)	George A. Gillett, Jr Reliance Capital Group, L.P. 3 TV stations, Blair Oklahoma	870454	12-01-86
(9)	Bertelsmann AG/R Mohn/J Mohn Peter C. Parsons and Helen W. Parsons Riverside County Publishing Co. of California	870477	12-01-86
(10)	C.H. Beazer (Holdings) PLC Merrill L. Nash Symons Corporation	870478	12-01-86
(11)	W.R. Grace & Co Panhandle Eastern Corporation Dixilyn-Field Drilling Company	870488	12-01-86
(12)	Azabu Building Co Ltd Kaanapali Beach Partners and Kaanapali Beach Partners Kaanapali Beach Partners and Kaanapali Beach Partners	870491	12-01-86
(13)	Ameritech Pension Trust Sears, Roebuck & Co. Calpark Shopping Center Corp.	870502	12-01-86
(14)	JWP, Inc Kerby Saunders, Inc. Kerby Saunders, Inc.	870503	12-01-86
(15)	Goldman Financial Group, Inc., (David L. Goldman, UPE) Emhart Corporation Fellows Corporation	870506	12-01-86
(16)	Chock Full of Nuts Corporation Kenneth R. Fischer The Greenwich Mills Company	870511	12-01-86
(17)	Lomas & Nettleton Financial Corp M Corp. MNET Corp.	870513	12-01-86

FISCAL YEAR 1987 TRANSACTIONS, TRANSACTIONS GRANTED EARLY TERMINATION MONTH OF DECEMBER—Continued

	Name of acquiring person Name of acquired person Name of acquired entity	Transaction number	Date terminated
(18)	Noble Affiliates, Inc. Texas Eastern Corporation Texas Eastern Corporation	870532	12-01-86
(19)	Manufacturing Acquisition Association, L.P. Graphisphere Corporation Graphisphere Corporation	870543	12-01-86
(20)	Michal J. Levenson Kmart Corporation Bishop Buffets, Inc. Furr's Cafeterias, Inc.	870548	12-01-86
(21)	Uri Sheinbaum American Adventure, Inc. American Adventure, Inc.	870558	12-01-86
(22)	Wicor, Incorporated Transamerica Corporation Pumptron Divi. of Transamerica Delaval, Inc.	870278	12-02-86
(23)	Akzo N.V. Cooper Development Co. Cooper Development Company	870293	12-02-86
(24)	Dart & Kraft, Inc. Mr. Edward G. McMahon and Mrs. Mary Alice McMahon McMahon Food Company, Inc.	870353	12-02-86
(25)	Washington Healthcare Corporation Columbia Hospital for Women Foundation, Inc. Columbia Hospital for Women Foundation, Inc.	870364	12-02-86
(26)	Land O'Lakes, Inc. Agronomy Company—A Joint Venture Agronomy Company—A Joint Venture	870391	12-02-86
(27)	Farmers Union Central Exchanges, Inc. Agronomy Company—A Joint Venture Agronomy Company—A Joint Venture	870392	12-02-86
(28)	Gulf and Western Incorporated Central Pacific Corporation Central Pacific Corporation	870420	12-02-86
(29)	CrossLand Savings FSB FMC Corporation FMC Finance Corporation	870439	12-02-86
(30)	Chicago Pacific Corporation The McGuire Company The McGuire Company	870443	12-02-86
(31)	Mrs. Harriet Hartman Dowling Bag Company, Inc. Dowling Bag Company, Inc.	870452	12-02-86
(32)	H Group Holding Inc Sealy, Incorporated Sealy, Incorporated	870473	12-02-86
(33)	Quebecor, Inc. Semline, Inc. Semline, Inc.	870496	12-02-86
(34)	Semline, Inc. Quebecor, Inc. Quebecor, Inc.	870497	12-02-86
(35)	The Laird Group Public Limited Company Henry B. Thomas Etta Packaging, Inc.	870570	12-02-86
(36)	The Laird Group Public Limited Company Thomas M. Wilkinson Etta Packaging, Inc.	870571	12-02-86
(37)	Cleveland-Cliffs, Inc Moore McCormack Resources, Inc. Pickands Mather & Co.	870572	12-02-86
(38)	G. Heilman Brewing Co., Inc. Droguois Brands, Ltd. Champale, Inc.	870291	12-03-86

FISCAL YEAR 1987 TRANSACTIONS, TRANSACTIONS GRANTED EARLY TERMINATION MONTH OF DECEMBER—Continued

	Name of acquiring person Name of acquired person Name of acquired entity	Transaction number	Date terminated
(39)	Continental Illinois Corporation Spear Leeds & Kellogg First Options of Chicago, Inc.	870325	12-03-86
(40)	Edward W. Wedbush Great American First Savings Bank Great American First Savings Bank	870412	12-03-86
(41)	ConAgra, Incorporated The Lundy Packing Company The Lundy Packing Company	870423	12-03-86
(42)	Centocor, Incorporated FMC Corporation Immunorex Associates and IRMX Corp.	870432	12-03-86
(43)	FMC Corporation Centocor, Incorporated Centocor, Incorporated	870433	12-03-86
(44)	Time Incorporated Dale W. Lang Working Woman, Incorporated	870455	12-03-86
(45)	Bristol-Myers Company David H. Smith Praxis Biologies, Inc.	870509	12-03-86
(46)	Aluminum Company of America TRE Corporation TRE Corporation	870515	12-03-86
(47)	American Express Company Systems Associates, Inc. Systems Associates, Inc.	870521	12-03-86
(48)	Robert Bosch Industrietreuhand KG Merlin Hanson Weldun International, Inc.	870526	12-03-86
(49)	Charles F. Dolan Cablevision of Ohio, Ltd. a limited partnership Cablevision of Ohio, Ltd. a limited partnership	870566	12-03-86
(50)	Koch Industries, Inc Henry H. Zarrow Bigheart Pipe Line Corporation	870314	12-04-86
(51)	Principal Mutual Life Insurance Company EGT Financial Corporation EGT Financial Corporation	870379	12-04-86
(52)	Charles F. Dolan Cablevision Systems and Programming of Southern Conn. Cablevision Systems and Programming of Southern Conn.	870381	12-04-86
(53)	Birmingham Steel Corporation Northwest Steel Rolling Mills, Incorporated Northwest Steel Rolling Mills, Incorporated	870429	12-04-86
(54)	Pepsi Cola Albany Bottling Co., Inc Bernard G. Greer Alistar Beverages Corp. and Alistar Leasing Corp.	870457	12-04-86
(55)	The Federal Company John V. Harker Harker's Inc. and Harker's Leasing Corp.	870483	12-04-86
(56)	George A. Hormel & Company Earl B. Olson & Dorothy Olson Jennie-O Foods, Inc.	870530	12-04-86
(57)	Dart & Kraft, Inc Richard A. Feldman I. Feldman & Co., Inc.	870535	12-04-86
(58)	Advance Voting Trust Citicorp Signature magazine, a division of Diners Club	870555	12-04-86
(59)	Tootal Group PLC Standard-Coosa-Thatcher Company Standard-Coosa-Thatcher Company	870402	12-05-86

FISCAL YEAR 1987 TRANSACTIONS, TRANSACTIONS GRANTED EARLY TERMINATION MONTH OF DECEMBER—Continued

	Name of acquiring person Name of acquired person Name of acquired entity	Transaction number	Date terminated
(60)	Lucas Industries PLC (United Kingdom) Schaevitz Engineering Schaevitz Engineering	870537	12-05-86
(61)	Trump Capital Corporation Lucky Stores, Inc. Checker Auto Parts, Inc.	870552	12-05-86
(62)	Guardian Royal Exchange PLC Grenel Financial Corporation Grenel Financial Corporation	870559	12-05-86
(63)	New England Mutual Life Insurance Co Grenel Financial Corp. Grenel Financial Corp.	870563	12-05-86
(64)	Newmount Mining Corporation Peabody Holding Company, Inc. Peabody Holding Company, Inc.	870564	12-05-86
(65)	MagneTek, Inc Thomas L. Kempner Universal Electric Motor Company	870598	12-05-86
(66)	Rhone Poulenc S.A. Union Carbide Corporation Union Carbide Agricultural Products Company, Inc.	870456	12-08-86
(67)	DeWitt & Lila Wallace Trust Shane Sheldon Travel Magazine Inc.	870487	12-08-86
(68)	Yves Saint Laurent S.A.R.L. Squibb Corporation Cosmetics and fragrance subsidiaries	870576	12-08-86
(69)	Allied-Lyons PLC Reichman Holding Limited Hiram-Walker-Gooderham & Worts Limited	870830	12-08-86
(70)	Allied-Lyons PLC Bacardi Corpporation Bacardi Corpporation	870831	12-08-86
(71)	The Liberty Corporation Southern Life Insurance Company Southern Life Insurance Company	870422	12-09-86
(72)	Lomas & Nettleton Financial Corporation RRH Corporation Union Life Insurance Company	870547	12-09-86
(73)	Heritage Communications, Inc Lin Broadcasting Corp. WIL Music, Inc., Lin-Wisconsin Broadcasting Corp. WBBF.	870318	12-10-86
(74)	The Morgan Crucible Company plc Union Carbide Corporation Union Carbide Corporation	870344	12-10-86
(75)	Health Plans Capital Services Corp Plan Investment Fund, Inc. Plan Investment Fund, Inc.	870349	12-10-86
(76)	Health Care Service Corporation Plan Investment Fund, Inc. Plan Investment Fund, Inc.	870350	12-10-86
(77)	Blue Cross & Blue Shield of Connecticut, Inc Plan Investment Fund, Inc. Plan Investment Fund, Inc.	870351	12-10-86
(78)	Gulf & Western, Inc Festival Enterprises, Inc. Festival Enterprises, Inc.	870370	12-10-86
(79)	T.M Evans B.F. Goodrich Company B.F. Goodrich Company	870414	12-10-86
(80)	Roger S. Penske Leaseway Transportation Corp. Leaseway Transportation Leasing Corp., Yellow Truck	870436	12-10-86

FISCAL YEAR 1987 TRANSACTIONS, TRANSACTIONS GRANTED EARLY TERMINATION MONTH OF DECEMBER—Continued

	Name of acquiring person Name of acquired person Name of acquired entity	Transaction number	Date terminated
(81)	UAL, Inc. Leaseway Transportation Corp. Leaseway Transportation Leasing Corp., Yellow Truck	870437	12-10-86
(82)	International Paper Company Pluswood, Inc. U.S. business of Pluswood	870438	12-10-86
(83)	Pharmacia Aktiebolag Incentive Aktiebolag LKB, Inc.	870451	12-10-86
(84)	Trusthouse Forte PLC Queensway Development Partners II Queensway Bay Hilton Hotel	870466	12-10-86
(85)	M L Media Partners, LP SCI Associates LP SCI-29, Inc. SCI-30, Inc. SCI-31, Inc., SCI-32, Inc.,	870472	12-10-86
(86)	Ban Ponce Corporation BankAmerica Corporation Banerical Caribbean Finance Company Inc.	870505	12-10-86
(87)	Kohler Company Owens-Corning Fiberglass Corp. FRP Components Division	870517	12-10-86
(88)	New Zealand Dairy Board Dorman Intl, Inc., Hickory Cheese Co., Dorman Cheese Dorman Intl, Inc., Hickory Cheese Co., Dorman Cheese	870524	12-10-86
(89)	Alfred McAlpine, plc Blythe Industries Blythe Industries	870556	12-10-86
(90)	Itel Corporation Anixter Bros., Inc. Anixter Bros., Inc.	870568	12-10-86
(91)	Itel Corporation Anixter Bros., Inc. Anixter Bros., Inc.	870569	12-10-86
(92)	Bell Atlantic Corporation Bank America Corporation Eugene A. Obregon and Paul Buck	870574	12-10-86
(93)	Bet Public Limited Company Werner Enterprises, Inc. Werner Enterprises, Inc.	870575	12-10-86
(94)	American Exploration Company Union Texas Petroleum Holdings, Inc. Union Texas Petroleum Corporation and Union Texas	870582	12-10-86
(95)	Raffinerie Tirlemontoise, S.A San Francisco French Bread Company San Francisco French Bread Company	870586	12-10-86
(96)	G.T.C. Transcontinental Group, Inc James G. McMillan 579 Corporation	870589	12-10-86
(97)	Cummins Engine Company, Inc Cummins West, Inc. Cummins West, Inc.	870594	12-10-86
(98)	Sodexho S.A Food Dimensions, Inc. Food Dimensions, Inc.	870601	12-10-86
(99)	Tarmac PLC Wade G. Ellis Ellis Trans. Co. and Co-Val Concrete Pipe Co.	870612	12-10-86
(100)	W.R. Grace & Co Dr. Steven Scott Coastal Group, Inc., Century American Insurance Group	870613	12-10-86
(101)	Great Western Resources Inc Bow Valley Industries, Ltd. Bow Valley Industries, Ltd. & Bow Valley Oil & Gas Inc.	870616	12-10-86
(102)	McGraw-Hill, Inc Peter Tower C.J. Tower & Sons of Buffalo, Inc.	870624	12-10-86

FISCAL YEAR 1987 TRANSACTIONS, TRANSACTIONS GRANTED EARLY TERMINATION MONTH OF DECEMBER—Continued

	Name of acquiring person Name of acquired person Name of acquired entity	Transaction number	Date terminated
(103)	The Laird Group Public Limited Company Serigraph Sales & Manufacturing Co., Inc. Serigraph Sales & Manufacturing Co., Inc.	870628	12-10-86
(104)	Cowles Media Company Historical Times, Inc. Historical Times, Inc.	870629	12-10-86
(105)	Agway, Inc. International Multifoods Corporation Adams and Smoke Craft	870631	12-10-86
(106)	Bob Evans Farms, Inc Jerry P. Owens Owens Country Sausage, Inc.	870634	12-10-86
(107)	Venango River Corporation IC Industries, Inc. Illinois Central Gulf Railroad Company	870636	12-10-86
(108)	Arabian Investment Banking Corporation Club Car, Inc. Club Car, Inc.	870638	12-10-86
(109)	Lincoln National Corporation Mr. Herbert L. Greenberg Preferred Financial Corporation	870640	12-10-86
(110)	Variety Corporation Dayton Walther Corporation Dayton Walther Corporation	870654	12-10-86
(111)	Cooperants Mutual Life Insurance Society American Mutual Liability Insurance Co. AM Life Insurance Company	870679	12-10-86
(112)	The Clayton & Dubilier Private Equity Fund II Ltd. ITT Corporation O.M. Scott & Sons Co., and W. Atlee Burpee Co., Canadian	870687	12-10-86
(113)	Thomson Industries, Inc., (John B. Thomson, Jr., UPE) General Motors Corporation Saginaw Divi's Actuator Products Group	870725	12-10-86
(114)	Elgin National Industries, Inc Nortek, Inc. The Industrial Products Group of Monogram Industries	870771	12-10-86
(115)	Allis-Chalmers Corporation Security Pacific Corporation Security Pacific Equipment Finance, Inc.	870776	12-10-86
(116)	Trump Capital Corporation Fair Lanes, Inc. Fair Lanes, Inc.	870818	12-10-86
(117)	The Morgan Crucible Company PLC M/A COM, Inc. M/A Com, Laser Diode, Inc.	870450	12-11-86
(118)	Allied-Lynons PLC Southern Tea Company Southern Tea Company	870583	12-11-86
(119)	Bruncor Inc. Chancellor Corporation Chancellor Corporation	870610	12-11-86
(120)	Bruncor, Inc. Chancellor Corporation Chancellor Corporation	870611	12-11-86
(121)	Klaus J. Jacobs American Home Products Corporation E.J. Brach & Sons, Inc. and E.J. Brach Corporation	870615	12-11-86
(122)	Deluxe Check Printers, Incorporated A.O. Smith Corp. A.O. Smith Corp.	870619	12-11-86
(123)	Warburg, Pincus Capital Company, L.P. Arthur A. Ciocca Wine Acquisition Corporation, Inc.	870641	12-11-86

FISCAL YEAR 1987 TRANSACTIONS, TRANSACTIONS GRANTED EARLY TERMINATION MONTH OF DECEMBER—Continued

	Name of acquiring person Name of acquired person Name of acquired entity	Transaction number	Date terminated
(124)	PepsiCo, Inc. TJF Group, Inc. TJF Beverages, Inc. and RDM Properties, Inc.	870644	12-11-86
(125)	Compagnie Leban Robert Merson Southern Electric Supply Company, Inc.	870657	12-11-86
(126)	Federal-Mogul Corporation Switches, Inc. Patrick C. Duffy	870672	12-11-86
(127)	University of Southern California Occidental Petroleum Corp. Occidental Petroleum Corp.	870677	12-11-86
(128)	The Oklahoma Publishing Co Mistletoe Express Service Mistletoe Express Service	870680	12-11-86
(129)	R. Stephen Rubin Charles J. Cole El Greco, Inc.	870690	12-11-86
(130)	Jeffrey P. Orleans FPA Corporation FPA Corporation	870692	12-11-86
(131)	The Federal Company Henry House, Inc. Henry House, Inc.	870697	12-11-86
(132)	M.A. Hanna Company Burton Rubber Processing, Incorporated Burton Rubber Processing, Incorporated	870745	12-11-86
(133)	Fleet Financial Group, Inc Richard E. and Marianne B. Kipper AFSA Enterprises	870746	12-11-86
(134)	First Boston, Inc Lone Star Industries, Inc. LSI's Southeast Region	870756	12-11-86
(135)	Tarmac Plc First Boston Inc. Trusa Southern National Inc.	870757	12-11-86
(136)	Tarmac PLC Lonestar Southeast, Inc., joint venture corp. Lonestar Southeast, Inc., joint venture corp.	870758	12-11-86
(137)	Lone Star Industries Lonestar Southeast, Inc., newly formed joint venture Lonestar Southeast, Inc., newly formed joint venture	870759	12-11-86
(138)	F P L Group, Inc CBR Information Group, Inc. CBR Information Group, Inc.	870768	12-11-86
(139)	Edward J. DeBartolo Corporate Property Investors Corporate Property Investors	870803	12-11-86
(140)	Corporate Property Investors Edward J. DeBartolo Palm Beach Mall	870804	12-11-86
(141)	Trump Capitol Corporation Fair Lanes, Inc. Fair Lanes, Inc.	870811	12-11-86
(142)	Trump Capital Coproration BTR Realty, Inc. BTR Realty, Inc.	870812	12-11-86
(143)	Trump Capital Corporation Fair Lanes, Inc. Fair Lanes, Inc.	870819	12-11-86
(144)	IU International Corporation John E. Winston Roanoke Restaurant Services, Inc.	870825	12-11-86

FISCAL YEAR 1987 TRANSACTIONS, TRANSACTIONS GRANTED EARLY TERMINATION MONTH OF DECEMBER—Continued

	Name of acquiring person Name of acquired person Name of acquired entity	Transaction number	Date terminated
(145)	I U International Corporation David W. Shelor Roanoke Restaurant Services, Inc.	870826	12-11-86
(146)	SPS Technologies Inc Allegheny International Inc. The Arnold Engineering Co.	870833	12-11-86
(147)	Southwestern Bell Corporation Metrocall of Delaware, Incorporated Metrocall of Delaware, Incorporated	870092	12-12-86
(148)	Masco Corporation Bertram Teich Acme Steel Partition Co., Inc.; Acme Office Group, Inc.	870425	12-12-86
(149)	Masco Corporation Mr. Jack J. Teich Acme Steel Partition Co., Inc.; Acme Office Group, Inc.	870426	12-12-86
(150)	The Continental Corporation MBIA, Inc. MBIA, Inc.	870468	12-12-86
(151)	Fireman's Fund Corporation MBIA, Inc. MBIA, Inc.	870469	12-12-86
(152)	CIGNA Corporation MBIA, Inc. MBIA, Inc.	870470	12-12-86
(153)	Staveley Industries, plc WEIGH-TRONIX, Inc. WEIGH-TRONIX, Inc.	870514	12-12-86
(154)	Eastman Kodak Company Fox Photo, Inc. Fox Photo, Inc.	870523	12-12-86
(155)	Berwind Corporation Robert J. Hill Synergetic Resources, Inc.	870553	12-12-86
(156)	A. Alfred Taubman Carter Hawley Hale Stores, Inc. John Wanamaker, Philadelphia	870557	12-12-86
(157)	USG Corporation Reflector Hardware Corporation Reflector Hardware Corporation	870561	12-12-86
(158)	Trinova Corporation Industrial Plastics Corporation Industrial Plastics Corporation	870573	12-12-86
(159)	Harvard Industries, Inc. The Kingston-Warren Corporation The Kingston-Warren Corporation	870599	12-12-86
(160)	Cummins Engine Company, Inc Thomas D. Taylor Cummins Northwest, Inc.	870600	12-12-86
(161)	General Electric Company Auto Auction, Inc. Auto Auction, Inc.	870605	12-12-86
(162)	Rexham Corporation Robert A. Bristol Production Graphics Corporation	870614	12-12-86
(163)	Brunswick Corporation Ray Employees' Stock Ownership Trust Ray Industries, Inc.	870656	12-12-86
(164)	Garden State Newspapers, Inc Loren Ghiglione The Bristol Press Publishing Co.	870761	12-12-86
(165)	David Jones Limited H.S. Crocker Co., Inc. H.S. Crocker Co., Inc.	870766	12-12-86
(166)	Ply-Gem Industries, Inc Great Lakes Window Corp. Great Lakes Window Corp.	870767	12-12-86

FISCAL YEAR 1987 TRANSACTIONS, TRANSACTIONS GRANTED EARLY TERMINATION MONTH OF DECEMBER—Continued

	Name of acquiring person Name of acquired person Name of acquired entity	Transaction number	Date terminated
(167)	William J. McCarty McCormick & Company, Inc. McCormick Construction Company	870801	12-12-86
(168)	Circuit City Stores Handyman Corporation Handyman Corporation	870813	12-12-86
(169)	Werner K. Rey Barco Auto Leasing Corporation Barco Auto Leasing Corporation	870823	12-12-86
(170)	SmithKline Beckman Corporation CooperVision Inc. CVI Contact Lens Business	870838	12-12-86
(171)	M.D.C. Asset Investors, Inc M.D.C. Holdings, Inc. M.D.C. Mortgage Funding Corporation	870842	12-12-86
(172)	Harken Oil & Gas Incorporated E-Z Serve, Incorporated E-Z Serve, Incorporated	870855	12-12-86
(173)	Dart & Kraft, Inc Mr. Earl E. McMahon and Mrs. Bettye McMahon McMahon Food Company, Inc.	870355	12-14-86
(174)	MBIA inc Ryder System Inc Municipal Issuers Service, Corp., JRBE, Inc.	870489	12-15-86
(175)	Levi Strauss Associates Inc British Motor Car Distributors, Inc., (Kejell H. Qvale) Asian Pacific Industries Inc.	870490	12-15-86
(176)	John Labatt Limited Louis S. Caiola Tuscan Industries, Inc.	870516	12-15-86
(177)	Cineplex Odeon Corporation Fredric A. Danz Sterling Recreation Organization, Inc.	870859	12-15-86
(178)	Taft Broadcasting Company WEI Associated, L.P. Wometco Cable TV, Inc.	870512	12-16-86
(179)	S.K. Johnston, Jr Middle States Coca-Cola Bottling Group, Inc. Middle States Coca-Cola Bottling Group, Inc.	870581	12-16-86
(180)	Catalyst Energy Development Corporation Philadelphia Electric Company PECO Sysetm and 13 generating plants	870585	12-16-86
(181)	Ashland Oil Inc Planning Research Corporation PRC Engineering, Inc.	870618	12-16-86
(182)	General Electric Company Stemler Co., Ltd., Joseph Stemler Gem Products, Inc.	870627	12-16-86
(183)	Beverly Investment Properties, Inc Beverly Enterprises Beverly Enterprises	870741	12-16-86
(184)	General Electric Company Stemler Co., Ltd., (Joseph O'Hara, UPE) Gem Products, Inc.	870744	12-16-86
(185)	H.J. Heinz Company Near East Food Products, Inc. Near East Food, Products, Inc.	870765	12-16-86
(186)	Thomas E. Worrell, Jr HAC Holding, Inc. HAC Holding, Inc.	870788	12-16-86
(187)	MBIA, Inc The Mutual Benefit Life Insurance Company National Bonding and Accident Insurance Company	870361	12-17-86

FISCAL YEAR 1987 TRANSACTIONS, TRANSACTIONS GRANTED EARLY TERMINATION MONTH OF DECEMBER—Continued

	Name of acquiring person Name of acquired person Name of acquired entity	Transaction number	Date terminated
(188)	Adams-Russell Electronics Co. Inc Mikron, GmgH SDI, Inc.	870518	12-17-86
(189)	Siebe plc W.H. Salisbury W.H. Salisbury & Company	870544	12-17-86
(190)	New York Life Insurance Company Anac Holding Corporation Anac Holding Corporation	870551	12-17-86
(191)	Ferguson Industrial Holdings, PLC A.J. Clegg Empery Corporation.	870554	12-17-86
(192)	The Industrial Bank of Japan LImited Estate of George S. Eccles Aubrey G. Lanston & Co., Inc.	870565	12-17-86
(193)	Lord Iliffe's Trust UPE-Vattendon Investment Trust Ltd Genex Corp. Dot Publishing Company, Inc.	870567	12-17-86
(194)	MEDIQ Mental Health Management, Inc. Mental Health Management, Inc.	870577	12-17-86
(195)	Bessemer Securities Corporation William E. and Margaret H. Davis Wm E. Davis & Sons, Inc. and Davis Property Company	870603	12-17-86
(196)	Reliance Group Holdings, Inc Zenith National Insurance Corporation Zenith National Insurance Corporation	870622	12-17-86
(197)	Franz Haniel & I,Cie GmbH Milford Quinn Quinn Wholesale Company	870637	12-17-86
(198)	J. Frederick Merz, Jr Ashland Oil, Inc Scientific Gas Products Division	870651	12-17-86
(199)	Pennzoil Company Seagull Refining Company Seagull Refining Company	870655	12-17-86
(200)	Sara Lee Corporation Sky Bros., Inc Sky Bros., Inc.	870664	12-17-86
(201)	RFS Equity Partners RFS Webcraft Holding Corp. RFS Webcraft Holding Corp.	870673	12-17-86
(202)	CNC Associates The Quaker Oats Company Eyelab, Inc.	870772	12-17-86
(203)	RFS Equity Partners Piggly Wiggly Southern, Inc. Piggly Wiggly Southern, Inc.	870805	12-17-86
(204)	Southmark Corporation Charles A. Osborn, Jr. National Heritage, Inc., Edisto Convalescent Center.	870814	12-17-86
(205)	Hobart Brothers Company, Inc Allegheny International, Inc. Sciaky Brothers Inc.	870834	12-17-86
(206)	Datapoint Corporation Lucky Stores, Inc. Lucky Stores, Inc.	870405	12-18-86
(207)	Sears, Roebuck & Co Macy Acquiring Corp. Macy Acquiring Corp.	870504	12-18-86
(208)	The Mead Corporation Ampad Corporation Ampad Corporation	870528	12-18-86

FISCAL YEAR 1987 TRANSACTIONS, TRANSACTIONS GRANTED EARLY TERMINATION MONTH OF DECEMBER—Continued

	Name of acquiring person Name of acquired person Name of acquired entity	Transaction number	Date terminated
(209)	The Dyson-Kissner-Moran Corporation Narragansett Capital Corporation Cissell Manufacturing Company	870584	12-18-86
(210)	BTR plc Pilkington Brothers plc Pilkington Brothers plc	870587	12-18-86
(211)	Salomon Inc RCK Holding Corp. RCK Holding Corp.	870591	12-18-86
(212)	Salomon Inc Newco Newco	870592	12-18-86
(213)	Salomon Inc Estate of Maurice Rosenfeld, c/o Stuart Becker & Co. PC Equitable Bag Co.	870593	12-18-86
(214)	United States Philips Trust BMC Industries, Inc. Integrated Microcircuits Inc., and Interconics Group	870609	12-18-86
(215)	Browning-Ferris Industries, Inc Allen L. Jarabek Fall River Landfill, Inc., Jarabek Disposal, Inc. and	870617	12-18-86
(216)	The Quaker Oats Company International Multifoods Corporation Kretschmer Wheat Germ and Ready-to-Eat Cereal	870633	12-18-86
(217)	Northeast Savings, F.A. Alan Turtletaub The Money Store International, Inc.	870642	12-18-86
(218)	The Edward W. Scripps Company American City Business Journals, Inc. American City Business Journals, Inc.	870658	12-18-86
(219)	American City Business Journals, Inc The Edward W. Scripps Company The Edward W. Scripps Company	870659	12-18-86
(220)	Ford Motor Company BankAmerica Corporation Actium Leasing Corp. and Kadesh Leasing Corp.	870668	12-18-86
(221)	Carena Holdings Limited Florida Life Care, Inc. Florida Life Care, Inc.	870683	12-18-86
(222)	J. L. Clark Manufacturing Company Richard N. Witham Michigan Spring Company	870689	12-18-86
(223)	Masco Industries, Inc. John L. McLane Architectural Specialties Company, Inc.	870695	12-18-86
(224)	Masco Industries, Inc. Wallace J. Warner Architectural Specialties Company, Inc.	870696	12-18-86
(225)	Federal Realty Investment Trust Northeast Plaza Associates Ltd. Northeast Plaza Associates Ltd.	870699	12-18-86
(226)	Federated Development Company Maxxam Group Inc. Maxxam Group Inc.	870721	12-18-86
(226)	Kraft, Incorporated Institutional Food Distributors, Inc. Institutional Food Distributors, Inc.	870722	12-18-86
(227)	Garden Way Incorporated Robert E. Bergen Bolens Corporation	870731	12-18-86
(228)	U S West, Inc. Inspiration Resources Corp. Inspiration Resources Corp.	870735	12-18-86
(229)	Asarco Incorporated The British Petroleum Company Missouri assets of the Ozark Lead Division	870752	12-18-86

FISCAL YEAR 1987 TRANSACTIONS, TRANSACTIONS GRANTED EARLY TERMINATION MONTH OF DECEMBER—Continued

	Name of acquiring person Name of acquired person Name of acquired entity	Transaction number	Date terminated
(230)	Buhrmann-Tetterode N.V Valcour Holdings, Inc. Valcour Holdings, Inc.	870760	12-18-86
(231)	Adia Services, Inc P.F.I. (Personnel Finders, Inc.) P.F.I. (Personnel Finders, Inc.)	870763	12-18-86
(232)	Munsingwear, Inc Princeton Hosiery Mills, Inc. Princeton Hosiery Mills, Inc.	870764	12-18-86
(233)	Amer Group Ltd Jack W. Nicklaus IV Square, Inc.	870774	12-18-86
(234)	Kentco Limited C & M Partnership Alex Brands, Inc.	870778	12-18-86
(235)	Pitney Bowes, Inc Kenneth W. Ford Colonial Leasinig Company of New England, Inc.	870785	12-18-86
(236)	Capital Holding Corporation Nationwide Mutual Insurance Company Worldwide Underwriters Insurance Copmany	870792	12-18-86
(237)	Kellwood Company Robert Levin-E-Z Sportswear Robert Levin-E-Z Sportswear	870797	12-18-86
(238)	Northwestern Steel & Wire Company Armco Inc. Armco Inc.	870799	12-18-86
(239)	Legg Mason, Inc First Investment Services, Inc. Western Asset Management Company	870800	12-18-86
(240)	Genicom Corporation Centronics Data Computer Corp. Centronics Sales and Service	870821	12-18-86
(241)	Silver Eagle Distributors, Inc Basil Georges Southwest Distributing Company. Inc.	870899	12-18-86
(242)	Jannock Limited Boren Clay Products Company Boren Clay Products Company	870847	12-18-87
(243)	New World Pictures. Ltd Sheldon Feinberg The Marvel Entertainment Group	870620	12-19-86
(244)	Colgate Palmolive Company Jung Corporation Jung Corporation	870623	12-19-86
(245)	PACCAR Inc., a Delaware Corporation Trico Industries, Inc., a California Corporation Trico Industries, Inc., a California Corporation	870635	12-19-86
(246)	Ronald R. Anderson All-Steel Associates All-Steel Inc.	870649	12-19-86
(247)	Nestle S.A. L.J. Minor Corporation L.J. Minor Corporation	870688	12-19-86
(248)	Brentwood Associates, IV. L.P. The Times Mirror Company Graphic Controls Corporation	870701	12-19-86
(249)	Kansas City Southern Industries, Inc Leonard M. Heine, Jr. Heine Management Group, Inc.	870705	12-19-86
(250)	Combined International Corp. Eugene W. Jackson Springhouse Financial Corporation	870747	12-19-86

FISCAL YEAR 1987 TRANSACTIONS, TRANSACTIONS GRANTED EARLY TERMINATION MONTH OF DECEMBER—Continued

	Name of acquiring person Name of acquired person Name of acquired entity	Transaction number	Date terminated
(251)	IFINT S.A. Everco Industries, Inc. Everco Industries, Inc.	870779	12-19-86
(252)	RMS Limited Partnership Newsweb Corporation Newsweb Corporation	870791	12-19-86
(253)	Beneficial Corporation European-American Bancorp European-American Bancorp	870798	12-19-86
(254)	Goldome FSB Intech Capital Corporation Intech Capital Corporation	870802	12-19-86
(255)	Nestle. S.A. Sharpoint, Inc. Sharpoint, Inc.	870841	12-19-86
(256)	Michael Kane Action Manufacturing Company Action Manufacturing Company	870844	12-19-86
(257)	Carousel Resort Partnership Sears, Roebuck and Company The Carousel Hotel	870846	12-19-86
(258)	The Hearst Trust Phillip W. Moffitt Esquire Magazine Group, Inc.	870850	12-19-86
(259)	RepublicBank Corporation Texas American Bancshares, Inc. Texas American Bancshares, Inc.	870856	12-19-86
(260)	Forsch Corporation Ingersoll-Rand Company Ingersoll-Rand Financial Corporation	870862	12-19-86
(261)	Equity Holdings, a general partner Old Fox, Inc. Old Fox, Inc.	870863	12-19-86
(262)	Masco Corporation Philip D. Miller Howard Miller Clock Company	870865	12-19-86
(263)	Masco Corporation Jack H. Miller Howard Miller Clock Company	870866	12-19-86
(264)	Westwood One, Inc., (Norman J. Pattiz, UPE) HHC Holding, Inc. Radio & Records. Inc.	870873	12-19-86
(265)	Jefferson-Pilot Corporation Data Communications Corporation Data Communications Corporation	870878	12-19-86
(266)	Super Valu Stores, Inc. AG-OPUS Investors, Joint Venture AG-OPUS Investors, Joint Venture	870879	12-19-86
(267)	Morgan Grenfell Group PLC C.J. Lawrence & Company, Inc. C.J. Lawrence & Company, Inc.	870880	12-19-86
(268)	Sharad C. Tak Roy E. Disney and Patricia A. Disney Shamrock Broadcasting. Inc.	870883	12-19-86
(269)	Unilever PLC, Unilever, N.V Chesebrough-Pond's Inc. Chesebrough-Pond's Inc.	870912	12-19-86
(270)	McGraw-Hill, Inc Warburg, Pincus & Co. Biomedical Information Corporation	870590	12-22-86
(271)	Charles F. Dolan Rainbow Program Enterprises Rainbow Program Enterprises	870639	12-22-86
(272)	NV Verenigd Bezit VNU James S. Mulholland, Jr. Hayden Publishing Company, Inc.	870647	12-22-86

FISCAL YEAR 1987 TRANSACTIONS, TRANSACTIONS GRANTED EARLY TERMINATION MONTH OF DECEMBER—Continued

	Name of acquiring person Name of acquired person Name of acquired entity	Transaction number	Date terminated
(273)	Borden, Inc. Unilever p.l.c Thomas L. Lipton, Inc.	870674	12-22-86
(274)	Unilever p.l.c. and Unilever Borden, Inc. Borden, Inc.	870675	12-22-86
(275)	Scarsdale Company, N.V Peter Kieiwt Sons', Inc. CCC Series 200, Inc.	870676	12-22-86
(276)	Quachita Coca-Cola Bottling Co., Inc Coca-Cola Bottling Co. of South Arkansas Coca-Cola Bottling Co. of South Arkansas	870678	12-22-86
(277)	Peter Kieiwt Sons', Inc Scarsdale Company, Inc. Scarsdale Company, Inc.	870691	12-22-86
(278)	International Minerals & Chemical Corp Johnson & Johnson Pitman-Moore, Inc.	870703	12-22-86
(279)	Sensormatic Electronics Corp Vicon Industries, Inc. Vicon Industries, Inc.	870724	12-22-86
(280)	Prime Cable Income Partners L.P Centel Corporation Centel Cable Television Co. of Texas	870732	12-22-86
(281)	West Point-Pepperell, Inc Burton M. Gold Stratton Industries, Inc.	870736	12-22-86
(282)	Carl Zeiss Stiftund d.b.a. Schott Glaswerke The Cambridge Instrument Company PLC Fiber Optics Division of Reichert-Lung, Inc.	870749	12-22-86
(283)	Gibraltar Financial Corp. Coast Savings & Loan Association Coast Federal Business Credit Corp.	870751	12-22-86
(284)	The Quaker Oats Company Jason F. Bloomberg R. W. Snyder Company	870753	12-22-86
(285)	Pacific Scientific Company Allegheny International, Inc. HTL Industries, Inc.	870754	12-22-86
(286)	Shawnut Corporation Gibraltar Financial Corporation First Gibraltar Mortgage Corporation	870777	12-22-86
(287)	Hercules, Incorporated Unisys Corporation SP-Microwave, Inc.	870786	12-22-86
(288)	The Gates Corporation General Electric Company GE Battery Business	870840	12-22-86
(289)	Great Lakes Chemical Corporation Pentech Corporation, (G.S. Beckwith Gilbert, UPE) Pentech Corporation, (G.S. Beckwith Gilbert, UPE)	870848	12-22-86
(290)	North American Ventures, Inc Butler International, Inc. Butler International, Inc.	870864	12-22-86
(300)	Drexel, Burnham, Lambert Group, Inc Templeton Energy, Inc. Temex Energy, Inc.	870875	12-22-86
(301)	Compagnie Generale des Eaux Limbach Incorporated Limbach Incorporated	870884	12-22-86
(302)	International American Homes, Inc R.A. Homes, Inc. R.A. Homes, Inc.	870898	12-22-86

FISCAL YEAR 1987 TRANSACTIONS, TRANSACTIONS GRANTED EARLY TERMINATION MONTH OF DECEMBER—Continued

	Name of acquiring person Name of acquired person Name of acquired entity	Transaction number	Date terminated
(303)	The BF Goodrich Company The Gates Corporation Jet Electronics and Technology Incorporated	870648	12-23-86
(304)	Gulf Western Inc The Times Mirror Company The H.M. Gousha Company	870666	12-23-86
(305)	Sara Lee Corporation Capitol Fish Company, Inc., (Julius Levitt, UPE) Capitol Fish Company, Inc., (Julius Levitt, UPE)	870790	12-23-86
(306)	Petrofina S.A The Williams Companies Williams Exploration Co. and Northwest	870793	12-23-86
(307)	Groupe Bruxelles Lambert S.A The Williams Companies Williams Exploration Company and Northwest	870794	12-23-86
(308)	Bindley Western Industries New England Wholesale Drug Company New England Wholesale Drug Company	870806	12-23-86
(309)	Bindley Western Industries, Inc Stamford Superior Drug Company Stamford Superior Drug Company	870807	12-23-86
(310)	Bindley Western Industries, Inc Edward Osman Special Services, Inc.	870808	12-23-86
(311)	Bindley Western Industries, Inc Stephen Osman Special Services, Inc.	870809	12-23-86
(312)	Consolidated Gold Fields PLC Newmont Mining Corporation Magma Copper Company	870828	12-23-86
(313)	Sorrento, Inc California Cheese Company California Cheese Company	870829	12-23-86
(314)	Henleys Group Limited Mr. Morris Sussman Shore Plastics Inc., Anchor Enterprises, Inc.	870852	12-23-86
(315)	Prairie Farms Dairy, Inc Best Ever Companies, Inc. Best Ever Companies, Inc.	870854	12-23-86
(316)	Sealright Co., Inc Indopak Indopak	870858	12-23-86
(317)	National Patent Development Corporation General Physics Corporation Ralph C. Roe Trust	870870	12-23-86
(318)	Santa Fe Southern Pacific Corporation J. Morgan Smith Genesis Petroleum Corporation	870871	12-23-86
(319)	Phillips Petroleum Company Burlington Northern, Inc. El Paso Natural Gas Company	870882	12-23-86
(320)	Outboard Marine Corporation William H. Winn, Sr. Four Winns, Inc.	870904	12-23-86
(321)	The Valspar Corporation Insilco Corporation Enterprise Paint Cos. Divi. and Carter Coatings Corp.	870604	12-24-86
(322)	Pepsi Co, Inc Angelo Campodonico Grandchildren Trust New Century Beverage Company	870621	12-24-86
(323)	CalMat Co Dale C. Sneed Revocable Trust, an Arizona Trust Allied Concrete & Materials Co.	870630	12-24-86

FISCAL YEAR 1987 TRANSACTIONS, TRANSACTIONS GRANTED EARLY TERMINATION MONTH OF DECEMBER—Continued

	Name of acquiring person Name of acquired person Name of acquired entity	Transaction number	Date terminated
(324)	Covenient Holding Limited Partnership Herbert P. Koch Polka Dot Dairy Inc.	870645	12-24-86
(325)	Convenient Holding Limited Partnership Wallace Pettit Polka Dot Dairy, Inc.	870646	12-24-86
(326)	The Ohio Mattress Company Sealy, Incorporated Sealy, Incorporated	870660	12-24-86
(327)	The Ohio Mattress Company Sealy, Incorporated Sealy, Connecticut, Inc.	870661	12-24-86
(328)	The Times Mirror Company Bernard J. and Florance F. Starkoff CRC Press, Inc.	870667	12-24-86
(329)	The Ohio Mattress Company The Maryland Bedding Company Joseph B. Rudick	870670	12-24-86
(330)	The Ohio Mattress Company Sealy of Maryland and VA., Inc., (Marc E. Rudick, UPE) Sealy of Maryland and VA., Inc., (Marc E. Rudick, UPE)	870671	12-24-86
(331)	The Federal Company Charles L. Shelton Quik-To-Fix Foods Products, Inc.	870681	12-24-86
(332)	General Electric Company Brasher's Inc. Brasher's Inc.	870693	12-24-86
(333)	Finevest Partners Limited Partnership Valley Bell Dairy Company Valley Bell Dairy Company, Valley Bell Foods, Inc.	870698	12-24-86
(334)	The Ohio Mattress Co William H. Walzer Sealy of Connecticut, Inc.	870713	12-24-86
(335)	The Ohio Mattress Co Sealy, Incorporated Sealy, Incorporated	870714	12-24-86
(336)	The Ohio Mattress Co Sealy, Inc. Sealy, Inc.	870715	12-24-86
(337)	The Ohio Mattress Co Morris A . Kaplan Sealy Mattress Co. of Illinois	870716	12-24-86
(338)	Revlon Group, Inc Transworld Corporation Transworld Corporation	870717	12-24-86
(339)	Ronald O. Perelman Transworld Corporation Transworld Corporation	870718	12-24-86
(340)	Ronald O. Perelman Army Partners I MAFCO Acquisition Co.	870719	12-24-86
(341)	Revlon Group, Inc Army Partners I MAFCO Acqisition CO.	870720	12-24-86
(342)	TI Group plc John Henry Industries Abar Ipsen Industries	870729	12-24-86
(343)	Farmers Union Central Exchange, Inc Polka Dot Dairy, Inc. Polka Dot Dairy, Inc.	870733	12-24-86
(344)	Equitable Resources, Inc Danville Resources, Inc. Adobe Resources Corp.	870742	12-24-86
(345)	Harnischfeger Industries, Inc Syscon Corporation Syscon Corporation	870782	12-24-86

FISCAL YEAR 1987 TRANSACTIONS, TRANSACTIONS GRANTED EARLY TERMINATION MONTH OF DECEMBER—Continued

	Name of acquiring person Name of acquired person Name of acquired entity	Transaction number	Date terminated
(346)	Roy E. and Patricia A. Disney Bunge Foundation Bunge Foundation	870783	12-24-86
(347)	Macco Investments, Inc Pizitz, Inc. Pizitz, Inc.	870784	12-24-86
(348)	Oak Industries, Inc Electronic Technologies Quartz Crystal Group	870822	12-24-86
(349)	Werner K. Rey Harold L. Ahlberg Professional Service Industries, Inc	870824	12-24-86
(350)	Shell Oil Company Union Texas Petroleum Corp. Union Texas Petroleum Corp.	870835	12-24-86
(351)	Mr. Summer M. Redstone Viacom International, Inc. Viacom International, Inc.	870839	12-24-86
(352)	Butcher and Company Incorporated UGI Corporation UGI Corporation	870860	12-24-86
(353)	Sun Life Assurance Company of Canada Equitable of Iowa Companies Voting Trust Massachusetts Casualty Insurance Company	870885	12-24-86
(354)	SIS Corp Wendy's International, Inc. Sisters International, Inc.	870894	12-24-86
(355)	Mr. Louis V. Manzo North American Beauty Supply, Inc. North American Beauty Supply, Inc.	870905	12-24-86
(356)	CalMat Co The Dyson-Kissner-Morgan Corporation The Dyson-Kissner-Morgan Corporation	870911	12-24-86
(357)	Willis Faber p.l.c Harleysville Mutual Insurance Company McAlear Associates, Inc.	870925	12-24-86
(358)	Allianz Aktiengesellschaft Holding Riunione Adriatica di Sicurta S.p.A. Riunione Adriatica di Sicurta S.p.A.	870926	12-24-86
(359)	Jackson Stevens Beverly Enterprises Beverly Enterprises	870929	12-24-86
(360)	W.R. Stevens Beverly Enterprises Beverly Enterprises	870930	12-24-86
(361)	Peter R. Harvey Plastics Specialties & Technologies, Inc. Plastics Specialties & Technologies, Inc.	870728	12-24-86
(362)	Bunzl plc Mr. Peter Lampl Hinco Corp.	870739	12-24-86
(363)	Pacific Lighting Corporation Gart Bros. Sporting Goods Co., Inc., (Jerry Gart, UPE) Gart Bros. Sporting Goods Co., Inc., (Jerry Gart, UPE)	870762	12-24-86
(364)	Combustion Engineering, Inc AccuRay Corporation AccuRay Corporation	870902	12-24-86
(365)	MCA, Inc Berry Gordy Motown Record Corporation	870909	12-24-86
(366)	Revlon Group Incorporated Transworld Corporation Transworld Food Systems, Inc.	870933	12-29-86

FISCAL YEAR 1987 TRANSACTIONS, TRANSACTIONS GRANTED EARLY TERMINATION MONTH OF DECEMBER—Continued

	Name of acquiring person Name of acquired person Name of acquired entity	Transaction number	Date terminated
(367)	Ronald O. Perelman Transworld Corporation Transworld Food Systems, Inc.	870934	12-29-86
(368)	First Carolina Communications, Inc Bank of Montreal Southern TeleCom, Inc.	870775	12-30-86
(369)	Staley Continental, Inc. Collins Foods International, Inc. Collins Foodservice, Inc.	870837	12-30-86
(370)	Brierley Investments Limited Resorts International, Inc. Resorts International, Inc.	870843	12-30-86
(371)	Cement-Roadstone, Holdings, PLC Ceco Industries, Inc. N.C. Products Corp. and Adams Products Co.	870872	12-30-86
(372)	USAir Group, Inc PS Group, Inc. Pacific Southwest Airlines	870888	12-30-86
(373)	Tenneco, Inc Kaiser Aluminum & Chemical Corporation Container and Food Service Foil Division	870906	12-30-86
(374)	Dynascan Corporation Marantz Company, Inc. Marantz Company, Inc.	870917	12-30-86
(375)	Blue Cross and Blue Shield of Colorado Rocky Mountain Health Care Corporation Rocky Mountain Health Care Corporation	870919	12-30-86
(376)	Questar Corporation Universal Resources Corporation Universal Resources Corporation	870922	12-30-86
(377)	New Mexico Blue Cross and Blue Shield, Inc Rocky Mountain Health Care Corporation Rocky Mountain Health Care Corporation	870927	12-30-86
(378)	Universal Parcel Service of America, Inc Service Plants Corporation Service Plants Corporation	870928	12-30-86
(379)	Caroline Hunt Trust Estate Phillips-Van Heusen Corporation Phillips-Van Heusen Corporation	870706	12-31-86
(380)	Reliance Group Holdings, Inc United Fire & Casualty Company United Fire & Casualty Company	870708	12-31-86
(381)	Amfac Boardman Partners Boardman Partners	870836	12-31-86
(382)	Granada Group PLC Kidde, Inc. National Video Corp.	870876	12-31-86
(383)	The Clayton & Dubilier Private Fund II Limited Ptnrship Unisys Corporation Unisys Corporation	870910	12-31-86
(384)	Facet Enterprises, Inc. Purolator Courier Corp. Purolator Products, Inc.	870921	12-31-86
(385)	Telerate, Inc The Associated Press The Associated Press Financial Services Co.	870939	12-31-86
(386)	Super Valu Stores, Inc. Associated Grocers of Colorado, Inc. Associated Grocers of Colorado, Inc.	870941	12-31-86
(387)	The Laurentian Mutual Insurance Richard G. Fanslow American Guaranty Life Insurance Company	870942	12-31-86

FISCAL YEAR 1987 TRANSACTIONS, TRANSACTIONS GRANTED EARLY TERMINATION MONTH OF DECEMBER—Continued

	Name of acquiring person Name of acquired person Name of acquired entity	Transaction number	Date terminated
(388)	Gulf & Western Inc Barclays PLC Barclay's American/Financial, Inc.	870949	12-31-86
(389)	Allie P. Ash, Ur., c/o Parent Company, Inc The Lawyers Co-operative Publishing Company The Research Institute of America, Inc.	870954	12-31-86

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay, Contact Representative, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, DC 20580, (202) 326-3100.

By direction of the Commission.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 87-2003 Filed 2-3-87; 8:45 am]

BILLING CODE 6750-01-M

Federal Register

Wednesday
February 4, 1987

Part III

Office of Management and Budget

Budget Rescissions and Deferrals; Notice

Office of Management and Budget

Budget Recissions and Deferrals To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report seven revised rescission proposals now totaling $723,461,329, twenty-five new deferrals of budget authority totaling $257,977,000, and one revised deferral of budget authority now totaling $7,162,831.

The rescissions affect programs in the Departments of Agriculture, Commerce, Education, Energy, Health and Human Services, and Interior.

The deferrals affect programs in the Departments of Agriculture, Defense-Civil, Health and Human Services, Labor and Transportation, Funds Appropriated to the President, the Environmental Protection Agency, and the United States Railway Association.

The details of these rescission proposals and deferrals are contained in the attached report.

RONALD REAGAN.

The White House,

January 28, 1987.

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

RESCISSION NO.	ITEM	BUDGET AUTHORITY
	Department of Agriculture:	
	Agricultural Research Service:	
R87-1A	Buildings and facilities	28,000
	Department of Commerce:	
	Economic Development Administration:	
R87-17A	Economic development assistance programs	169,668
	Department of Education:	
	Office of Postsecondary Education:	
R87-33A	Higher education	203,050
	Department of Energy:	
	Energy Programs:	
R87-37A	Energy conservation	83,933
	Department of Health and Human Services:	
	Health Resources and Services Administration:	
R87-39A	Health resources and services	161,210
R87-40A	Indian health facilities	57,100
	Department of the Interior:	
	Fish and Wildlife Service:	
R87-53A	Resource management	20,500
	Total rescissions	723,461

DEFERRAL NO.	ITEM	BUDGET AUTHORITY
	Funds Appropriated to the President:	
	Agency for International Development:	
D87-32	Functional development assistance program	2,278
	Department Agriculture:	
	Commodity Credit Corporation:	
D87-33	Temporary emergency food assistance program	28,559
	Rural Electrification Administration:	
D87-34	Reimbursement to the Rural electrification and telephone and revolving fund for interest subsidies and losses	20,000
	Forest Service:	
D87-35	State and private forestry	797
D87-36	Land acquisition	27,070
D87-37	Timber roads, purchaser election	11,900
	Department of Defense - Civil:	
	Soldiers' and Airmen's Home:	
D87-38	Capital outlays	1,132
	Department of Health and Human Services:	
	Centers for Disease Control:	
D87-39	Disease control, research, and training	2,428
	Alcohol, Drug Abuse, and Mental Health Administration:	
D87-40	Alcohol, drug abuse, and mental health	10,000
	Social Security Administration:	
D87-12A	Limitation on administrative expenses (construction)	7,163
	Department of Labor:	
	Employment Standards Administration:	
D87-41	Salaries and expenses	9,659
	Department of Transportation:	
	Federal Railroad Administration:	
D87-42	Rail service assistance	462
D87-43	Railroad safety	1,101
D87-44	Conrail labor protection	646
D87-45	Northeast corridor improvement program	16,962
D87-46	Conrail commuter transition assistance	10,000
	Urban Mass Transportation Administration:	
D87-47	Research, training and human resources	4,336
D87-48	Interstate transfer grants - transit.	51,800
	Federal Aviation Administration:	
D87-49	Operation and maintenance, Metropolitan Washington Airports	12,214
	Coast Guard:	
D87-50	Research, development, test, and evaluation	5,000
D87-51	Offshore oil pollution compensation fund	2,154
D87-52	Deepwater port liability fund	5,176

DEFERRAL NO.	ITEM	BUDGET AUTHORITY
	Office of the Secretary:	
D87-53	Payments to air carriers.....	10,748
	Environmental Protection Agency:	
D87-54	Research and development.....	11,000
D87-55	Abatement, control, and compliance.....	11,400
	Other Independent Agencies:	
	United States Railway Association:	
D87-56	Administrative expenses.....	1,155
	Total, deferrals.....	265,140

SUMMARY OF SPECIAL MESSAGES FOR FY 1987
(in thousands of dollars)

	RESCISSIONS	DEFERRALS
Fourth special message:		
New items.....	---	257,977
Revisions to previous special messages.	-3,550	89
Effects of fourth special message.....	-3,550	258,066
Amounts from previous special messages that are changed by this message (changes noted above).....	727,011	7,073
Subtotal, rescissions and deferrals.....	723,461	265,140
Amounts from previous special messages that are not changed by this message.....	5,112,290	11,048,083
Total amount proposed to date in all special messages.....	5,835,751	11,313,223

R87-1A

Supplemental Report

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Rescission No. R87-1 transmitted to Congress on January 5, 1987.

This revision to a proposed rescission of the Department of Agriculture, Agricultural Research Service, Buildings and facilities account changes the description of the projects that would not be funded as a result of the proposed rescission. Budgetary resources are updated, but the amount of the rescission does not change.

R87-1A

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Buildings and facilities

Of the funds included under this head in the Agriculture, Rural Development, and Related Agencies Appropriations Act, 1987, as included in Public Laws 99-500 and 99-591, $28,000,000 are rescinded.

Rescission Proposal No: R87-1A

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY:
Department of Agriculture

Bureau: Agricultural Research Service

Appropriation title and symbol:

Buildings and facilities
12X1401

OMB identification code:

12-1401-0-1-352

Grant program:

[ ] Yes [X] No

Type of account or fund:

[ ] Annual

[ ] Multiple-year (expiration date)

[X] No-Year

New budget authority.....$ 37,400,000
(P.L. 99-500 & 99-591)

Other budgetary resources...*$ 34,846,186

Total budgetary resources...*$ 72,246,186

Amount proposed for rescission.....$ 28,000,000

Legal authority (in addition to sec. 1012):

[ ] Antideficiency Act

[ ] Other _____

Type of budget authority:

[X] Appropriation

[ ] Contract authority

[ ] Other _____

***Justification:** This account funds the acquisition of land, construction, repair, improvement, extension, alterations, and purchases of fixed equipment or facilities of or used by the Agricultural Research Service. Rescission of the following funds is proposed: $27.0 million for construction of a Plant and Animal Science Research Center at the University of Illinois, $.9 million for construction of a wheat marketing and demonstration laboratory in Portland, Oregon, and $.1 million to conduct feasibility studies in Kansas for a plant science research center and an educational satellite video communication center. These projects are low priority and will not contribute significantly to the mission of the Agricultural Research Service. The Portland project is strictly a marketing laboratory and is more appropriately funded through a marketing agency. The Kansas video feasibility study is already being funded by the Department of Education and the Kansas research center can be handled through existing funds. The rescission is proposed to help achieve the deficit reduction goals of the Balanced Budget and Emergency Deficit Control Act of 1985.

Estimated Program Effect: The Illinois project and the feasibility studies will not be Federally funded.

R87-1A

Outlay Effect (in thousands of dollars):

1987 Outlay Estimate		Outlay Savings					
Without Rescission	With Rescission	1987	1988	1989	1990	1991	1992
43,405	32,405	11,000	17,000	...	...	...	...

* Revised from previous report.

R87-17A

Supplemental Report

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Rescission No. R87-17 transmitted to Congress on January 5, 1987.

This revision to a proposed rescission of the Department of Commerce, Economic Development Administration, Economic development assistance programs account changes the description of the projects that would not be funded as a result of the proposed rescission, the budgetary resources, the amount of the rescission, and the appropriation language.

R87-17A

DEPARTMENT OF COMMERCE

Economic Development Administration

Economic development assistance program

Of the funds included under this head in the Department of Commerce Appropriations Act, 1987, as included in Public Laws 99-500 and 99-591, $114,413,000 are rescinded; in addition, all funds made available by section 101(n) of Public Laws 99-500 and 99-591, authorized by the Follow Through Act, are rescinded.

Of the funds made available by section 108(c) of Public Law 99-190, $8,134,000 are rescinded: Provided, That the remaining amounts remain available until September 30, 1987: Provided further, That the language beginning "to remain available" until the end is deleted: Provided further, That section 108(a) of said statute is repealed.

Of the funds made available under this head in the Supplemental Appropriations Act, 1985 (Public Law 99-88), $20,730,000 are rescinded: Provided, That the remaining amounts remain available until September 30, 1987: Provided further, That the language "to remain available " until the end is deleted.

Rescission Proposal No: R87-17A

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Commerce

Bureau: Economic Development Administration

Appropriation title and symbol:

Economic development assistance program 1/
*1372050 13X2050 *136/72050

OMB identification code:

13-2050-0-1-452

Grant program:

[X] Yes [ ] No

Type of account or fund:

[X] Annual

[X] Multiple-year Sept. 30, 1987 (expiration date)

[X] No-Year

New budget authority.....*$ 191,539,000
(P.L. 99-500 & 99-591)

Other budgetary resources..*$ 46,159,000

Total budgetary resources..*$ 237,698,000

Amount proposed for rescission.....*$ 169,668,000

Legal authority (in addition to sec. 1012):

[ ] Antideficiency Act

[ ] Other _____

Type of budget authority:

[X] Appropriation

[ ] Contract authority

[ ] Other _____

***Justification:** This account provides funding for public works projects, planning and technical assistance grants, and research and evaluation for economic development activities, as well as specific Congressionally-mandated projects. Because this program interferes with the workings of the private market, and provides functions that should be performed by State and local governments, the Administration proposes to rescind $123,913,000 of the funds initially made available under the 1987 Continuing Resolution (P.L. 99-500 and 591), $25,025,000 of the funds made available for this program by the 1986 Continuing Resolution (P.L. 99-190), and $20,730,000 of the funds made available under the Supplemental Appropriations Act, 1985.

Estimated Program Effect: The effect will be to transfer responsibility for economic development to State, local and private sources.

R87-17A

Outlay Effect (in thousands of dollars):

1987 Outlay Estimate		Outlay Savings					
Without Rescission	With Rescission	1987	1988	1989	1990	1991	1992
221,752	204,785	16,967	33,934	42,417	42,417	25,450	8,483

1/ This account was the subject of a similar rescission proposal in 1986 (R86-14).

* Revised from previous report.

R87-33A

Supplemental Report

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Rescission No. R87-33 transmitted to Congress on January 5, 1987.

This revision to a proposed rescission of the Department of Education, Office of Postsecondary Education, Higher education account changes the description of the projects that would not be funded as a result of the proposed rescission. The amount of the rescission does not change, but the appropriation language is corrected.

R87-33A

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

Higher education

Of the funds included under this head in the conference version of H.R. 5233, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1987, and made available by Public Laws 99-500 and 99-591, $203,050,000 are rescinded; of which $94,000,000 are rescinded from funds made available for subpart 4 of part A of title IV of the Higher Education Act of 1965, as amended, $3,000,000 are rescinded from funds made available for section 420A of that Act, $17,500,000 are rescinded from funds made available for part D of title V of that Act, $26,550,000 are rescinded from funds made available for title VI of that Act, $2,000,000 are rescinded from funds made available for section 771 of that Act, $14,400,000 are rescinded from funds made available for title VIII of that Act, $20,650,000 are rescinded from funds made available for parts B, C, E, and F of title IX of that Act, $6,200,000 are rescinded from funds made available for parts A and C of title X of that Act, $2,000,000 are rescinded from funds made available for part D of title XI of that Act, $500,000 are rescinded from funds made available for section 1204(c) of that Act, $5,500,000 are rescinded from funds made available for section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961, $750,000 are rescinded from funds made available for subpart 1 of part H of title XIII of the Education Amendments of 1980, as amended, $4,000,000 are rescinded from funds made available for the Kansas Satellite Center as authorized by H.R. 4244 as passed the Senate on September 30, 1986 and subsequently enacted as Public Law 99-608, $1,000,000 are

R87-33A

rescinded from funds made available for carrying out H.R. 3598 as passed the House on November 4, 1981, and $5,000,000 are rescinded from funds made available for the Technology Transfer Institute.

Rescission Proposal No: R87-33A

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Education

Bureau: Office of Postsecondary Education

Appropriation title and symbol:

Higher education 1/

9170201 91X0201
916/70201

OMB identification code:

91-0201-0-1-502

Grant program:

[ ] Yes [X] No

Type of account or fund:

[X] Annual

[X] Multiple-year Sept. 30, 1987 (expiration date)

[X] No-Year

New budget authority.....$ 479,128,000
(P.L. 99-500 & 99-591)

Other budgetary resources...$ 77,308,149

Total budgetary resources...$ 556,436,149

Amount proposed for rescission.....$ 203,050,000

Legal authority (in addition to sec. 1012):

[ ] Antideficiency Act

[ ] Other _____

Type of budget authority:

[X] Appropriation

[ ] Contract authority

[ ] Other _____

Coverage: Appropriation	Account Symbol	Rescission Proposal
Higher education.....	9170201	$173,550,000
Higher education.....	91X0201	29,500,000
		203,050,000

***Justification:** This account funds aid for institutional development, aid for improving postsecondary education and minority institutions' science programs, interest subsidy grants, and special programs for the disadvantaged. The following programs are proposed for rescission: $4.7 million for the Fund for the Improvement of Postsecondary Education, $1.5 million for innovative community projects, $32.0 million for international education and foreign language studies, $14.4 million for cooperative education, $1.5 million for law school clinical experience, $0.5 for assistance to Guam, $0.8 million for the Robert A. Taft Institute of Government, $2.0 million for Welch Hall, $2.0 million for the Wagner Institute of Urban Public Policy, $4.0 million for the Kansas Satellite Center, $1.0 million for the Carl Albert Center, $5.0 million for the Technology Transfer Institute, $94.0 million for special programs for the disadvantaged, $3.0 million for veterans education outreach, $1.5 million for legal training for the disadvantaged, $15.5 million for congressional teacher scholarships, $17.6 million for graduate fellowships, and $2.0 million for Christa McAuliffe fellowships. The activities proposed for rescission

R87-33A

either duplicate or are similar to other Federal, State, or local programs, or are narrow in purpose and nonessential. This rescission will also help to achieve the deficit reduction goals of the Balanced Budget and Emergency Deficit Control Act of 1985.

Estimated Program Effect: Federal funding would be eliminated for approximately 25 innovative community projects, 93 national resource centers, 1,170 domestic and overseas fellowships and 172 domestic and overseas international education projects, 177 cooperative education grants, 601 veterans' education outreach grants, 3,542 teacher scholarships, 3,385 graduate and legal education fellowships, 6 special purpose grants to individual institutions of higher education, and one grant to Guam. The number of new grants under the Fund for the Improvement of Postsecondary Education would be reduced from 180 to 110 grants. Under special programs for the disadvantaged, continuation upward bound grants would be reduced by 40 percent, the number of new special services grants would be reduced by one-third, and 175 talent search grants, 37 educational opportunity centers, and 7 staff training grants would be eliminated.

Outlay Effect (in thousands of dollars):

1987 Outlay Estimate		Outlay Savings					
Without Rescission	With Rescission	1987	1988	1989	1990	1991	1992
464,140	444,801	19,339	138,685	41,285	*3,741	...	...

1/ This account was the subject of a similar rescission proposal in 1986 (R86-26).

* Revised from previous report.

R87-37A

Supplemental Report

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Rescission No. R87-37 transmitted to Congress on January 5, 1987.

This revision to a proposed rescission of the Department of Energy, Energy conservation account changes the amount of the proposed rescission from $87,433,329 to $83,933,329. This change of $3,500,000 is also reflected in the description of the projects that would not be funded as a result of the proposed rescission.

R87-37A

DEPARTMENT OF ENERGY

Energy Programs

Energy conservation

Of the funds made available under this head in the Department of the Interior and Related Agencies Appropriations Act, 1987, as included in Public Laws 99-500 and 99-591, $83,933,329 are rescinded.

Rescission Proposal No: R87-37A

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Energy

Bureau: Energy Programs

Appropriation title and symbol:

Energy conservation 1/

89X0215

OMB identification code:

89-0215-0-1-999

Grant program:

[X] Yes [ ] No

Type of account or fund:

[ ] Annual

[ ] Multiple-year (expiration date)

[X] No-Year

New budget authority.....$ 280,129,000 (P.L. 99-500 & 99-591)

Other budgetary resources...$ 38,106,178

Total budgetary resources...$ 318,235,178

Amount proposed for rescission.....*$ 83,933,329

Legal authority (in addition to sec. 1012):

[ ] Antideficiency Act

[ ] Other _____

Type of budget authority:

[X] Appropriation

[ ] Contract authority

[ ] Other _____

***Justification:** This account funds a variety of energy conservation research and development activities including buildings and community systems, industry, transportation, and multi-sector research. It also funds assistance to State and local governments for the weatherization of schools, hospitals, and low-income dwellings. The 1987 appropriation included $83,933,329 in Congressional add-ons that are in excess of program requirements. These include Transportation energy conservation ($3.5 million), Industrial energy conservation ($4.5 million), Tufts University research building ($10 million), Schools and hospitals ($1.3 million), and the weatherization assistance program ($64.6 million). The rescission of these funds is proposed to eliminate low priority programs and to achieve the deficit reduction goals of the Balanced Budget and Emergency Deficit Control Act of 1985.

Estimated Program Effect: Low priority programs will not be funded.

R87-37A

Outlay Effect (in thousands of dollars):

1987 Outlay Estimate		Outlay Savings					
Without Rescission	With Rescission	1987	1988	1989	1990	1991	1992
448,644	426,457	22,187	51,553	...	...	...	...

1/ This account was the subject of a similar rescission proposal in 1986 (R86-77A).

* Revised from previous report.

R87-39A

Supplemental Report

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Rescission No. R87-39 transmitted to Congress on January 5, 1987.

This revision to a proposed rescission of the Department of Health and Human Services, Health Resources and Services Administration, Health resources and services account revises the description of the projects that would not be funded as a result of the proposed rescission. The amount of the rescission does not change, but the language is modified to repeal the provision for a project proposed to be terminated.

R87-39A

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Health resources and services

Of the funds included under this head in the conference version of H.R. 5233, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1987, and made available by Public Laws 99-500 and 99-591, $161,210,000 are rescinded: Provided, That the phrase "of which $5,000,000" through "section 329 or 330 of that Act;" is repealed.

Rescission Proposal No: R87-39A

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Health and Human Services

Bureau: Health Resources and Services Administration

Appropriation title and symbol:

Health resources and services 1/

75X0350 7570350
756/70350

OMB identification code:

75-0350-0-1-550

Grant program:

[X] Yes [ ] No

Type of account or fund:

[X] Annual

[X] Multiple-year Sept.30, 1987 (expiration date)

[X] No-Year

New budget authority.....$1,465,318,000
(P.L. 99-500 & 99-591)

Other budgetary resources...$ 62,278,000

Total budgetary resources...$1,527,596,000

Amount proposed for rescission.....$ 161,210,000

Legal authority (in addition to sec. 1012):

[ ] Antideficiency Act

[ ] Other _____

Type of budget authority:

[X] Appropriation

[ ] Contract authority

[ ] Other _____

*Coverage:

Appropriation	Account Symbol	Proposed Rescission
Health resources and services.....	75X0350	$5,000,000
Health resources and services.....	7570350	156,210,000
		$161,210,000

Justification: This appropriation supports health resources and health services categorical programs and the maternal and child health block grant. Federal efforts in support of health professions have resulted in long-term trends of steadily increasing supplies of physicians and nurses and an improvement in the distribution of health care practitioners among the medically under-served areas of the country. At the same time, cumulative Federal contributions to health professions and nursing student loan funds, combined with Health Education Assistance loan guarantees, have established a foundation of Federal health professions student aid. Because of this, programs providing general support to health education to increase the number and improve the distribution of practitioners are no longer needed.

A rescission of the excess funding for the National Health Service Corps is proposed to reflect the actual needs of the program during 1987.

R87-39A

Emergency construction for outpatient facilities is available through disaster relief funds.

*The following reductions are requested (in thousands of dollars):

National Health Service Corps	15,500
National Health Service Corps scholarships	2,300
Outpatient facilities construction	5,000
Emergency medical services	2,000
Special initiatives pacific basin	1,500
Native Hawaiian children health care	1,000
Health professions analytical studies	1,575
Exceptional need scholarships	7,000
Public health capitation	5,000
Health administration grants	1,500
Public health traineeships	3,000
Health administration traineeships	500
Preventive medicine residencies	1,600
Family medicine residencies	13,560
General internal medicine and pediatrics	12,000
Family medicine departments	2,000
Physician assistants	1,203
Area health education centers	8,800
Disadvantaged assistance	20,250
Special educational initiatives	8,300
Two-year medical and osteopathic schools	500
Nurse training:	
Advanced nurse education	12,950
Nurse practitioner/midwife	11,447
Special projects	9,350
Professional nurse traineeships	11,750
Nurse anesthetists	800
Faculty fellowships	825
Total savings	161,210

Estimated Program Effect: The above programs providing general support to health professions training and other categorical health service will be reduced or terminated.

Outlay Effect (in thousands of dollars):

1987 Outlay Estimate		Outlay Savings					
Without Rescission	With Rescission	1987	1988	1989	1990	1991	1992
1,500,639	1,420,034	80,605	80,605	...	...	...	...

1/ This account was the subject of a similar rescission proposal in 1986 (R86-9).

* Revised from previous report

R87-40A

Supplemental Report

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Rescission No. R87-40 transmitted to Congress on January 5, 1987.

This revision to a proposed rescission of the Department of Health and Human Services, Health Resources and Services Administration, Indian health facilities account revises the description of the projects that would not be funded as a result of the proposed rescission. The amount of the rescission does not change.

R87-40A

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Indian health facilities

Of the funds included under this head in the Department of the Interior and Related Agencies Appropriations Act, 1987, as included in Public Laws 99-500 and 99-591, $30,761,000 are rescinded; and of the remaining available balances, $26,339,000 are rescinded.

Rescission Proposal No: R87-40A

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Health and Human Services

Bureau: Health Resources and Services Administration

Appropriation title and symbol:

Indian health facilities 1/

75X0391

OMB identification code:

75-0391-0-1-551

Grant program:

[ ] Yes [X] No

Type of account or fund:

[ ] Annual

[ ] Multiple-year _____ (expiration date)

[X] No-Year

New budget authority (P.L. 99-500 & 99-591) ..... $ 61,703,000

Other budgetary resources ... $ 35,158,000

Total budgetary resources ... $ 96,861,000

Amount proposed for rescission ..... $ 57,100,000

Legal authority (in addition to sec. 1012):

[ ] Antideficiency Act

[ ] Other _____

Type of budget authority:

[X] Appropriation

[ ] Contract authority

[ ] Other _____

***Justification:** This program funds construction, major repair, improvement, and equipment for health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites; purchase and erection of portable buildings, purchases of trailers and provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), and the Indian Self-Determination Act. This proposal would rescind $57 million in appropriations realized in excess of the 1987 President's Budget. These savings are being proposed to help achieve the goals of the Balanced Budget Emergency Deficit Control Act of 1985. Reductions are being proposed for the following items (in thousands of dollars):

*Hospitals	
New and Replacement	$17,773
Modernization and Repair	5,078
*Outpatient Care	10,128
*Sanitation facilities	12,519
*Personnel quarters	11,602
TOTAL	$57,100

R87-40A

Estimated Program Effect: Several projects will be delayed or discontinued for new and replacement hospitals, outpatient facilities, personnel quarters, and sanitation facilities. Prior year unobligated balances of about $8 million would be available for current projects.

*Indian drug and alcohol abuse rehabilitation centers would be funded as provided in the 1987 Continuing Resolution, and work would begin on the Sacaton Hospital in Alaska. In addition, $11 million would be obligated for sanitation facilities construction during 1987.

Outlay Effect (in thousands of dollars):

1987 Outlay Estimate		Outlay Savings					
Without Rescission	With Rescission	1987	1988	1989	1990	1991	1992
63,534	50,036	13,498	24,752	9,560	9,290	...	...

1/ This account was the subject of a similar rescission proposal in 1986 (R86-30).

* Revised from previous report.

R87-53A

Supplemental Report

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Rescission No. R87-53 transmitted to Congress on January 5, 1987.

This revision to a proposed rescission of the Department of Interior, Fish and Wildlife Service, Resource management account revises the description of the projects that would not be funded as a result of the proposed rescission. Budgetary resources and the appropriations language are changed, but the amount of the rescission does not change.

R87-53A

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Resource management

Of the funds included under this head in the Department of the Interior and Related Agencies Appropriations Act, 1987, as included in Public Laws 99-500 and 99-591, $20,500,000 are rescinded, of which $4,300,000 are to carry out the purposes of 16 U.S.C. 1535.

Rescission Proposal No: R87-53A

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of the Interior

Bureau: Fish and Wildlife Service

Appropriation title and symbol:

Resource management

1471611 *14X1611

OMB identification code:

14-1611-0-1-303

Grant program:

[X] Yes [ ] No

Type of account or fund:

[ ] Annual

[ ] Multiple-year (expiration date)

[X] No-Year

New budget authority.....$ 314,692,000
(P.L. 99-500 & 99-591)

Other budgetary resources...*$ 39,160,554

Total budgetary resources...*$ 353,852,554

Amount proposed for rescission.....$ 20,500,000

Legal authority (in addition to sec. 1012):

[ ] Antideficiency Act

[ ] Other _____

Type of budget authority:

[X] Appropriation

[ ] Contract authority

[ ] Other _____

*Coverage:

Appropriation	Account Symbol	Proposed Rescission
Resource management.....	1471611	$16,200,000
Resource management.....	14X1611	4,300,000
		20,500,000

Justification: This account funds the basic operations of the Fish and Wildlife Service including management of national wildlife refuges, fish hatchery operations, and research. The 1987 Budget proposed adequate funding to meet Federal fish and wildlife responsibilities. The 1987 appropriation of $314,692,000 exceeded the Budget proposal by $29.6 million or over a 10 percent increase.

*This rescission proposal would reduce operations to a level commensurate with programmatic need given limited budgetary resources. While many of the Congressional add-ons may fund worthwhile programs, these can be left unfunded without significant effect on our natural resources. Low priority activities proposed for termination include: $12 million for wildlife and refuge programs, $2 million for research and development, and $2 million for enhancement and fisheries.

R87-53A

Endangered species cooperative state grants ($4.3 million) are proposed for termination because States have developed individual programs. Many States have instituted income tax check-offs to fund wildlife and endangered species programs. The rescission is proposed to help achieve the deficit reduction goals of the Balance Budget and Emergency Deficit Control Act of 1985.

Estimated Program Effect: Non-essential operational activities will be curtailed or cancelled with neyligible effect on our fisn and wildlife resources.

Outlay Effect (in thousands of dollars):

1987 Outlay Estimate		Outlay Savings					
Without Rescission	With Rescission	1987	1988	1989	1990	1991	1992
305,000	287,575	17,425	3,075	...	...	...	...

* Revised from previous report.

Deferral No: D87-32

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Funds Appropriated to the President

Bureau: Agency for International Development

Appropriation title and symbol:

Functional development assistance program

1171021

OMB identification code:

11-1021-0-1-151

Grant program:

[X] Yes [ ] No

Type of account or fund:

[X] Annual

[ ] Multiple-year (expiration date)

[ ] No-Year

New budget authority.....$1,460,990,500
(P.L. 99-500 & 99-591)
Other budgetary resources...$ -13,000,000

Total budgetary resources...$1,447,990,500

Amount to be deferred:
Part of year.....$ 2,278,000

Entire year.....$

Legal authority (in addition to sec. 1013):

[ ] Antideficiency Act

[X] P.L. 99-500 & 99-591 1/

Type of budget authority:

[X] Appropriation

[ ] Contract authority

[ ] Other

Justification: This account provides economic resources to developing countries with the aim of bringing the benefits of development to the poorer countries and peoples. In 1987, AID is able to use $39 million of the funds in this account to provide local cost support to its missions. Additional amounts are deferred pending Congressional consideration of proposed supplemental appropriations language to transfer them to AID Operating expenses and Inspector General accounts to fund the costs of the January 1987 pay raise.

Estimated Program Effect: One or several assistance programs may be reduced by the amount of the deferral.

Outlay Effect (in thousands of dollars):

1987 Outlay Estimate		Outlay Changes					
Without Deferral	With Deferral	1987	1988	1989	1990	1991	1992
1,367,771	1,367,589	-182	-775	-547	-456	-318	...

1/ Another authority is: The Foreign Assistance Act of 1961, as amended (22 U.S.C. 2151 et seq.)

Deferral No: D87-33

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY:
Department of Agriculture
Bureau:
Commodity Credit Corporation
Appropriation title and symbol:
Temporary emergency food assistance program
1273635
OMB identification code:
12-3635-0-1-351
Grant program:
[X] Yes [ ] No
Type of account or fund:
[X] Annual
[ ] Multiple-year (expiration date)
[ ] No-Year

New budget authority.....$ 50,000,000
(P.L. 99-500 & 99-591)
Other budgetary resources...
Total budgetary resources... 50,000,000
Amount to be deferred:
Part of year.....$ 28,559,000
Entire year.....
Legal authority (in addition to sec. 1013):
[ ] Antideficiency Act
[X] Other P.L. 99-500 & 591 1/
Type of budget authority:
[X] Appropriation
[ ] Contract authority
[ ] Other

Justification: This account funds the costs of intrastate storage and distribution of CCC commodities donated to families. The program is administered by the Food and Nutrition Service through grants to State agencies that operate food distribution programs. The program was set up to be a temporary program and is no longer needed. These amounts are deferred pending Congressional consideration of proposed supplemental appropriations language to transfer them to other accounts of the Department of Agriculture to fund the costs of the January 1987 pay raise and increased Federal Employee Retirement System costs.

Estimated Program Effect: States will pay the costs of transporting commodities.

Outlay Effect (in thousands of dollars):

1987 Outlay Estimate Without Deferral	1987 Outlay Estimate With Deferral	Outlay Changes 1987	1988	1989	1990	1991	1992
53,643	25,084	-28,559	...	...	...	...	...

1/ Other authorities are: Title II of P.L. 98-8 and Title XV of P.L. 99-198.

Deferral No: D87-34

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY:
Department of Agriculture
Bureau: Rural Electrification Administration
Appropriation title and symbol:
Reimbursement to the Rural electrification and telephone revolving fund
1273102
OMB identification code:
12-3102-0-1-452
Grant program:
[ ] Yes [X] No
Type of account or fund:
[X] Annual
[ ] Multiple-year (expiration date)
[ ] No-Year

New budget authority.....$ 20,000,000
(P.L. 99-500 & 99-591)
Other budgetary resources...
Total budgetary resources... 20,000,000
Amount to be deferred:
Part of year.....$ 20,000,000
Entire year.....
Legal authority (in addition to sec. 1013):
[ ] Antideficiency Act
[X] Other P.L. 99-500 & 591, & 7 U.S.C. 931
Type of budget authority:
[X] Appropriation
[ ] Contract authority
[ ] Other

Justification: This account is intended to pay the Rural electrification and telephone revolving fund for interest subsidies and losses sustained in prior years. In fact, the fund has never incurred a loss since its inception in 1973. In 1986, interest receipts exceeded expenses by $101 million. The fund has not incurred losses because it is exempted by statute from paying $307 million in annual interest costs to the Treasury on advances totaling $7.9 billion. These amounts are deferred pending Congressional consideration of proposed supplemental appropriations language to transfer them to other accounts of the Department of Agriculture to fund the costs of the January 1987 pay raise and increased Federal Employee Retirement System costs.

Estimated Program Effect: This deferral will have no effect on the programs of the Rural Electrification Administration. This fund does not need the appropriation to continue functioning.

Outlay Effect (in thousands of dollars):

1987 Outlay Estimate Without Deferral	1987 Outlay Estimate With Deferral	Outlay Changes 1987	1988	1989	1990	1991	1992
20,000	...	-20,000	...	...	...	...	...

Deferral No: D87-35

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

AGENCY:

Department of Agriculture

Bureau: Forest Service

Appropriation title and symbol:

State and private forestry

12X1105

OMB identification code:

12-1105-0-1-302

Grant program:

[ ] Yes [X] No

Type of account or fund:

[ ] Annual

[ ] Multiple-year _____ (expiration date)

[X] No-Year

New budget authority.....$ 58,946,000
(P.L. 99-500 & 99-591)

Other budgetary resources... 9,304,825

Total budgetary resources... 68,250,825

Amount to be deferred:

Part of year.....$ 797,000

Entire year..... _____

Legal authority (in addition to sec. 1013):

[ ] Antideficiency Act

[X] Other P.L. 99-500 & 591, P.L. 95-313, P.L. 95-495, & P.L. 96-586

Type of budget authority:

[X] Appropriation

[ ] Contract authority

[ ] Other _____

Justification: This account funds (1) expenses of cooperating with, and providing technical and financial assistance to States, territories, possessions, and others and (2) forest pest management activities. Part of this account provides Federal contributions for cooperative Federal/State soil erosion mitigation and water pollution control projects on State, county, and local lands within the Lake Tahoe (California/Nevada) Basin. This deferral postpones cooperative funding for minor activities in the Lake Tahoe Basin. Major new soil erosion mitigation and water pollution control projects will still be initiated in the Lake Tahoe Basin in 1987. These amounts are deferred pending Congressional consideration of proposed supplemental appropriations language to transfer them to other accounts of the Department of Agriculture to fund the costs of the January 1987 pay raise.

Estimated Program Effect: Minor soil erosion mitigation and water pollution control projects planned by South Lake Tahoe City, California; Placer County, California; El Dorado County, California; Douglas County, Nevada; and Washoe County, Nevada may be postponed without Federal contributions.

D87-35

Outlay Effect (in thousands of dollars):

1987 Outlay Estimate		Outlay Changes					
Without Deferral	With Deferral	1987	1988	1989	1990	1991	1992
59,116	58,479	-637	-160	...	...	...	...

Deferral No: D87-36

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY:
Department of Agriculture
Bureau: Forest Service

Appropriation title and symbol:
Land acquisition 1/

12X5004

OMB identification code:
12-5004-0-2-303

Grant program:
[ ] Yes [X] No

Type of account or fund:
[ ] Annual
[ ] Multiple-year _____ (expiration date)
[X] No-Year

New budget authority.....$ 52,236,000
(P.L. 99-500 & 99-591)
Other budgetary resources... 46,831,989

Total budgetary resources... 99,067,989

Amount to be deferred:
Part of year.....$ 27,070,000

Entire year..... _____

Legal authority (in addition to sec. 1013):
[ ] Antideficiency Act
[X] Other P.L. 99-500 & 591 2/

Type of budget authority:
[X] Appropriation
[ ] Contract authority
[ ] Other _____

Justification: This account funds the acquisition of private lands and interests for public outdoor recreation purposes. Future land purchases are not necessary because (1) the current Forest Service land base (191 million acres) is adequate to provide Federally funded public outdoor recreation and (2) the current taxable land base for States and local governments should not be reduced further. These amounts are deferred pending Congressional consideration of proposed supplemental appropriations language to transfer them to other accounts of the Department of Agriculture to fund the costs of the January 1987 pay raise and increased Federal Employee Retirement System costs.

Estimated Program Effect: Land acquisition program objectives will be met through land exchanges rather than purchases.

Outlay Effect: None

1/ This account is also the subject of a rescission proposal (R87-16).

2/ Other authorities are: P.L. 61-435, P.L. 90-542, P.L. 90-543, P.L. 93-205, and P.L. 95-586.

Deferral No: D87-37

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY:
Department of Agriculture
Bureau: Forest Service

Appropriation title and symbol:
Timber roads, purchaser election

12X5202

OMB identification code:
12-9922-0-2-302

Grant program:
[ ] Yes [X] No

Type of account or fund:
[ ] Annual
[ ] Multiple-year _____ (expiration date)
[X] No-Year

New budget authority.....$ 15,434,000
(16 U.S.C. 472a(i))
Other budgetary resources... 114,796,648

Total budgetary resources... 130,230,648

Amount to be deferred:
Part of year.....$ 11,900,000

Entire year..... _____

Legal authority (in addition to sec. 1013):
[ ] Antideficiency Act
[X] Other 16 U.S.C. 472a(i)

Type of budget authority:
[X] Appropriation
[ ] Contract authority
[ ] Other _____

Justification: This account uses timber receipts from purchasers of timber who qualify as small businesses and elect to have the Forest Service (instead of themselves) construct the roads designated under the timber sale contract. Timber road construction for small businesses can be accomplished in 1987 with the remaining large unobligated balances. These amounts are deferred pending Congressional consideration of proposed supplemental appropriations language to transfer them to the Operation of the national forest system account to fund the costs of the January 1987 pay raises.

Estimated Program Effect: None

Outlay Effect: None

Deferral No: D87-38

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Defense - Civil
Bureau: U.S. Soldiers' and Airmen's Home
Appropriation title and symbol: Capital outlay
84X8932
OMB identification code: 84-8932-0-7-705
Grant program: [ ] Yes [X] No
Type of account or fund:
[ ] Annual
[ ] Multiple-year (expiration date)
[X] No-Year

New budget authority.....$ 16,241,000
(P.L. 99-500 & 99-591)
Other budgetary resources...$ 2,741,065
Total budgetary resources...$ 18,982,065
Amount to be deferred:
Part of year.....$ 1,132,000
Entire year.....$
Legal authority (in addition to sec. 1013):
[ ] Antideficiency Act
[X] P.L. 99-500 & 99-591 & Act of March 3, 1851 (9 Stat. 595)
Type of budget authority:
[X] Appropriation
[ ] Contract authority
[ ] Other

Justification: This account finances renovation and construction of the physical plant of the U.S. Soldiers' and Airmen's Home. The 1987 appropriation exceeded amounts required to implement the Home's renovation plans during 1987 in order to speed up certain renovations. However, these excess amounts can not be used until the Home has established specifications for renovation projects (now expected to be in 1988 or 1989). After the specifications are developed, cost estimates will be prepared, appropriations requested, and contracts awarded. Therefore, these amounts are deferred pending Congressional consideration of proposed supplemental appropriations language to transfer them to Operation and maintenance to fund the costs of the January 1987 pay raise and increased costs of the Federal Employee Retirement System.

Estimated Program Effect: There is no effect. The Home will carry on its planned renovations in 1987.

Outlay Effect (in thousands of dollars):

1987 Outlay Estimate		Outlay Changes					
Without Deferral	With Deferral	1987	1988	1989	1990	1991	1992
12,192	12,192	...	-566	-283	-141	-71	-35

Deferral No: D87-39

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Health and Human Services
Bureau: Centers for Disease Control
Appropriation title and symbol: Disease control, research, and training
75X0943 7570943
OMB identification code: 75-0943-0-1-550
Grant program: [X] Yes [ ] No
Type of account or fund:
[X] Annual
[ ] Multiple-year (expiration date)
[X] No-Year

New budget authority.....$ 539,067,000
(P.L. 99-500 & 99-591)
Other budgetary resources...$ 45,089,784
Total budgetary resources...$ 584,156,784
Amount to be deferred:
Part of year.....$ 2,428,000
Entire year.....$
Legal authority (in addition to sec. 1013):
[ ] Antideficiency Act
[X] P.L. 99-500 & 99-591, & 91-596
Type of budget authority:
[X] Appropriation
[ ] Contract authority
[ ] Other

Justification: This account funds the preventive health block grant and Federal assistance in the areas of sexually transmitted diseases, immunization, infectious diseases, chronic and environmental diseases, occupational safety and health, and epidemic services. Among other activities, funding is provided for educational resource centers sponsored by the National Institute for Occupational Safety and Health. After nearly a decade of Federal support, the beneficiaries of this training -- primarily industry and state governments--should gradually assume greater financial responsibility for it. The 1988 Budget proposes to phase down Federal support for educational resource centers over three years beginning in 1987. Therefore, unneeded balances in the one-year account are deferred pending Congressional consideration of proposed supplemental appropriations language to transfer them to the Food and Drug Administration to fund the increased costs of the Federal Employee Retirement System.

Estimated Program Effect: Federal support of educational resource centers will be phased down.

D87-39

Outlay Effect (in thousands of dollars):

1987 Outlay Estimate		Outlay Changes					
Without Deferral	With Deferral	1987	1988	1989	1990	1991	1992
490,274	487,846	-2,428	...	...	...	...	...

Deferral No: D87-40

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Health and Human Services

Bureau: Alcohol, Drug Abuse, and Mental Health Administration

Appropriation title and symbol:

Alcohol, drug abuse, and mental health
7571361 757/81361
75X1361

OMB identification code:

75-1361-0-1-550

Grant program:

[X] Yes [ ] No

Type of account or fund:

[X] Annual

[X] Multiple-year Sept. 30, 1988 (expiration date)

[X] No-Year

New budget authority.....$1,313,970,000
(P.L. 99-500 & 99-591)
Other budgetary resources...$ 4,871,223

Total budgetary resources...$1,318,841,223

Amount to be deferred:
Part of year.....$ 10,000,000

Entire year.....$

Legal authority (in addition to sec. 1013):

[ ] Antideficiency Act

[X] P.L. 99-500 & 99-591, 99-319, & 42 U.S.C. 242a

Type of budget authority:

[X] Appropriation

[ ] Contract authority

[ ] Other

Justification: This account provides Federal support for services, research, and research training in the areas of alcohol, drug abuse, and mental health. Among other activities, funds are provided for mental health clinical training and grants to protection and advocacy programs for the mentally ill. In light of the adequate supply of mental health clinicians, the 1988 Budget proposes to phase down Federal support of mental health clinical training over three years. The Budget also proposes that protection and advocacy programs be funded progressively from block grant funds and non-Federal funding sources over three years. Therefore, unneeded balances in the one-year account are deferred pending Congressional consideration of proposed supplemental appropriations language to transfer them to the Food and Drug Administration and Saint Elizabeths Hospital to fund the costs of the January 1987 pay raise and increased costs of the Federal Employee Retirement System.

Estimated Program Effect: Federal support of mental health clinicians will be phased down.

D87-40

Outlay Effect (in thousands of dollars):

1987 Outlay Estimate		Outlay Changes					
Without Deferral	With Deferral	1987	1988	1989	1990	1991	1992
1,207,334	1,197,334	-10,000	...	...	...	...	...

D87-12A

Supplementary Report

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D87-12 transmitted to Congress on September 26, 1986.

This revision to a deferral for the Limitation on administrative expenses (construction) account of the Social Security Administration in the Department of Health and Human Services increases the amount previously reported from $7,073,456 to $7,162,831. This net increase of $89,375 results from the deferral of additional balances carried over from 1986.

Deferral No: D87-12A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Health and Human Services

Bureau: Social Security Administration

Appropriation title and symbol:

Limitation on administrative expenses (construction) 1/
75X8704

OMB identification code:

*20-8007-0-7-651

Grant program:

[ ] Yes [X] No

Type of account or fund:

[ ] Annual

[ ] Multiple-year _____ (expiration date)

[X] No-Year

New budget authority.....$_____
(P.L. _____)

Other budgetary resources..*$ 7,198,831

Total budgetary resources..*$ 7,198,831

Amount to be deferred:

Part of year.....$_____

Entire year.....*$ 7,162,831

Legal authority (in addition to sec. 1013):

[X] Antideficiency Act

[ ] Other _____

Type of budget authority:

[X] Appropriation

[ ] Contract authority

[ ] Other _____

***Justification:** This account provides funding for construction and renovation of the Social Security Administration's (SSA) headquarters and field office buildings. The only costs in 1987 are for close-out and claims pending for previously approved construction projects. Obligational authority in the amount of this deferral is not needed at the present time because there are no current plans for any new construction or expansion of district offices during 1987. Some additional obligations will occur in 1988 for repair projects. Should new requirements arise, subsequent apportionments will reduce this deferral. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None

Outlay Effect: None

1/ This account was the subject of a similar deferral in 1986 (D86-28A).

* Revised from previous report

Deferral No: D87-41

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Labor

Bureau: Employment Standards Administration

Appropriation title and symbol:

Salaries and expenses

1670105 166/70105

OMB identification code:

16-0105-0-1-505

Grant program:

[ ] Yes [X] No

Type of account or fund:

[X] Annual

[X] Multiple-year Sept. 30, 1987 (expiration date)

[ ] No-Year

New budget authority.....$ 192,709,000
(P.L. 99-500 & 99-591)

Other budgetary resources...$ 35,620,000

Total budgetary resources...$ 228,329,000

Amount to be deferred:

Part of year.....$ 9,659,000

Entire year.....$_____

Legal authority (in addition to sec. 1013):

[ ] Antideficiency Act

[X] P.L. 99-500 & 99-591 & 99-178 & 5 U.S.C. Chapter 81

Type of budget authority:

[X] Appropriation

[ ] Contract authority

[ ] Other _____

Coverage:

Appropriation	Account Symbol	Amount Deferred
Salaries and expenses.....	1670105	$1,659,000
Salaries and expenses.....	166/70105	8,000,000
		$9,659,000

Justification: This account funds the administration and enforcement of a variety of statutes that (1) prescribe certain standards and conditions of employment that must be met by covered employers or (2) provide medical assistance and income maintenance for workers injured on the job. Funds available to permit the acquisition of computer equipment and software for the Federal Employees' Compensation (FEC) program are deferred. The contract to carry out this effort was terminated by the Employment Standards Administration (ESA) to permit the review of several different current alternatives for the development and implementation of a new FEC computer system. This review will not be completed in time to allow the use of the full amount available for the system in 1987. Unneeded funds are deferred pending Congressional consideration of proposed supplemental appropriations language to transfer them to other Department of Labor accounts to fund the costs of the January 1987 pay raise and increased Federal Employee Retirement System costs.

D87-41

Estimated Program Effect: ESA is currently in the process of reviewing several different alternatives for the development and implementation of a new FEC computer system. This review will not be completed in time to allow use of the full amount available for the system in 1987 and the absence of the amount proposed for transfer would not affect the FEC program in 1987. However, the ESA review will be completed by 1988 and an appropriation has been requested to enable ESA to acquire any needed software and equipment for the FEC system in 1988.

Outlay Effect: None

Deferral No: D87-42

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Transportation

Bureau: Federal Railroad Administration

Appropriation title and symbol:
Rail service assistance
69X0122

OMB identification code:
69-0122-0-1-401

Grant program:
[X] Yes [ ] No

Type of account or fund:
[ ] Annual
[ ] Multiple-year (expiration date)
[X] No-Year

New budget authority.....$ ____

Other budgetary resources...$ 24,988,552

Total budgetary resources...$ 24,988,552

Amount to be deferred:
Part of year.....$ 462,000
Entire year.....$ ____

Legal authority (in addition to sec. 1013):
[ ] Antideficiency Act
[X] Other P.L. 99-272, P.L. 98-473, & P.L. 99-190

Type of budget authority:
[X] Appropriation
[ ] Contract authority
[ ] Other ____

Justification: This account funds discretionary and formula grants to all States for rail planning and for track rehabilitation of light density lines. The 1987 appropriation of $10 million (included in the Office of the Administrator account) and $25.0 million of unobligated balances from prior years are available in this program. The funds in this account include more than $17 million in discretionary grant funds that States may use as they choose within the overall objectives of the program. This deferral of discretionary funds is proposed because rail abandonment problems proposed to be addressed by the deferred funds are local in nature and are more appropriately the responsibility of State and local governments. The funds are deferred pending Congressional consideration of proposed supplemental appropriations language to transfer them to other Federal Railroad Administration accounts to fund the costs of the January 1987 pay raise and increased Federal Employee Retirement System costs.

Estimated Program Effect: Rail service improvements will be funded by State and local governments, if at all.

D87-42

Outlay Effect (in thousands of dollars):

1987 Outlay Estimate		Outlay Changes					
Without Deferral	With Deferral	1987	1988	1989	1990	1991	1992
33,539	32,077	-462	...	...	...	...	...

Deferral No: D87-43

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Transportation

Bureau: Federal Railroad Administration

Appropriation title and symbol:

Railroad safety

69X0702 6970702
69X0706

OMB identification code:

69-0702-0-1-401

Grant program:

[X] Yes [ ] No

Type of account or fund:

[ ] Annual

[ ] Multiple-year (expiration date)

[X] No-Year

New budget authority.....$ 27,050,000
(P.L. 99-500 & 99-591)
Other budgetary resources...$ 1,268,652

Total budgetary resources...$ 28,318,652

Amount to be deferred:
Part of year.....$ 1,101,000

Entire year.....$

Legal authority (in addition to sec. 1013):

[ ] Antideficiency Act

[X] P.L. 99-500 & 99-591, & P.L. 91-458

Type of budget authority:

[X] Appropriation

[ ] Contract authority

[ ] Other

Justification: This account funds Federal enforcement of railroad safety, the automated track inspection program, grants-in-aid for railroad safety, and safety research and development. Grants-in-aid for railroad safety that subsidize existing State inspection programs should not be a Federal responsibility because the program has primarily a local impact. These grant funds are deferred pending Congressional consideration of proposed supplemental appropriations language to transfer them to other Department of Transportation accounts to fund the costs of the January 1987 pay raise and increased Federal Employee Retirement System costs.

Estimated Program Effect: States currently in the grant program would not receive funds appropriated for grants-in-aid for railroad safety. Because of the low percentage of the Federal subsidy, States are likely to fully fund these programs.

Outlay Effect (in thousands of dollars):

1987 Outlay Estimate		Outlay Changes					
Without Deferral	With Deferral	1987	1988	1989	1990	1991	1992
48,458	47,357	-1,101	...	...	...	...	...

Deferral No: D87-44

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Transportation

Bureau: Federal Railroad Administration

Appropriation title and symbol:

Conrail labor protection

69X0707 69X0709

OMB identification code:

69-0709-0-1-603

Grant program:

[ ] Yes [X] No

Type of account or fund:

[ ] Annual

[ ] Multiple-year (expiration date)

[X] No-Year

New budget authority.....$

Other budgetary resources...$ 734,978

Total budgetary resources...$ 734,978

Amount to be deferred:
Part of year.....$ 646,000

Entire year.....$

Legal authority (in addition to sec. 1013):

[ ] Antideficiency Act

[X] Other P.L. 97-35, & P.L. 98-473

Type of budget authority:

[X] Appropriation

[ ] Contract authority

[ ] Other

Justification: This account provides protection to Conrail employees deprived of employment because of actions taken under the Regional Rail Reorganization Act of 1973. It also provides benefits to Milwaukee Railroad employees. The purposes for which these funds were originally appropriated have been accomplished. Therefore, the funds are deferred pending Congressional consideration of proposed supplemental appropriations language to transfer them to other Federal Railroad Administration accounts to fund the costs of the January 1987 pay raise and increased Federal Employee Retirement System costs.

Estimated Program Effect: None

Outlay Effect: None

Deferral No: D87-45

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Transportation

Bureau: Federal Railroad Administration

Appropriation title and symbol:

Northeast corridor improvement programs

69X0123

OMB identification code:

69-0123-0-1-401

Grant program:

[ ] Yes [X] No

Type of account or fund:

[ ] Annual

[ ] Multiple-year (expiration date)

[X] No-Year

New budget authority.....$ 16,962,000
(P.L. 99-500 & 99-591)

Other budgetary resources...$ 12,666,796

Total budgetary resources...$ 29,628,796

Amount to be deferred:
Part of year.....$ 16,962,000

Entire year.....$

Legal authority (in addition to sec. 1013):

[ ] Antideficiency Act

[X] P.L. 99-500 & 99-591, & P.L. 94-210

Type of budget authority:

[X] Appropriation

[ ] Contract authority

[ ] Other

Justification: This account funds improvements to the northeast corridor as authorized by title VII of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended. The program can be completed with funds appropriated through 1986. Further improvements should be justified and financed as are other Amtrak capital projects -- evaluated and authorized by the Board of Directors and financed either through available corporate funds or Amtrak's budget request. The funds are deferred pending Congressional consideration of proposed supplemental appropriations language to transfer them to the Federal Aviation Administration to fund the costs of the January 1987 pay raise and increased Federal Employee Retirement System costs.

Estimated Program Effect: Further northeast corridor improvements would be financed by Amtrak based on and following business-like evaluations.

Outlay Effect (in thousands of dollars):

1987 Outlay Estimate		Outlay Changes					
Without Deferral	With Deferral	1987	1988	1989	1990	1991	1992
118,795	117,777	-1,018	-4,580	-7,972	-3,392	...	...

Deferral No: D87-46

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Transportation

Bureau: Federal Railroad Administration

Appropriation title and symbol:

Conrail commuter transition assistance

69X0747

OMB identification code:

69-0747-0-1-401

Grant program:

[X] Yes [ ] No

Type of account or fund:

[ ] Annual

[ ] Multiple-year (expiration date)

[X] No-Year

New budget authority.....$ 5,000,000
(P.L. 99-500 & 99-591)
Other budgetary resources $ 5,000,000

Total budgetary resources...$ 10,000,000

Amount to be deferred:
Part of year.....$ 10,000,000

Entire year.....$

Legal authority (in addition to sec. 1013):

[ ] Antideficiency Act

[X] P.L. 99-500 & 99-591, P.L. 97-35, & P.L. 99-190

Type of budget authority:

[X] Appropriation

[ ] Contract authority

[ ] Other

Justification: These funds helped defray the one-time only start-up costs of commuter service and other transition expenses connected with the transfer of rail commuter services from Conrail to other operators. Subsequent appropriations have provided funds for local commuter train improvements that are local jurisdiction responsibilities and should, if judged necessary by those jurisdictions, be funded from local funds or selected by local sponsors for assistance from within available Federal mass transit funds. The funds are deferred pending Congressional consideration of proposed supplemental appropriations language to transfer them to other Department of Transportation accounts to fund the costs of the January 1987 pay raise and increased Federal Employee Retirement System costs.

Estimated Program Effect: Local commuter train improvements would receive all financing from local jurisdictions or as part of mass transit funds.

Outlay Effect (in thousands of dollars):

1987 Outlay Estimate		Outlay Changes					
Without Deferral	With Deferral	1987	1988	1989	1990	1991	1992
21,968	21,968	...	-1,900	-1,100	-900	-436	...

Deferral No: D87-47

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Transportation

Bureau: Urban Mass Transportation Administration

Appropriation title and symbol:

Research, training and human resources

69X1121

OMB identification code:

69-1121-0-1-401

Grant program:

[X] Yes [ ] No

Type of account or fund:

[ ] Annual

[ ] Multiple-year (expiration date)

[X] No-Year

New budget authority.....$ 17,400,000
(P.L. 99-500 & 99-591)
Other budgetary resources...$ 9,526,325

Total budgetary resources...$ 26,926,325

Amount to be deferred:
Part of year.....$ 4,336,000

Entire year.....$

Legal authority (in addition to sec. 1013):

[ ] Antideficiency Act

[X] P.L. 99-500 & 99-591, & 49 U.S.C. 1601 et seq.

Type of budget authority:

[X] Appropriation

[ ] Contract authority

[ ] Other

Justification: This account funds research, training, and human resource development in the transit industry. Section 6 of the Urban Mass Transportation Act of 1964 authorizes research, development and demonstration projects. The development of suitable projects is difficult and time consuming and as a result large unobligated balances have developed over the years. These were reduced last year as a result of various transfers. However, there are still balances not obligated from appropriations prior to 1987 that are not likely to be used this year. The funds are deferred pending Congressional consideration of proposed supplemental appropriations language to transfer them to other Department of Transportation accounts to fund the costs of the January 1987 pay raise and increased Federal Employee Retirement System costs.

Estimated Program Effect: Lower priority training, research and human resources projects will not be funded.

Outlay Effect (in thousands of dollars):

1987 Outlay Estimate		Outlay Changes					
Without Deferral	With Deferral	1987	1988	1989	1990	1991	1992
21,968	21,968	...	-1,900	-1,100	-900	-436	...

Deferral No: D87-48

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Transportation

Bureau: Urban Mass Transportation Administration

Appropriation title and symbol:

Interstate transfer grants - transit

69X1127 686/71127

OMB identification code:

69-1127-0-1-401

Grant program:

[X] Yes [ ] No

Type of account or fund:

[ ] Annual

[X] Multiple-year Sept. 30, 1987 (expiration date)

[X] No-Year

New budget authority.....$ 200,000,000
(P.L. 99-500 & 99-591)

Other budgetary resources...$ 67,787,213

Total budgetary resources...$ 267,787,213

Amount to be deferred:

Part of year.....$ 51,800,000

Entire year.....$ _____

Legal authority (in addition to sec. 1013):

[ ] Antideficiency Act

[X] P.L. 99-500 & 99-591, & 23 U.S.C. 103(e)(4)

Type of budget authority:

[X] Appropriation

[ ] Contract authority

[ ] Other _____

Justification: The Secretary of Transportation is authorized to provide Federal funding to allow States and localities to withdraw nonessential Interstate highway segments and substitute public transportation improvements, such as bus projects or rail projects. This funding is discretionary and can be stretched out without appreciable loss of benefits. The funds are deferred pending Congressional consideration of proposed supplemental appropriations language to transfer them to the Federal Aviation Administration to fund the costs of the January 1987 pay raise and increased Federal Employee Retirement System costs.

Estimated Program Effect: Lower priority interstate transfer grants - transit projects will not be funded.

Outlay Effect (in thousands of dollars):

1987 Outlay Estimate		Outlay Changes					
Without Deferral	With Deferral	1987	1988	1989	1990	1991	1992
367,860	360,060	-7,800	-12,900	-12,900	-7,800	-5,200	-5,200

Deferral No: D87-49

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Transportation

Bureau: Federal Aviation Administration

Appropriation title and symbol:

Operation and maintenance, Metropolitan Washington Airports
6971332

OMB identification code:

69-1332-0-1-402

Grant program:

[X] Yes [ ] No

Type of account or fund:

[X] Annual

[ ] Multiple-year _____ (expiration date)

[ ] No-Year

New budget authority.....$ 35,000,000
(P.L. 99-500 & 99-591)

Other budgetary resources...$ 4,495,000

Total budgetary resources...$ 39,495,000

Amount to be deferred:

Part of year.....$ 12,214,000

Entire year.....$ _____

Legal authority (in addition to sec. 1013):

[ ] Antideficiency Act

[X] P.L. 99-500 & 99-591, 49 U.S.C. App. 2401 & 2421, et seq.

Type of budget authority:

[X] Appropriation

[ ] Contract authority

[ ] Other _____

Justification: This account provides for care, operation, maintenance, and improvements for Federally-owned Washington National and Washington Dulles International Airports. Pursuant to the Metropolitan Washington Airports Act of 1986 (as included in P.L. 99-500 and 99-591), the responsibility for financing and operating these airports will be transferred to a new airport authority under a 50-year lease about June 1, 1987. Resources appropriated for fourth quarter operations and maintenance are not available to the new authority, but will be available for transfer because the funds would otherwise lapse. The funds are deferred pending Congressional consideration of proposed supplemental appropriations language to transfer them to the Federal Aviation Administration to fund the costs of the January 1987 pay raise and increased Federal Employee Retirement System costs.

Estimated Program Effect: None. If the transfer is not approved. the funds will lapse.

Outlay Effect: None

Deferral No: D87-50

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Transportation

Bureau: United States Coast Guard

Appropriation title and symbol:

Research, development, test and evaluation

69X0243

OMB identification code:

69-0243-0-1-403

Grant program:

[ ] Yes [X] No

Type of account or fund:

[ ] Annual

[ ] Multiple-year (expiration date)

[X] No-Year

New budget authority.....$ 20,000,000
(P.L. 99-500 & 99-591)

Other budgetary resources...$ 12,393,763

Total budgetary resources...$ 32,393,763

Amount to be deferred:

Part of year.....$ 5,000,000

Entire year.....$

Legal authority (in addition to sec. 1013):

[ ] Antideficiency Act

[X] P.L. 99-500 & 99-591 1/

Type of budget authority:

[X] Appropriation

[ ] Contract authority

[ ] Other

Justification: This account funds efforts to maintain the technological base in areas related to the successful execution of the Coast Guard's operational and regulatory missions. This program includes the development of techniques, methods, hardware, and systems that directly contribute to increasing the productivity and effectiveness of operating forces. Tests and evaluations are carried out in conjunction with research and development. The deferral will primarily come from prior year balances that are a result of delays in acquisitions in the patrol boat replacement program. In view of past and planned acquisition of the new patrol boats, this will not affect operational and regulatory missions. The funds are deferred pending Congressional consideration of proposed supplemental appropriations language to transfer them to the Coast Guard operating expenses to fund the costs of the January 1987 pay raise and increased Federal Employee Retirement System costs.

Estimated Program Effect: None

D87-50

Outlay Effect (in thousands of dollars):

1987 Outlay Estimate		Outlay Changes					
Without Deferral	With Deferral	1987	1988	1989	1990	1991	1992
23,000	20,000	-3,000	-2,000	...	...	...	...

1/ Another authority is: the Coast Guard Authorization Act of 1986 (P.L. 99-640).

Deferral No: D87-51

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Transportation

Bureau: United States Coast Guard

Appropriation title and symbol:

Offshore oil pollution compensation fund

69X5167

OMB identification code:

69-5167-0-2-304

Grant program:

[ ] Yes [X] No

Type of account or fund:

[ ] Annual

[ ] Multiple-year _____ (expiration date)

[X] No-Year

New budget authority.....$ 1,000,000
(P.L. 99-500 & 99-591)

Other budgetary resources...$ 3,013,392

Total budgetary resources...$ 4,013,392

Amount to be deferred:

Part of year.....$ 2,154,000

Entire year.....$ _____

Legal authority (in addition to sec. 1013):

[ ] Antideficiency Act

[X] P.L. 99-500 & 99-591, & 43 U.S.C. 1812

Type of budget authority:

[X] Appropriation

[ ] Contract authority

[ ] Other _____

Justification: This account provides compensation for damages, including cleanup, resulting from oil spills affecting the outer continental shelf. Historically, there have been few obligations annually from this fund for the purposes indicated. Particularly in recent years, tnere have been few, if any, spills to clean up, resulting in $3.0 millon carried over from 1986. The funds are deferred pending Congressional consideration of proposed supplemental appropriations language to transfer them to the Coast Guard operating expenses to fund the costs of the January 1987 pay raise and increased Federal Employee Retirement System costs.

Estimated Program Effect: None

Outlay Effect: None

Deferral No: D87-52

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Transportation

Bureau: United States Coast Guard

Appropriation title and symbol:

Deepwater port liability fund

69X5170

OMB identification code:

69-5170-0-2-304

Grant program:

[ ] Yes [X] No

Type of account or fund:

[ ] Annual

[ ] Multiple-year _____ (expiration date)

[X] No-Year

New budget authority.....$ 1,000,000
(P.L. 99-500 & 99-591)

Other budgetary resources...$ 5,607,022

Total budgetary resources...$ 6,607,022

Amount to be deferred:

Part of year.....$ 5,176,000

Entire year.....$ _____

Legal authority (in addition to sec. 1013):

[ ] Antideficiency Act

[X] P.L. 99-500 & 99-591, & 33 U.S.C. 1517(f)

Type of budget authority:

[X] Appropriation

[ ] Contract authority

[ ] Other _____

Justification: This account funds a system for determination and settlement, without fault, of claims for all cleanup costs and damages incurred, but not otherwise compensated as a result of discharges of oil into the marine environment from deepwater port activities. Historically, there have been few obligations from this fund for the purpose indicated. Particularly in recent years, there have been few, if any, spills, resulting in a carry over of $5.6 million from 1986. The funds are deferred pending Congressional consideration of proposed supplemental appropriations language to transfer them to other Coast Guard accounts to fund the costs of the January 1987 pay raise and increased Federal Employee Retirement System costs.

Estimated Program Effect: None

Outlay Effect: None

Deferral No: D87-53

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Transportation

Bureau: Office of the Secretary

Appropriation title and symbol:

Payments to air carriers

69X0150

OMB identification code:

69-0150-0-1-402

Grant program:

[ ] Yes [X] No

Type of account or fund:

[ ] Annual

[ ] Multiple-year _____ (expiration date)

[X] No-Year

New budget authority.....$ 30,000,000
(P.L. 99-500 & 99-591)
Other budgetary resources...$ 18,997,390

Total budgetary resources...$ 48,997,390

Amount to be deferred:
Part of year.....$ 10,748,000

Entire year.....$ _____

Legal authority (in addition to sec. 1013):

[ ] Antideficiency Act

[X] P.L. 99-500 & 99-591, & P.L. 85-726

Type of budget authority:

[X] Appropriation

[ ] Contract authority

[ ] Other _____

Justification: This account provides compensation to airlines -- primarily commuter carriers -- to provide a guaranteed level of air service to certain eligible communities. The subsidy is designed to meet the specific needs of each community as detailed in its Essential Air Service determination. The program is currently scheduled to expire on October 24, 1988. Over $14 million of the funds currently available are not expected to be spent before that time because carriers are not applying for these subsidies. Some of the unneeded funds are deferred pending Congressional consideration of proposed supplemental appropriations language to transfer them to other Department of Transportation accounts to fund the costs of the January 1987 pay raise and increased Federal Employee Retirement System costs.

Estimated Program Effect: None

Outlay Effect: None

Deferral No: D87-54

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY:

Environmental Protection Agency

Bureau:

Appropriation title and symbol:

Research and development

687/80107

OMB identification code:

68-0107-0-1-999

Grant program:

[ ] Yes [X] No

Type of account or fund:

[ ] Annual

[X] Multiple-year Sept. 30, 1988 (expiration date)

[ ] No-Year

New budget authority.....$ 202,500,000
(P.L. 99-500 & 99-591)
Other budgetary resources... _____

Total budgetary resources... 202,500,000

Amount to be deferred:
Part of year.....$ 11,000,000

Entire year..... _____

Legal authority (in addition to sec. 1013):

[ ] Antideficiency Act

[X] Other P.L. 99-500 & 591 1/

Type of budget authority:

[X] Appropriation

[ ] Contract authority

[ ] Other _____

Justification: This account funds research and development activities through contracts, grants, and intergovernmental agreements. The 1987 appropriation exceeded identified spending requirements and included funding for lower priority special purpose activities that would primarily benefit special interest groups. Small increments are deferred from most EPA activities, including those increases over the President's request, pending Congressional consideration of proposed supplemental appropriations language to transfer them to Salaries and expenses, EPA, to fund the costs of the January 1987 pay raise and increased costs of the Federal Employee Retirement System.

Estimated Program Effect: None

Outlay Effect (in thousands of dollars):

1987 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	1987	1988	1989	1990	1991	1992
203,337	200,422	-2,915	-5,720	-1,540	-715	-110	...

D87-54

1/ Other authorities are: 7 U.S.C. 136 et seq.; 15 U.S.C. 2601 et seq.; 33 U.S.C. 1251 et seq.; 42 U.S.C. 300f et seq.; 42 U.S.C. 6901 et seq.; 42 U.S.C. 7401 et seq.; Reorganization Plan No. 3 of 1970.

Deferral No: D87-55

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY:
Environmental Protection Agency

Bureau:

Appropriation title and symbol:
Abatement, control, and compliance

687/80108

OMB identification code:
68-0108-0-1-304

Grant program:
[ ] Yes [X] No

Type of account or fund:
[ ] Annual
[X] Multiple-year Sept. 30, 1988 (expiration date)
[ ] No-Year

New budget authority.....$ 582,685,000
(P.L. 99-500 & 99-591)
Other budgetary resources...
Total budgetary resources... 582,685,000

Amount to be deferred:
Part of year.....$ 11,400,000
Entire year.....

Legal authority (in addition to sec. 1013):
[ ] Antideficiency Act
[X] Other P.L. 99-500 & 591 1/

Type of budget authority:
[X] Appropriation
[ ] Contract authority
[ ] Other

Justification: This account funds contracts, grants, and cooperative agreements for pollution abatement, control, and compliance activities. The 1987 appropriation exceeded identified spending requirements and included funding for lower priority special purpose activities that would primarily benefit special interest groups. Small increments are deferred from most EPA activities, including those increases over the President's request, pending Congressional consideration of proposed supplemental appropriations language to transfer them to Salaries and expenses, EPA, to fund the costs of the January 1987 pay raise and increased costs of the Federal Employee Retirement System.

Estimated Program Effect: None

Outlay Effect (in thousands of dollars):

1987 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	1987	1988	1989	1990	1991	1992
575,515	571,981	-3,534	-5,700	-1,140	-684	-342	...

D87-55

1/ Other authorities are: 7 U.S.C. 136 et seq.; 15 U.S.C. 2601 et seq.; 33 U.S.C. 1251 et seq.; 42 U.S.C. 300f et seq.; 42 U.S.C. 6901 et seq.; 42 U.S.C. 7401 et seq.; Reorganization Plan No. 3 of 1970.

Deferral No: D87-56

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: United States Railway Association

Bureau:

Appropriation title and symbol:

Administrative expenses

98X0100

OMB identification code:

98-0100-0-1-401

Grant program:

[ ] Yes [X] No

Type of account or fund:

[ ] Annual

[ ] Multiple-year (expiration date)

[X] No-Year

New budget authority.....$ 2,200,000
(P.L. 99-500 & 99-591)
Other budgetary resources...$ 55,251

Total budgetary resources...$ 2,255,251

Amount to be deferred:
Part of year.....$ 1,155,000

Entire year.....$

Legal authority (in addition to sec. 1013):

[ ] Antideficiency Act

[X] P.L. 99-500 & 99-591, & P.L. 99-509

Type of budget authority:

[X] Appropriation

[ ] Contract authority

[ ] Other

Justification: This temporary agency was established in 1973 to oversee the formation of Conrail, monitor its performance, and act as a conduit for Federal assistance. These activities have been completed and USRA will be abolished on April 1, 1987. Conrail is currently a profitable corporation that does not receive or need a government subsidy. The funds are deferred pending Congressional consideration of proposed supplemental appropriations language to transfer them to Department of Transportation accounts to fund the costs of the January 1987 pay raise and increased Federal Employee Retirement System costs.

Estimated Program Effect: None. The work of the agency is completed.

Outlay Effect: None

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Wednesday
February 4, 1987

Part IV

Department of Agriculture

Agricultural Marketing Service

7 CFR Part 1210

Proposed Watermelon Research and Promotion Plan; Notice of Hearing

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1210

[WRPA Docket No. 1]

Proposed Watermelon Research and Promotion Plan; Notice of Hearing

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of hearing on proposed plan.

SUMMARY: Notice is hereby given of a public hearing to be held to consider a proposed Watermelon Research and Promotion Plan (hereinafter referred to as the "Plan"). The proposed plan represents an attempt to improve the position of watermelons in the marketplace by a coordinated plan of research promotion. The proposal was submitted by the National Watermelon Association, Inc., which represents a substantial segment of the watermelon producers and handlers. The proposed plan would provide for a national research and promotion program financed by assessments on watermelons paid both by first handlers and by producers who grow five or more acres of watermelons annually. The proposed plan would establish a maximum assessment rate of 2 cents per hundredweight for handlers and producers. A 29-member board composed of watermelon producers, handlers and a representative of the general public would administer the program. The text of the proposal to be considered is set forth below.

DATES: There will be a continuous hearing with sessions scheduled as follows:

1. February 18, 1987, 9:00 a.m.
2. February 24, 1987, 9:00 a.m.

Any session may be continued beyond one day if necessary.

ADDRESSES:

1. The February 18, 1987 session will be held at the Flamingo Hotel, 3555 Las Vegas Blvd. South, Las Vegas, Nevada.

2. The February 24, 1987 session will be held at 101 Marietta St. NW (corner of Spring and Marietta Streets), 29 Floor, Suite 2900, Atlanta, Georgia.

Copies of this Notice of Hearing may be obtained from Ronald L. Cioffi, Chief, Marketing Order Administration Branch, Fruit and Vegetable Division, Room 2523-S, AMS, USDA, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Ronald L. Cioffi, Chief, Marketing Order Administration Branch, Fruit and Vegetable Division, Room 2523-S, AMS, USDA, Washington, D.C. 20250; telephone: (202) 447-5698.

SUPPLEMENTARY INFORMATION: This action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code, and therefore is excluded from the requirements of Executive Order 12291.

The hearing is called pursuant to the provisions of the Watermelon Research and Promotion Act (Pub. L. 99-198, 99th Congress, approved December 23, 1985, 7 U.S.C. 4901-4916), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate an order (7 CFR Part 1200).

The Regulatory Flexibility Act (Pub. L. 96-354), effective January 1, 1981, seeks to ensure that, within the statutory authority of a program, the regulatory and information requirements are tailored to the size and nature of small businesses. Interested persons are invited to present evidence at the hearing on the probable regulatory and informational impact of the proposal on small businesses.

The National Watermelon Association, Inc., composed of producers and handlers, proposed a Watermelon Research and Promotion Plan. The proposal has not received the approval of the Secretary of Agriculture. The proposed plan would provide for a research and promotion program for watermelons and watermelon products. The proposal contains no provisions for quality standards, production control, or any other controls that limit the right of individual watermelon producers to produce watermelons. Program costs would be financed by assessments paid by first handlers and by producers who grow five or more acres of watermelons annually. The proposed plan would establish a maximum assessment rate of 2 cents per hundredweight for handlers and producers. A 29-member board composed of watermelon producers, handlers and a representative of the general public would administer the program. The research and promotion plan would be applicable to watermelons produced in the forty-eight contiguous States of the United States.

Because late winter and spring are busy periods for the watermelon industry, the proponents requested that the hearing be held as soon as practicable to allow interested persons an opportunity to participate in the hearing. A pre-notice press release was issued nationwide on December 10, 1986, allowing interested persons until January 5, 1987, to comment on the proposed plan. In response to the pre-notice press release, copies of the proposed plan were requested but no comments were received.

Under the Rules of Practice the Administrator has determined that less than 15 days notice of hearing is adequate and reasonable in as much as: (1) The proposal was submitted by an industry group representing a substantial segment of the watermelon producers and handlers; (2) prior notice of the plan was given through a pre-notice press release issued nationwide on December 10, 1986; (3) the proponents requested the February 18 and 24 dates because of the late winter and early spring busy period and a desire to maximize participation at the hearing; and (4) the hearing will have two sessions one on February 18 in Las Vegas, Nevada and one on February 24 in Atlanta, Georgia which will allow all interested persons to participate at either the earlier or later session.

Copies of this notice are being mailed to all State Governors and county Cooperative Extension Service offices and all known State associations, producers, and handlers of watermelons. A press release will be made available nationwide to news media.

The hearing is for the purpose of:

(a) Receiving evidence about economic and marketing conditions which relate to the proposal and to any appropriate modifications thereof;

(b) Determining the need for a plan to implement a nationally coordinated watermelon research and promotion program;

(c) Determining the economic impact of the proposed plan on segments of industry and public affected by such a plan; and

(d) Determining whether provisions specified in the proposed plan or any appropriate modifications will tend to effectuate the declared policy of the Watermelon Research and Promotion Act (7 U.S.C. 4901 *et seq.*).

From the time this hearing notice is issued and until the issuance of a final decision in this proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. The prohibition applies to employees in the following organizational units:

Office of the Secretary of Agriculture
Office of the Administrator, Agricultural Marketing Service
Office of the General Counsel
Fruit and Vegetable Division, Agricultural Marketing Service

Procedural matters are not subject to the above prohibition and may be discussed at any time.

The provisions of the proposed research and promotion plan follow.

List of Subjects in 7 CFR Part 1210

Watermelon, Agricultural research, Agricultural promotion, Market development.

1. The provisions of the plan proposed by the National Watermelon Association, Inc. would add Part 1210 and would read as follows:

PART 1210—WATERMELON RESEARCH AND PROMOTION PLAN

Definitions

Sec.

Authority: Pub. L. 99–198; 7 U.S.C. 4901–4916.

Definitions

§ 1210.301 Secretary.

"Secretary" means the Secretary of the United States Department of Agriculture or any officer or employee of the Department to whom authority has been delegated, or to whom authority may be delegated, to act for the Secretary.

§ 1210.302 Act.

"Act" means the Watermelon Research and Promotion Act of 1985 (Title XVI, Subtitle C of Pub. L. 99–198, 99th Congress, approved December 23, 1985, 99 Stat. 1622).

§ 1210.303 Plan.

"Plan" means this Watermelon Research and Promotion Plan issued by the Secretary pursuant to the Act.

§ 1210.304 Board.

"Board" means the National Watermelon Promotion Board, hereinafter established pursuant to § 1210.320.

§ 1210.305 Watermelon.

"Watermelon" means all varieties of watermelon grown by producers in the 48 contiguous States of the United States.

§ 1210.306 Watermelon products.

"Watermelon products" means products wherein watermelon is a principal ingredient.

§ 1210.307 Producer.

"Producer" means any person engaged in the growing of 5 acres or more of watermelons who owns or shares the ownership and risk of loss of such watermelon crop.

§ 1210.308 Handle.

"Handle" means to grade, pack, process, sell, transport, purchase, or in any other way to place watermelons or cause watermelons to be placed in the current of commerce. Such term shall not include the transportation or delivery of field-run watermelons by the producer thereof to a handler for grading, sizing or processing.

§ 1210.309 Handler.

"Handler" means any person (except a common or contract carrier of watermelons owned by another person) who handles watermelons, including a producer who handles watermelons of his own production.

§ 1210.310 Person.

"Person" means any individual, group of individuals, partnership, corporation, association, cooperative, or other entity.

§ 1210.311 Processor.

"Processor" means any person who commercially processes watermelons into watermelon products intended for human consumption.

§ 1210.312 Fiscal period and marketing year.

"Fiscal period" and "marketing year" means the 12 month period from January 1 to December 31 or such other period which may be approved by the Secretary.

§ 1210.313 Programs and projects.

"Programs" and "projects" mean those research, development, advertising, or promotion programs or projects develop by the Board pursuant to § 1210.331.

§ 1210.314 Promotion.

"Promotion" means any action taken by the Board, pursuant to the Act, to present a favorable image for watermelons to the public with the express intent of improving the competitive position of watermelons in the marketplace and stimulating sales of watermelons, and shall include, but not be limited to, paid advertising.

§ 1210.315 Research.

"Research" means any type of systematic study or investigation, and/or the evaluation of any study or investigation designed to advance the image, desirability, usage, marketability, production, or quality of watermelon or watermelon products.

National Watermelon Promotion Board

§ 1210.320 Establishment and membership.

(a) There is hereby established a National Watermelon Promotion Board, hereinafter called the "Board". The Board shall be composed of producers and handlers and one public representative appointed by the Secretary. An equal number of producer and handler representatives shall be nominated by producers and handlers pursuant to § 1210.321. The public representative shall be nominated by the producer and handler Board members in such manner as may be prescribed by the Secretary. If producers and handlers fail to select nominees for appointment to the Board, the Secretary may appoint persons on the basis of representation as provided in § 1210.324. If the Board fails to adhere to procedures prescribed by the Secretary for nonimating a public representative, the Secretary shall appoint such representative.

(b) Membership on the Board shall be determined on the basis of two handler and two producer representatives for each of seven (7) districts in the continguous States of the United States. The districts established have approximately equal production volume according to the 3-year average production as set forth in the USDA Crop Production Annual Summary Reports for 1979, 1980, and 1981. They are:

District #1—South Florida including all areas south of State highway 50.
District #2—North Florida including all areas north of State highway 50.
District #3—The States of Alabama and Georgia.
District #4—The States of South Carolina, North Carolina, Virginia, Delaware, Maryland, West Virginia, Pennsylvania, New Jersey, New York, Ohio, Michigan, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine.
District #5—The States of Mississippi, Kentucky, Tennessee, Louisiana, Arkansas, Missouri, Illinois, Indiana, Iowa, Kansas, Nebraska, Oklahoma, Wisconsin, Minnesota, North Dakota, South Dakota, Colorado, and New Mexico.
District #6—The State of Texas.
District #7—The States of Arizona, California, Nevada, Utah, Oregon, Idaho, Wyoming, Washington, and Montana.

(c) Every five years, the Board shall review the districts to determine whether realignment of the districts is necessary. In making such review, it shall give consideration to:

(1) The most recent three years USDA production reports, or Board assessment reports if USDA production reports are unavailable;

(2) Shifts and trends in quantities of watermelon produced, and

(3) Other relevant factors.

As a result of this review, the Board may realign the districts subject to the approval of the Secretary. Any such realignment shall be made at least six months prior to the date on which terms of office of the Board begin each year and shall become effective at least 30 days prior to such date.

§ 1210.321 Nominations and selection.

The Secretary shall appoint the members of the Board from nominations to be made in the following manner:

(a) The Board shall issue a call for nominations by February first of each year in which an election is to be held. The call shall include at a minimum, the followng information:

(1) A list of the vacancies and qualifications by District for which nominees may be submitted.

(2) The date by which the nominees shall be submitted to the Secretary for consideration to be in compliance with § 1210.323 of this subpart.

(3) A list of those States by District entitled to participate in the nomination process.

(4) The date, time, and location of any next scheduled meeting of the Board, National and State producer or handler associations, and District conventions, meetings, or caucuses, if any.

(b) Nominations for the vacant positions shall be made in the District entitled to nominate by District convention, meeting, or caucus. Notice of such convention, meeting, or caucus shall be publicized to all producers and handlers within such District at least ten days prior to said event. The Secretary shall also receive at least ten days notice of such event. The notice shall have attached to it the call for nominations from the Board. The responsibility for publicizing and convening the District convention, meeting or caucus shall be that of the then members of the Board from that District.

(c) All producers and handlers within the District may participate in the convention, meeting, or caucus: *Provided,* That, if a producer or handler is engaged in the production or handling of watermelons in more than one State, he/she shall elect the State in which he/she desires to participate, and such election shall remain controlling until revoked in writing to the Board.

(d) The District convention, meeting or caucus shall conduct the selection process for the nominees in accordance with procedures to be adopted at each such convention, meeting, or caucus: *Provided,* That the following provisions are applicable to all nominating procedures whenever and wherever held:

(1) There shall be two individuals nominated for each vacant position. Each nominee shall meet the qualifications set forth in the call.

(2) No State in Districts 3, 4, 5 and 7 as currently constituted shall have more than three representatives on the Board.

(3) Each State represented at the District convention, meeting or caucus shall have one vote which vote shall be determined by the producers and handlers from that State by majority vote. Each State shall further have an additional vote for each 5 hundred thousand hundredweight volume as determined by the three year average annual crop production summary reports of the USDA, or if such reports are not published, then the three year average of the Board assessment reports: *Provided,* That for the first four calls for nominees, the USDA Crop Production Annual Summary Reports for 1979, 1980, and 1981 will be controlling as to the additional votes.

§ 1210.322 Term of office.

(a) The term of office of Board members shall be three years, except that the members of the initial Board shall be designated by lot for, and shall serve terms as follows: Four producers and four handlers and the public member shall serve for one-year terms; five producers and five handlers shall serve for two-year terms; and five producers and five handlers shall serve for three-year terms.

(b) The term of office for the initial Board shall begin immediately on appointment by the Secretary. In subsequent years, the term of office shall begin on January 1 or such other period which may be approved by the Secretary.

(c) Board members shall serve during the term of office for which they are selected and have qualified, and until their successors are selected and have qualified.

(d) No member shall serve more than two successive terms: *Provided,* That those members and alternates serving the initial term of one year may serve two additional consecutive three-year terms.

§1210.323 Acceptance.

Each person nominated for membership on the Board shall qualify by filing a written acceptance with the Secretary. Such written acceptance shall accompany the nominations list required by § 1210.321.

§ 1210.324 Vacancies.

(a) In the event any member of the Board ceases to be a member of the category of members from which the member was appointed to the Board, such position shall automatically become vacant.

(b) If a member of the Board consistently refuses to perform the duties of a member of the Board, or if a member of the Board engages in acts of dishonesty or willful misconduct, the Board may recommend to the Secretary that the member be removed from office. If the Secretary finds the recommendation of the Board shows adequate cause, the Secretary shall remove such member from office. Further, without recommendation of the Board a member may be removed by the Secretary upon showing of adequate cause, if the Secretary determines that the person's continued services would be detrimental to the purposes of the Act.

(c) To fill any vacancy caused by the failure of any person selected as a member of the Board to qualify, or in the event of the death, removal, resignation, or disqualification of any member, a successor shall be nominated and selected in the manner specified in § 1210.321, except that said nomination and replacement shall not be required if the unexpired term of office is less than six months. In the event of failure to provide nominees for such vacancies, the Secretary may appoint other eligible persons.

§ 1210.325 Procedure.

(a) Fifteen Board members shall constitute a quorum and any action of the Board shall require the concurring votes of a majority of those present and voting. At assembled meetings all votes shall be cast in person.

(b) For routine and noncontroversial matters which do not require deliberation and the exchange of views, and for matters of an emergency nature when there is not enough time to call an assembled meeting, the Board may act upon a majority of concurring votes of its members cast by mail, telegraph, telephone, or by other means of communication: *Provided,* That each member receives an accurate, full, and substantially identical explanation of each proposition. Telephone votes shall be promptly confirmed in writing. All votes shall be recorded in the Board minutes.

§ 1210.326 Compensation and reimbursement.

Board members shall serve without compensation but shall be reimbursed for reasonable expenses incurred by them in the performance of their duties as Board members.

§ 1210.327 Powers

The Board shall have the following powers subject to § 1210.363:

(a) To administer the provisions of this Plan in accordance with its terms and conditions;

(b) To make rules and regulations to effectuate the terms and conditions of this Plan;

(c) To receive, investigate, and report to the Secretary complaints of violations of this Plan; and

(d) To recommend to the Secretary amendments to this Plan.

§ 1210.328 Duties.

The Board shall, among other things, have the following duties:

(a) To meet, organize, and select from among its members a President and such other officers as may be necessary; to select committees and subcommittees of board members; to adopt such rules for the conduct of its business as it may deem advisable; and it may establish advisory committees of persons other than Board members.

(b) To employ such persons as it may deem necessary and to determine the compensation and define the duties of each; and to protect the handling of Board funds through fidelity bonds;

(c) To, prepare and submit, prior to the beginning of each fiscal period, for the Secretary's approval, a recommended rate of assessment and a fiscal period budget of the anticipated expenses in the administration of this Plan, including the probable costs of all programs and projects;

(d) To develop programs and projects, which must be approved by the Secretary before becoming effective, and enter into contracts or agreements, with the approval of the Secretary, for the development and carrying out of programs or projects of research, development, advertising or promotion, and the payment of the costs thereof with funds collected pursuant to this Plan;

(e) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the Board. Minutes of each Board meeting shall be promptly reported to the Secretary;

(f) To prepare and submit to the Secretary such reports from time to time as may be prescribed for appropriate accounting with respect to the receipt and disbursement of funds entrusted to the Board;

(g) To cause the books of the Board to be audited by a certified public accountant at least once each fiscal period, and at such other time as the Board may deem necessary. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part. Two copies of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the Board for inspection by producers and handlers;

(h) To investigate violations of the Plan and report the results of such investigations to the Secretary for appropriate action to enforce the provisions of the Plan;

(i) To periodically prepare and make public and to make available to producers and handlers reports of its activities carried out, and at least once each fiscal period to make public an accounting of funds received and expended;

(j) To give the Secretary the same notice of meetings of the Board and its subcommittees as is given to its members.

(k) To act as intermediary between the Secretary and any producer or handler; and

(l) To furnish the Secretary such information as the Secretary may request.

(m) To notify watermelon producers and handlers of all Board meetings through press releases or other means;

(n) To appoint and convene, from time to time, working committees drawn from producers, handlers and the public to assist in the development of research and promotion programs for watermelon;

(o) To develop and recommend such rules and regulations to the Secretary for approval as may be necessary for the development and execution of programs or projects to effectuate the declared purpose of the Act; and

(p) With the approval of the Secretary to enter into contracts or make agreements for the development and carrying out of research and promotion projects and to pay for the costs of such contracts or agreements with funds collected pursuant to § 1210.341.

Research and Promotion

§ 1210.330 Policy and objective.

It shall be the policy of the Board to carry out an effective, continuous, and coordinated program of research, development, advertising, and promotion in order to:

(a) Strengthen watermelon's competitive position in the marketplace,

(b) Maintain and expand existing domestic and foreign markets, and

(c) Develop new or improved markets.

It shall be the objective of the Board to carry out programs and projects which will provide maximum benefit to the watermelon industry.

§ 1210.331 Programs and projects.

The Board shall develop and submit to the Secretary for approval any programs or projects authorized in this section. Such programs or projects shall provide for:

(a) The establishment, issuance, effectuation and administration of appropriate programs or projects for advertising and sales promotion of watermelons or watermelon products designed to strengthen the position of the watermelon industry in the marketplace and to maintain, develop, and expand markets for watermelon and watermelon products:

(b) Establishing and carrying out research and development projects and studies to the end that the acquisition of knowledge pertaining to watermelon and watermelon products or their consumption and use may be

encouraged or expanded, or to the end that the marketing and use of watermelons and watermelon products may be encouraged, expanded, improved, or made more efficient: *Provided,* That quality control, grade standards, supply management programs or other programs that would otherwise limit the right of the individual watermelon producer to produce watermelon shall not be conducted under, or as a part of, this Plan;

(c) The development and expansion of watermelon and watermelon product sales in foreign markets;

(d) A prohibition on advertising or other promotion programs that make any reference to private brand names or use false or unwarranted claims on behalf of watermelons or their products or false or unwarranted statements with respect to the attributes or use of any competing product;

(e) Periodic evaluation by the Board of each program or project authorized under this Plan to insure that each program or project contributes to an effective and coordinated program of research and promotion and submit such evaluation to the Secretary. If the Board or the Secretary finds that a program or project does not further the purposes of the Act, then the Board shall terminate such program or project.

Expenses and Assessments

§ 1210.340 Budget and expenses.

(a) Prior to the beginning of each fiscal period, or as may be necessary thereafter, the Board shall prepare and recommend to the Secretary a budget of its anticipated expenses and disbursements in the administration of this Plan, including probable costs of research, development, advertising, and promotion for such fiscal period. The Board shall also recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures and to provide for a reserve as set forth in § 1210.344.

(b) Funds collected by the Board pursuant to § 1210.341 shall be used for research, development, advertising, or promotion of watermelon and watermelon products, such other expenses for the administration, maintenance, and functioning of the Board as may be authorized by the Secretary, and any referenda and administrative costs incurred by the Department of Agriculture.

§ 1210.341 Assessments.

(a) During the effective period of this subpart assessments shall be levied on all watermelons produced and all watermelons handled for ultimate consumption as human food. No more than one assessment on a producer nor more than one assessment on a handler shall be made on any watermelons. The handler shall be assessed an equal amount on a per unit basis as the producer. If a person performs both producing and handling functions, both assessments shall be paid by such person.

(b) Assessment rates shall be fixed by the Secretary in accordance with § 1647(f), of the Watermelon Research and Promotion Act: *Provided,* That the maximum assessment shall not exceed two (2) cents per hundredweight for producers and two (2) cents per hundredweight for handlers. No assessments shall be levied on watermelons grown by producers of less than 5 acres of watermelons: *Provided,* such grower has applied for an exemption under § 1210.342(b) of this Plan.

(c) Each first handler, as specified in regulations, is responsible for payment to the Board of both the producer's and the handler's assessment pursuant to regulations issued hereunder. The first handler may collect producer assessments from the producer or deduct such assessments from the proceeds paid to the producer on whose watermelons the assessments are made. The first handler shall maintain separate records for each producer's watermelons handled, including watermelons produced by said handler. Such records shall indicate the total quantity of watermelons handled by the handler, including those handled for producers and for the handler, the total quantity of watermelons handled by the handler that are included under the terms of this Plan, as well as those that are exempt under this Plan, and such other information as may be prescribed by the Board.

(d) Assessments shall be paid to the Board at such time and in such manner as the Board, with the Secretary's approval, directs pursuant to regulations issued hereunder. Such regulations may provide for different handlers or classes of handlers and different handler payment and reporting schedules to recognize differences in marketing practices or procedures used in any State or production area.

(e) The Board may authorize other organizations to collect assessments in its behalf.

(f) There shall be a late payment charge imposed on any handler who fails to remit to the Board the total amount for which any such handler is liable on or before the payment due date established by the Board under paragraph (d) of this section. The amount of the late payment charge shall be set by the Board subject to approval by the Secretary.

(g) There shall also be imposed on any handler subject to a late payment charge, an additional charge in the form of interest on the outstanding portion of any amount for which the handler is liable. The rate of such interest shall be prescribed by the Board subject to approval by the Secretary, but shall not exceed the maximum legal rate of interest, if any, as established by Congress.

(h) The Board is hereby authorized to accept advance payment of assessments by handlers that shall be credited toward any amount for which the handlers may become liable. The Board is not obligated to pay interest on any advance payment.

(i) The Board is hereby authorized to borrow money for the payment of administrative expenses subject to the same fiscal , budget, and audit controls as other funds of the Board.

§ 1210.342 Exemption from assessment.

(a) The Board may exempt watermelons used for nonfood purposes from the provisions of this Plan and shall establish adequate safeguards against improper use of such exemptions.

(b) Any person engaged in the growing of less than five acres of watermelons who owns or shares the ownership and risk of loss of such watermelon crop shall be exempt from the assessment. To claim such exemption, a producer shall submit an application to the Board starting that his/her production shall not be five acres or more for the year for which the exemption is claimed.

§ 1210.343 Producer and handler refunds.

Any producer or handler against whose watermelons an assessment is made and collected under this Plan and who is not in favor of supporting the research, development, advertising, and promotion program provided for under this Plan shall have the right to demand and receive from the Board a refund of such assessment upon submission of proof satisfactory to the Board that the producer or handler paid the assessment for which refund is sought. Any such demand shall be made personally by such producer or handler on a form which the producer or handler shall sign and within a time period prescribed by the Board pursuant to regulations. Such time period shall give the producer or handler at least 90 days from the date of collection to submit the refund request

form to the Board. Any such refund shall be made within 45 days after demand therefor.

§ 1210.344 Operating reserve.

The Board may establish an operating monetary reserve and may carry over to subsequent fiscal periods excess funds in a reserve so established: *Provided,* That funds in the reserve shall not exceed approximately two fiscal periods' budgeted expenses. Such reserve funds may be used to defray any expenses authorized under this subpart.

Reports, Books, and Records

§ 1210.350 Reports.

Each first handler shall maintain a record with respect to each producer for whom watermelons were handled and for watermelons produced and handled by the handler. First handlers shall report to the Board at such times and in such manner as it may prescribe by regulations such information as may be necessary for the Board to perform its duties. Such reports may include, but shall not be limited to, the following:

(a) Total quantity of watermelons handled for each producer and for him/herself, including those which are exempt under this Plan;

(b) Total quantity of watermelons handled for each producer and for him/herself, on which the producer assessment was collected;

(c) Name and address of each person from whom an assessment was collected, the amount collected from each person, and the date such collection was made; and

(d) Name and address of each person claiming exemption from assessment and a copy of each such person's claim of exemption.

§ 1210.351 Books and records.

Each handler subject to this subpart shall maintain and during normal business hours make available for inspection by employees of the Board or Secretary, such books and records as are necessary to carry out the provisions of this Plan and the regulations issued thereunder, including such records as are necessary to verify any required reports. Such records shall be maintained for two years beyond the fiscal period of their applicability.

§ 1210.352 Confidential treatment.

(a) All information obtained from the books, records, or reports required to be maintained under §§ 1210.350 and 1210.351 shall be kept confidential and shall not be disclosed to the public by any person. Only such information as the Secretary deems relevant shall be disclosed to the public and then only in a suit or administrative hearing brought at the direction, or on the request, of the Secretary, or to which the Secretary or any officer of the United States is a party, and involving this Plan: Except that nothing in this subpart shall be deemed to prohibit:

(1) The issuance of general statements based on the reports of a number of handlers subject to this Plan if such statements do not identify the information furnished by any person; or

(2) The publication by direction of the Secretary of the name of any person violating this Plan together with a statement of the particular provisions of this Plan violated by such person.

(b) Any disclosure of any confidential information by any employee of the Board shall be considered willful misconduct.

Miscellaneous

§ 1210.360 Right of the Secretary.

All fiscal matters, programs or projects, rules or regulations, reports, or other substantive actions proposed and prepared by the Board shall be submitted to the Secretary for approval.

§ 1210.361 Personal liability.

No member or employee of the Board shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member or employee, except for acts of dishonesty or willful misconduct.

§ 1210.362 Influencing governmental action.

No funds collected by the Board under this plan shall in any manner be used for the purpose of influencing governmental policy or action; except for making recommendations to the Secretary as provided in this subpart.

§ 1210.363 Suspension or termination.

(a) Whenever the Secretary finds that this Plan or any provision thereof obstructs or does not tend to effectuate the declared policy of the Act, the Secretary shall terminate or suspend the operation of this Plan or such provision thereof.

(b) The Secretary may conduct a referendum at any time, and shall hold a referendum on request of the Board or of 10 percent or more of the watermelon producers and handlers to determine if watermelon producers and handlers favor termination or suspension of this Plan. The Secretary shall suspend or terminate this Plan at the end of the marketing year whenever the Secretary determines that the suspension or termination is favored by a majority of the watermelon producers and handlers voting in such referendum who, during a representative period determined by the Secretary, have been engaged in production and/or handling of watermelons and who produced and/or handled more than 50 percent of the volume of watermelons produced or handled by those producers and handlers voting in the referendum. Any such referendum shall be conducted at county extension offices.

§ 1210.364 Proceedings after termination.

(a) Upon the termination of this Plan, the Board shall recommend not more than five of its members to the Secretary to serve as trustees for the purpose of liquidating the affairs of the Board. Such persons, upon designation by the Secretary, shall become trustees of all funds and property then in possession or under control of the Board, including claims for any funds unpaid or property not delivered or any other claim existing at the time of such termination.

(b) The said trustees shall—

(1) Continue in such capacity until discharged by the Secretary;

(2) Carry out the obligations of the Board under any contracts or agreements entered into by it pursuant to § 1210.328(d);

(3) From time-to-time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Board and of the trustees, to such person or persons as the Secretary may direct; and

(4) Upon the request of the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person or persons full title and right to all the funds, property, and claims vested in the Board or the trustees pursuant to this section.

(c) Any person to whom funds, property, or claims have been transferred or delivered pursuant to this section shall be subject to the same obligation imposed upon the Board and upon the trustees.

(d) A reasonable effort shall be made by the Board or its trustees to return to producers and handlers any residual funds not required to defray the necessary expenses of liquidation. If it is found impractical to return such remaining funds to producers and handlers, such funds shall be disposed of in such manner as the Secretary may determine to be appropriate.

§ 1210.365 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this Plan or any regulation issued pursuant

thereto, or the issuance of any amendment to either thereof, shall not—

(a) Affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this Plan or any regulation issued thereunder, or

(b) Release or extinguish any violation of this Plan or any regulation issued thereunder, or

(c) Affect or impair any rights or remedies of the United States, or of the Secretary, or of any other person with respect to any such violation.

§ 1210.366 Separability.

If any provision of this Plan is declared invalid or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of this Plan or applicability thereof to other persons or circumstances shall not be affected thereby.

§ 1210.367 Patents, copyrights, inventions, and publications.

Except for a reasonable royalty paid to the inventor of a patented invention, any patents, copyrights, inventions, product formulations, or publications developed through the use of funds collected under the provisions of this Plan shall be the property of the United States government as represented by the Board. Funds generated by such patents, copyrights, inventions, product formulations, or publications shall be considered income subject to the same fiscal, budget, and audit controls as other funds of the Board.

Signed in Washington, DC, on February 2, 1987.

J. Patrick Boyle,

Administrator, Agricultural Marketing Service.

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